

PUBLIC RECORDS POLICY

The purpose of the Public Records Policy is to provide openness that leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Erie County Board of Developmental Disabilities (Board) to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

The Superintendent shall establish, revise and keep current the procedures to be utilized in the implementation of this policy. The Superintendent, or designee, shall ensure a poster that describes the Board's public records policy is created and shall post the poster in a conspicuous place at the Board. The Superintendent/designee shall ensure compliance with these procedures. All revisions or changes will be shared with the Board when made.

Superintendent Signature: Carri Beier Date: 7/18/24

Implemented: 9/20/07

Board Approval: 9/20/07, 5/21/20, 7/18/24

Revised: 5/21/20, 7/18/24

Reviewed: 5/21/20, 7/18/24

Cross Reference: Ohio Revised Code 149.43

ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES PUBLIC RECORDS PROCEUDRE

I. PUBLIC RECORDS

The Board, in accordance with the Ohio Revised Code 149.43, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the Board that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Board. All records of the Board are public unless they are specifically exempt from disclosure under the Ohio Revised Code or federal law.

It is the policy of the Board that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

II. RECORD REQUESTS

Each request for public records should be evaluated for a response using the following guidelines:

- A. Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the Board to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the Board keeps its records.
- B. The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record. It is this Board's general policy that this information is not to be requested. The individual may be asked to provide contact information if the records are not readily available.
- C. Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal or other review of the records requested to ensure protected information is not released.
- D. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty (20) pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. (If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.)

ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES PUBLIC RECORDS PROCEDURE

All requests for public records must either be satisfied or be acknowledged in writing by the Board within three (3) business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

1. An estimated number of business days it will take to satisfy the request.
 2. An estimated cost if copies are requested.
 3. Identification of any items responsive to the request that may be exempt from disclosure.
- E. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
- F. A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney Generals website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

III. COSTS FOR PUBLIC RECORDS

- A. Those seeking public records will be charged only the actual cost of making copies.
- B. The charge for paper copies is:
- i. \$0.15 per page for black and white
 - ii. \$0.25 per page for color
- C. The charge for downloaded computer files to a USB drive will be the cost of the USB drive. There is no charge for documents e-mailed.
- D. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- E. The Board may require that costs involved in providing the public record(s) be paid in accordance with the choice made by the requester.

IV. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The Board recognizes that failure to properly respond to a public records request may have both legal and non-legal consequences. Failure to respond may result in distrust in government agencies or it may result in a court order of the Board to comply with the law and to pay the requestor's attorney fees.

V. MANAGING RECORDS

The Board's records are subject to records retention schedules. The Board's current schedules are available at 4405 Galloway Rd, Sandusky, Ohio, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).