

Stark County Board of Developmental Disabilities

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PUBLIC RECORDS REQUESTS

POLICY

This policy establishes the Stark County Board of Developmental Disabilities' (SCBDD) commitment to complying with the Ohio Revised Code (ORC) Section 149 requirements for public records requests. The Board strives to provide transparency and ensure timely access to public records while safeguarding confidential and exempt information.

Per ORC Section 149.43, public records are defined as documents, devices, or items, regardless of format, that:

- Are created or received by the Board.
- Serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Board.

Any person can inspect and request copies of the Board's public records during regular business hours, excluding holidays. Public records requests do not require a statement of purpose, nor does the requester need to provide their identity. Public records will be promptly prepared and made available for inspection at the Board's administrative office during regular business hours. Copies of public records will be made available within a reasonable amount of time, considering the volume of records requested, their location, and the need for legal review of potentially exempt information.

Requests can be made in person, via phone, in writing, or by electronic means (email or other communication). While no specific form is required, requesters are encouraged to provide sufficient detail to identify the requested records. Board employees may assist the requester in clarifying their request to ensure accurate and efficient processing.

Certain records may be exempt from public disclosure under state or federal law. Redactions will be indicated, and the legal basis for each redaction will be provided upon request.

Examples include, but are not limited to:

- Confidential medical records (protected under HIPAA).
- Social Security numbers.
- Investigative records related to active criminal cases.
- Records protected by attorney-client privilege.

The Board complies with record retention schedules following ORC Section 149.43(B)(2). Public records will only be disposed of per applicable retention policies and schedules. SCBDD staff shall undergo annual training on public records laws to ensure proper implementation of this policy. The Superintendent will periodically review the policy to ensure ongoing compliance with

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Ohio Revised Code requirements. The Superintendent will develop procedures to implement this policy.

Historical Resolution Information		Reviewer(s): Superintendent
Date	Resolution Number	
5/28/19	05-24-19	
4/26/22	04-18-22	
6/24/25	06-36-25	

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PROCEDURE

- I. If an employee, supervisor, or department head receives a public information request, the Superintendent's Office and Central Records should be informed either by phone or in writing so that the request is properly logged and then Central Records can process the request. The Superintendent will notify the Board that a records request has been made and may seek legal review of the requested informatio
- II. Although no specific language is required to make a public information request, 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 Superintendent's designee, 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 Board keeps its records. All public records requests, logs, and accompanying files will be kept on file for three years after audit.
- III. 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. However, the Board may ask for a written request and may ask for the requester's identity and/or intended use of the information to help identify, locate, or deliver the records being sought. The Board is not required to create records that otherwise do not exist.
- IV. Public records are to be available for inspection by appointment from 8:00 a.m. to 4:30 p.m., Monday through Friday during regular business hours, with the exception of published holidays.
- V. Public records must be made available for inspection promptly and copies of 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; and the necessity for any legal review of the records requested.
- VI. Electronic records in the form of e-mail, text messaging and instant messaging, including those sent and received via a hand-held communications 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 this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

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- VII. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and in final form), budgets, salary information, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic form that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.
- VIII. DENIAL AND REDACTION OF RECORDS: If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office. If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.
- IX. All requests for public records must be acknowledged in writing by the Board within three business days following the receipt of the request. If a request is voluminous or will require research, the acknowledgement must include the following:
- A. An estimated number of business days it will take to satisfy the request.
 - B. An estimated cost if copies are requested.
 - C. Any items within the request that may be exempt from disclosure.
- X. 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.
- XI. Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is 10 cents per page. The charge for electronic files downloaded to a compact disc is one dollar per disc. A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an

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integral part of the office's normal operations. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

- XII. The Board may choose to waive any and all costs associated with fulfillment of a public record request. Any waiver of costs should not be construed to waive the Board's right to request and collect actual costs associated with fulfillment of a later public record request.