

Eastern Alliance Council of Government

Policy Subject:
PUBLIC ACCESS TO RECORDS

Signature(s):
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PURPOSE: The purpose of this policy is to comply with the Ohio Public Records Act and Section 149.43, Ohio Revised Code, which provides *prompt* inspection of public records and, upon request, copies of public records within a *reasonable* amount of time.

POLICY: The Eastern Alliance Council of Government (COG) recognize that most records generated by and for the operation are public documents—including, but not limited to, minutes, receipts and expenditures; salary schedules and position descriptions; safety and health materials; contracts; and policy statements. As such, management recognizes that these public records are open to public review.

Definitions:

The Eastern Alliance Council of Government is considered a public body (Ohio Revised Code Chapter 167) and therefore subject to the requirements of the Ohio Public Records Act and Section 149.43, Ohio Revised Code.

A “public office” includes entities that are established under Ohio law for the exercise of any function of government.

A “public record” is a record kept by any public office that is stored on a fixed medium, created, received or coming under the jurisdiction of a public office, and which documents the organization, functions, policies, decisions, procedures, operations or other activities of the office. Public record documents include, but are not limited to: paper, tapes, e-mails, databases, electronic documents, texts, photos, films and videos.

Records and information that are excluded from the definition of “public record” include:

1. Records for which the release is otherwise prohibited by state or federal law.
2. Medical records protected by HIPAA (see HIPAA policies and procedures).
3. Trial preparation records that contain information that was specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding.
4. Probation records, parole records and records pertaining to proceedings related to the imposition of community control sanctions and post-release control sanctions.
5. “Infrastructure records” (information that discloses the configuration of computer systems, electrical systems, mechanical systems, ventilation systems, plumbing systems, security codes; and “security records” (records that contain information directly used for protecting or maintaining the security of a public office against attack, interference, or sabotage; or any record assembled, prepared or maintained by a public office to prevent, lessen or respond to acts of terrorism).
6. Trade Secrets (as defined in Ohio law). This exemption may apply to contracts and other information

related to parties with whom the Board does business.

7. Certain information related to child fatality review boards.
8. Information pertaining to the recreational activities of a person under the age of eighteen.
9. Certain employee information including social security numbers, home addresses and any employee information that is a non-record.

Processing Requests:

A requester cannot be required to put a records request in writing and cannot be required to provide his or her identity or the intended use of the requested public record. If a written request of the person's identity and/or use of the information would benefit the requester by helping the COG identify, locate or deliver the records being sought, the COG may request that information as long as the requester is informed that it is not required to be provided.

The requester must identify the records requested with enough clarity to allow the Board to identify, retrieve, and review the records.

If a request is ambiguous, is overly broad, or the information requested cannot be reasonably identified, the initial request may be denied by the COG, but the COG will inform the requester of the manner in which records are maintained and accessed by the COG and the requester will be given an opportunity to revise the request.

The COG is not required to create new records or perform a search or research for information in the COG's records. Only records currently kept by the COG are subject to a public records request. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the COG's standard use of sorting, filtering, or querying features.

A requester may choose whether to have the records duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the COG determines that the record can reasonably be duplicated as an integral part of the COG's normal operations.

In processing a request for inspection of a public record, a COG representative may accompany the requester during inspection to make certain original records are not taken or altered.

To the extent feasible, the COG will organize and maintain public records in such a way that they can be made available for inspection and copying. The COG's records retention policy will be kept in a location that is readily available to the public.

Response Timeframe:

To the extent feasible, public records will be made available promptly for inspection at all reasonable times during regular business hours. Copies of public records will be made available within a reasonable period. Exact timeframes depend upon factors such as the volume of records requested, the storage of the records, the necessity for legal review and redaction and other circumstances of the records requested. The COG will attempt to acknowledge all requests in writing if they are not satisfied within three (3) days of the COG's receiving the request. The acknowledgement will include the estimated timeframe for satisfying the request, an estimated cost if copies are requested, and a list of items or documents that may be exempt from disclosure and the legal authority for the exemption.

Copying and Mailing Costs:

The requester will only be charged for the actual cost of making and mailing copies. The charge for paper copies is 10 cents per page. The charge for downloaded computer files to a compact disc/flash drive is 10 cents per page. If the requester seeks the records delivered, a charge may be imposed for the cost of postage, mailing supplies and any other actual costs of delivery. There is no charge for e-mailed documents.

A requester may be required to pay in advance for the actual costs involved in copying and/or delivering the records.

Denial and Redaction:

If portions of the requested records are exempt from public access, the exempt portions are to be redacted or excluded and the rest of the records released to the requester. If requested records are redacted or access is denied in whole or part, the COG will provide an explanation, including applicable legal authority for the denial or redaction. The explanation will be provided in writing if the original request was in writing.