

Policy P-42

Public Records Policy

Introduction

Pursuant to Section 149.43 of the Ohio Revised Code, the Miami County Board of Developmental Disabilities (“the Board”) hereby adopts this public records policy. It is the policy of 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.

I. Public Records

In accordance with the Ohio Revised Code, the Board defines records as: Any document, device, or item – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the Board, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Board. Records regarding individuals with a developmental disability 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.

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 also Section 4 for the e-mail record policy). Record retention schedules will be updated regularly and posted prominently at all Board property locations.

II. Record Requests

1. A 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 Board may deny a request but will provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Board and accessed in the ordinary course of the Board’s business.
2. The Board may ask a requester to make the request in writing, may ask for the requester’s identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester’s identity or the 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 Board to identify, locate, or deliver the public records sought by the requester.

3. Public records will be available for inspection during regular business hours, with the exception of published holidays. The Board's regular business hours are 8:00 a.m. to 4:30 p.m. although these hours may change from time to time. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" take into account, among other things, 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.
4. The Ohio Revised Code contains certain exemptions from disclosure. With respect to each request, the Board will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. The Board will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as required by the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

III. Costs for Public Records

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

1. The charge for paper copies is \$0.10 cents per page.
2. The charge for downloaded computer files to a compact disc is \$0.50 per disc.
3. There is no charge for documents e-mailed.
4. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

IV. 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 Board. E-mail is to be treated in the same fashion as records in other formats and will follow the same retention schedules.

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 Board's records custodian.

2. The records custodian will treat the e-mails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

V. Disclaimer

Notwithstanding the existence of this policy, the Board hereby 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 thereto, 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.

Effective date of this policy: **April 19, 2021**

Prior effective dates: 08/20/18; 08/15/16; 08/18/14; 07/16/12; 07/15/10; 01/15/08; 09/18/07

References: Ohio Revised Code: 149.011, 149.40, 149.43, 5126.044