

# Public Records Policy

## Delaware County Board of Developmental Disabilities

Board Review Date: January 20, 2011  
Board Resolution: 11-01-15  
Effective Date: January 21, 2011  
Reviewing Department: Administration – IT/Records Department

### **Introduction**

Pursuant to Section 149.43 of the Ohio Revised Code, the Delaware County Board of Mental Retardation and Developmental Disabilities hereby adopts this public records policy. It is the policy of the County Board that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the County Board to adhere to the state's Public Records Act.

### **Public records**

In accordance with the Ohio Revised Code, the County Board defines records as: Any document, device, or item – 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 County Board, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the County Board. Records regarding individuals with mental retardation and/or developmental disability who are eligible for services from or who are served by the County Board are not public records and will be disclosed only in accordance with state and federal law.

It is the policy of the County 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 will be updated regularly and posted prominently at the County Board's administration office and posted on the Board website.

### **Record requests**

A requester must at least identify the records requested with sufficient clarity to allow the County Board to identify, retrieve, and review the records. If it is not clear what records are being sought, the County Board may deny a request but will provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained by the County Board and accessed in the ordinary course of the County Board's business.

The County Board may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the County Board to identify, locate, or deliver the public records sought by the requester.

Public records will be available for inspection during regular business hours, with the exception of published holidays. The County Board's regular business hours are 8:00 a.m. to 4:00 p.m. although these hours may change from time to time. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" take into account, among other things, the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

The Ohio Revised Code contains certain exemptions from disclosure. With respect to each request, the County Board will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. The County Board will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as required by the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

### **Costs for Public Records**

Those seeking public records will be charged only the actual cost of making copies.

- The charge for paper copies is \$.05 per page.
- Certified paper copy is \$1.00 per page
- The charge for downloaded computer files to a compact disc is \$1.00 per disc.
- Audio cassette tape is \$1.00 per tape
- Video cassette tape is \$2.50 per tape
- Microfiche and microfilm records are maintained by the Delaware County Records Center. Cost for duplication of these records shall be determined by the Records Center.
- There is no charge for documents e-mailed.

Requesters may ask that documents be mailed to them and will be charged the actual cost of the postage and mailing supplies.

### **E-mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the County Board. E-mail is to be treated in the same fashion as records in other formats and will follow the same retention schedules.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the County Board are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the County Board's records custodian.

The records custodian will treat the e-mails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

### **Disclaimer**

Notwithstanding the existence of this policy, the County Board hereby informs the public that it shall comply with the requirements of the Ohio Public Records Act, including, but not limited to, Section 149.43 of the Ohio Revised Code, and that the provisions of the Ohio Public Records Act, and any amendments thereto, supersede and take precedence over this policy. The County Board retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.

## Delaware County Board of Developmental Disabilities

# Public Records Policy Poster

Public records are any documents – electronic or paper – that relate to the business operations of the Delaware Board of Developmental Disabilities. Client records and other medical records are not considered public records.

Public records will be available for inspection during regular business hours of 8:00 a.m. to 4:00 p.m. Monday through Friday with the exception of published holidays.

### **Costs for Public Records**

Those seeking public records will be charged only the actual cost of making copies.

- paper copies are \$.05 per page
- certified paper copies are \$1.00 per page
- downloaded computer files to a compact disc are \$1.00 per disc
- audio cassette tapes are \$1.00 per tape
- video cassette tapes are \$2.50 per tape

There is no charge for e-mailed documents.

Records sent via regular mail will be subject to actual cost of postage and mailing supplies.

Microfiche/microfilm records are maintained by the Delaware County Records Center and cost for duplication of these records shall be determined by the Records Center.

Records will not be released until payment is received.

Records will be copied/sent within a reasonable period of time.

The Board retains the right to ask for clarification of the request being made.

Any redaction (blocking out information that is not a public record) will be done so in accordance with statute and the redaction will be clearly shown.

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