

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Public Records Policy

Board Approved: 8/00

**Revised: 10/02, 10/04, 11/06, 5/07,
2/08, 4/09, 6/14, 6/17**

Reviewed: 04/10

Section: 1.6

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I. General Provisions

It is the policy of the Licking County Board of Developmental Disabilities, hereinafter referred to as the Board, to strictly adhere to the State of Ohio Public Records Act. In accordance with Section 149.43 of the Ohio Revised Code, records are defined as any document, paper, electronic or other format that is created or received by, or comes under the jurisdiction of the Board and serves to document 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 by the Ohio Revised Code. Any [denial of a request](#) for public records 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.

As required by Ohio Law the Board's records will be organized and maintained so that they are readily available for inspection and copying. The Board's records retention schedule is available upon request.

Records retention schedules for records that have administrative, legal, fiscal and historical value will be developed, maintained and periodically updated consistent with applicable rules, regulations and guidelines.

Public records generated by the Board will be maintained and destroyed consistent with the retention schedule approved by the County Records Commission, included in this policy as Appendix A. It is the responsibility of the Superintendent or designee to periodically update the Board records retention schedule and submit it to the County Records Commission for approval.

The Superintendent's Executive Administrative Manager is the Board's records officer. The Executive Administrative Manager is responsible for implementing the provisions of this policy with active support from each component director.

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II. Failure to respond to a public records request

The Board recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Board's failure to comply with the law may result in a court ordering the Board to comply and to pay the requester's attorney fees and damages.

III. Records that are not public

Consistent with ORC 149.43(b) the following are not considered a public record.

- Reports including facility reports, records and investigative materials submitted or gathered pursuant to reports made under Section 5123.61, 5126.31 of the Ohio Revised Code, 5123:2-17-02 (MUI Rule) of the Administrative Code as well as Chapter 2903 of the Revised Code will not be deemed to be public records per OCR 149.43. They will be deemed investigative work products and not subject to disclosure/release in accordance with Ohio Revised Code 5126.044.
- Records of applicants for enrollment and people supported are not considered Public Records. These records will only be released in accordance with Board Administrative Policy on Confidentiality of Person Specific Information. Any personally identifying information related to a specific person supported will be deleted from any record before it is released to the public in accordance with confidentiality requirements.
- Infrastructure records, meaning any record that discloses the configuration of the Board's critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes or the infrastructure or structural configuration of any Board buildings are not considered public records. Infrastructure record does not mean a simple floor plan that discloses only the spatial relationship of components of a public office or the building in which a public office is located.

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- Security Records meaning either of the following:
 - ✓ Any record that contains information directly used for protecting or maintaining the security of any of the Board's buildings against attack, interferences or sabotage.
 - ✓ Any record assembled, prepared, or maintained by the Board to prevent, mitigate, or respond to acts of terrorism.
 - Insurance records
 - Records containing mediation, communications & unlawful discrimination practice conferences
 - DNA Records
 - Worker's Compensation records
 - Immigration status forms (I-9)
 - Social Security Numbers
 - Medical Records
 - Records pertaining to adoption, probation or parole proceedings
 - Trial preparation records
 - Confidential law enforcement investigatory records
 - Records which do not serve to document official functions or activities
 - Home addresses, which include home telephone numbers
 - Work email addresses
 - Other records the release of which is prohibited by the State or Federal law including criminal record check and staff member's social security number
 - Driver's Abstract

Procedures

IV. Record Requests

No specific language is required to make a request, however the requester must at least identify the records requested with sufficient clarity to allow Board Staff to identify, retrieve, and review the records. If it is not clear what

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records are being sought the Component Director must contact the requester for clarification and should assist the requester in revising the request by informing him or her of the manner in which the office keeps the records.

In order to help identify, locate or deliver public records being sought, the Board may ask that requests for release of public records be in writing. However, Board staff will comply with all requests for the release of public records whether the request is in writing or not. All requests should be directed to the Superintendent's Executive Administrative Manager.

Public records are to be available for inspection promptly. Copies of the 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; the necessity for any legal review of the records requested, and the time needed to prepare them for delivery.

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied within three business days 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 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 will be made as quickly as the equipment allows.

All requests for public records must either be satisfied or acknowledged in writing by the Superintendent or designee within three business days following the Board'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) Any items within the request that may be exempt from disclosure.

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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.

V. Costs for Public Records

The requesting party may choose to have the records duplicated (1) upon paper, (2) upon the same medium upon which the Board keeps the record, and (3) upon any other medium which the Board determines that the record reasonably can be duplicated as part of normal operation.

There will be no charge for the inspection of records. The charge for making copies of records will be the actual cost to the Board as determined by the Superintendent or designee. This includes the copying of computer records to a compact disc or flash drive. There is no charge for documents that are e-mailed. The Superintendent or designee reserves the right to require prepayment of copy charges. If requested, public records will be mailed to the party that requested them. The Superintendent or designee reserves the right to require prepayment of the cost of postage and other supplies used in the mailing. There is no limit on the number of records a party may request.

VI. Electronic Communication

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content documents the organization's functions, policies, decisions, procedures, operations or other activities of the Board. E-mail is to be treated in the same fashion as records in other formats and should be maintained according to the records retention schedule. The only exceptions to this requirement are records that are specifically exempt from disclosure under the Ohio Revised Code.

Staff is prohibited from using private e-mail accounts, private phone numbers or personal electronic devices to conduct Board business.

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VII. Miscellaneous Provisions

When a staff member's personnel file has been requested for review by a member of the public, the Board will make reasonable efforts to notify the staff member.

This policy and any future revisions will be required coursework through DDWorks for all Board staff. A transcript of course passage will be maintained annually in the staff member's personnel file.

The Board will post and maintain in each of its buildings the poster describing the key elements of Ohio's Public Records Act.