

# Stark County Board of Developmental Disabilities

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## PUBLIC RECORDS REQUESTS

### POLICY

All records of the office of the Stark County Board of Developmental Disabilities are public, unless they are specifically exempt from disclosure under the Ohio Revised Code. "Record" includes any document or device, whether in paper, electronic, or another format, which is created or received by or coming under the jurisdiction of this Board, and which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Board.

No specific language is required to make a request, but the requestor must identify records with sufficient clarity to allow the office to identify, retrieve, and review the records. If the requestor makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied. If it is not clear what records are being sought, the records custodian should ask the requestor for clarification, and assist the requestor in revising the request by informing the requestor of the manner in which this office maintains and accesses its records.

The Stark County Board of Developmental Disabilities recognizes its obligations as set forth in Chapter 149 of the Ohio Revised Code regarding public records. Therefore, the Board will ensure that records are organized and maintained so that they are readily available to the public for inspection and copying. All exemptions to public information are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. The Board maintains a copy of the current records retention schedule on the Board's website at <http://www.starkdd.org>.

The Superintendent will develop procedures to implement this policy.

Historical Resolution Information		Reviewer(s):
Date	Resolution Number	Superintendent
5/24/16	05-24-16	
5/28/19	05-24-19	
4/26/22	04-18-22	

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## **PUBLIC RECORDS REQUESTS**

### PROCEDURE

- I. If an employee, supervisor, or department head receives a public information request, the Superintendent's Office should be informed either by phone or in writing. The Superintendent will make the necessary notifications to the Board that a records request has been made and may seek legal review of the requested information.
- 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 integral part of the office's normal operations. If a requester asks that documents be

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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.