

## PUBLIC RECORDS

### Purpose:

The purpose of this policy is to establish guidelines governing the availability of public records to ensure compliance with the Ohio Public Records Act.

### Policy:

#### A. Defining Public Records

Unless otherwise exempt, a “public record” is a record kept by the Board that:

1. includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in O.R.C. 1306.01;
2. is created by the Board, received by the Board or coming under the jurisdiction of the Board; and
3. documents the Board’s functions, policies, decisions, procedures, operations or other activities.

A “public record” is a record that is being kept by the Board at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law.

#### B. Response Timeframe

Pursuant to Ohio Revised Code 149.43, the Ohio Public Records Act, upon request, all public records of the Board responsive to the request shall be promptly prepared and made available for inspection to the requestor at all reasonable times during regular business hours. 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 made available to the public. Copies of the requested public records shall be made at cost 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, the necessity for any legal review and redaction of the records requested, and other facts and circumstances of the records requested.

All information contained in the records of an individual served, including information contained in the automated data system, shall be considered confidential. Those records are not public records and shall not be released without the appropriate authorization.

### C. Handling Requests

No specific language is required to make a request for public records. However, 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 Board must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

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 the Board's general policy that this information is not to be requested. However, the law does permit the Board to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only:

1. if a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and
2. after telling the requester that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the Board does not have an obligation to create new records or perform a search or research for information in the Board's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying features. Although not required by law, the Board may accommodate the requester by generating new records when it makes sense and is practical under the circumstances.

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

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website(<https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Legal/Sunshine-Laws-Publications/2023-Sunshine-Manual.aspx>) for the purpose of keeping employees of the Board and the public educated as to the Board's obligations under Ohio's Public Records Act.

### D. Electronic Records

Records in the form of email, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as cellular device), are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the Board are required to retain their email records and other electronic records in accordance with applicable records retention schedules.

E. Release of Records

The Board shall permit the requester to choose one of the following options for duplication of the public record:

1. upon paper;
2. upon the same medium upon which the Board keeps the record; or
3. upon any other medium the Board determines it can reasonably duplicate the record as an integral part of the Board's normal operations.

Employees receiving a request for public records shall inform the Department Director of the request. The Department Director responsible for the desired records shall provide copies within a reasonable time and forward to the Director of Human Resources. Those persons who request copies shall be charged a standard per copy fee:

1. The charge for paper copies is \$0.05 per page.
2. The charge for downloaded computer file to a compact disc is \$1.00 per disc.
3. There is no charge for documents emailed.
4. Requesters may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies.

This fee must be paid by the requesting party prior to turning over any records. The copy fee may be waived at the discretion of the Department Director.

If the Department Director has any doubt as to whether or not the records requested are public records and should be released, Legal Counsel shall be contacted. Counsel will determine if the request falls within one of the exceptions contained in O.R.C. 149.43 and for which compliance is not necessary.

F. Denial or Redaction of Records

If the requester makes an ambiguous or overly-broad request or has difficulty in making a request for copies or inspection of public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained by the office and accessed in the ordinary course of the public office's or person's duties.

The Board reserves the right to withhold or redact any records falling within applicable provisions of the Ohio Revised Code. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. If a records request is denied in whole or in part, then the requester must be provided an explanation, including legal authority, setting forth why the request was denied. If the records request was made in writing, then the explanation must also be in writing. If material that is exempt from the duty to disclose is redacted (typically, blacked out or typed over) when producing records in response to a records request, the redaction has to be plainly visible or the requester has to be notified. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires the redaction.

G. Dissemination of Policy

This policy shall be posted in a conspicuous location at all Board facilities and shall be included in the Employee Manual. A copy of the policy shall be distributed to the Records Manager who shall acknowledge receipt in writing.

H. Managing Records

Board records are subject to records retention schedules. The office's current schedules are available in the Superintendent's Office.

Legal References: O.R.C. 149.43

Cross References: Records Retention and Disposal  
Privacy

Attachment: Request for Public Records under O.R.C. 149.43

Other Resources: Ohio Attorney General Model Public Records Policy

Board Adopted:	09/16/91
Board Revised:	09/19/94
Board Revised:	02/21/06
Board Revised:	03/17/08
Board Revised:	08/20/12
Board Revised:	11/27/17
Board Revised:	11/27/23

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