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POLICY # 2.66  
SUBJECT: Public Information

## POLICY

It is the policy of the Butler County Board of MR/DD (hereafter the “Board”) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Board to adhere to the state’s Public Records Act.

### Section 1. Public Records

This Board, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Board are public unless they are specifically exempt from disclosure under the Ohio Revised Code. Furthermore, records regarding individuals who are eligible for services from or who are served by the Board are not public records and will be disclosed only in accordance with state and federal law

#### Section 1.1

It is the policy of the Board that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Additionally, record retention schedules are to be updated regularly and posted prominently.

### Section 2. Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

#### Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian may deny the request but shall provide the requester with an opportunity to revise the request by informing the requestor of the manner in which the office keeps its records.

#### Section 2.2

There is no requirement that an individual making a public records request put a records request in writing or provide his or her identity or the intended use of the requested public record. However, the Board may ask a requester to make the request in writing, may ask the requester’s identity, and may inquire about the intended use, but only after disclosing to the

requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or 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 public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

### Section 2.3

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records shall be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" shall take into account 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.

### Section 2.4

Any denial of public records requested shall include an explanation, including citation to legal authority. If portions of the record are public and portions are exempt, the exempt portions are to be redacted and the public portions released. If there are redactions, each redaction must be accompanied by a supporting explanation, including citation to legal authority.

## Section 3. Costs for Public Records

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

Section 3.1 The charge for paper copies is 10 cents per page.

Section 3.2 The charge for downloaded computer files to a compact disc is \$1 per disc.

Section 3.3 There is no charge for documents sent via e-mail.

Section 3.4 Requesters may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies.

## Section 4. 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 office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

### Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

### Section 4.2

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

#### Section 5. 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 a request may result in a court ordering the Board to comply with the law and to pay the requester attorney's fees and damages.

#### Section 6. Disclaimer

Notwithstanding the existence of this policy, the Board 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 hereto, supersede and take precedence over this policy. The Board retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.