PUBLIC RECORDS POLICY

(Requests for Public Records)

A. OVERVIEW: As a public office of the State of Ohio, Hamilton County Soil & Water Conservation District is subject to the Ohio Public Records Act (ORC 149.43), which provides for prompt inspection of public records and requires that copies of existing public records be provided in a reasonable period of time. Compliance with the Public Records Act is subject to audit by the State Auditor.

B. GUIDELINES: A two–stage analysis is required under the Public Records Act to determine what documents or electronic/recorded information is subject to public access. The first step is to determine if the document or electronic/recorded information qualifies as a "record." ORC Section 149.011(G) defines a "record" to be any document, device, or item, regardless of physical form or characteristics, including an electronic record, created or received by or coming under the jurisdiction of any public office of the state or political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the office. Documents or electronic/recorded information that does not document public office activities in this manner are not subject to the Public Records Act and are not subject to public access. For example, an email between employees setting a lunch date does not document county government activities and does not qualify as a "record."

   If a document or electronic/recorded information does qualify as a "record" it is then a "public record," subject to public access and disclosure unless it is specifically exempt from disclosure under the terms of the Public Records Act. The second step of the analysis is to determine if any of the statutory exemptions apply to the document or electronic/recorded information.

   For example, attorney–client communications are confidential by state law and exempted from disclosure under the terms of the Public Records Act. Any information that is exempted from disclosure must be redacted from the document and the reason for the redaction noted on the document. To redact information on paper documents:

   1. Make a photocopy of the document.
   2. Cover the exempt information with white out, marker, etc.
   3. Make a second copy of the document.
   4. Note on this copy what information was redacted and the reason for the redaction (site the applicable ORC code).

Any time a record request is denied, including when no records are provided, the Records Management Coordinator (point–of–contact) must document this (Form HR036 may be used for this purpose) and provide the reason for the denial. The original form is given to the requestor and a copy is kept in the department. Reasons a record request may be denied include, but are not limited to:

1. Record is kept in a different county office;
2. Record has met its retention and has already been destroyed;
3. Record is exempt from disclosure under ORC 149.4. A record does not exist (or does not exist in the format specified). NOTE: Departments are not obligated under the Public Records Law to create new records to fulfill a request (this includes taking existing data and compiling in a different manner or format). BUT, the Records Management Coordinator is obligated to explain what records are available and help the requestor decide if those would fulfill the request.

C. Once the documents are compiled, the invoice is created (Form HR028 may be used). To save on resources, two sided copies are made whenever possible (unless the requestor specifically requests single–sided copies). Each double–sided sheet of paper is counted as two. The first 20 copies are free. For standard black and white copies, additional copies cost a flat fee of $5.00 and $.50 for each additional copy. The cost of color copies and maps, 81/2" x 11", cost $3.00 each. The District may not charge for employee time to make copies. All postage or delivery fees are also included in the invoice. Payment is made to the Hamilton County Soil & Water Conservation District. Payment may be request in advance.

D. REQUESTS FOR PUBLIC RECORDS: The District shall ensure that all public records requests are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Any questions regarding requests, including what can and cannot be released or redacted, shall be directed to the District Administrator who may seek assistance from the County Prosecutor's office.

1. The District Administrator is the point–of–contact for all records requests;

E. It is not required that public records requests be submitted in writing and the requester should be informed of this. However, the requestors are encouraged to submit the requests in writing (It is suggested that Form HR036 be used), in an effort to prevent any misunderstanding as to the records the requestor is seeking. Individuals requesting a public record cannot be forced to provide identification or a reason for the request, and cannot be charged for time and labor spent fulfilling the request. If a requestor makes an overly broad request, or has difficulty in specifying the request, the

department employee (point–of–contact) shall provide the requestor with reasonable assistance to facilitate their request, such as providing a copy of the retention schedule and policy and the opportunity to revise the request. Note: If a request is made in writing, the response must also be in writing.

F. In response to a public records request, a maximum of 10 public records per month will be sent by mail unless the requester certifies in writing that such records are not being requested for any commercial purpose as provided in the Ohio Public Records Act.

G. All charges for copies, plus any postage and delivery charges, are to be compiled on an invoice. (Form HR028 may be used). Payment for the cost of the copies may be requested in advance. Payment may be made by cash or a check written out to the Hamilton County Soil & Water Conservation District.

H. All instances when assistance is offered to facilitate a request, even if such assistance does not result in the release of records, must also be documented. The original record request and a copy of the corresponding invoice shall be kept on file by the District for two years.

This policy was adopted and recorded in the official minutes of the Hamilton County Soil & Water Conservation District on May 13, 2008.
Revised on August 11, 2015.