

**SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

**INSPECTION, RELEASE, AND RETENTION OF
PUBLIC RECORDS**

**SECTION 2.18
PAGE 1 OF 5**

- A. **Purpose** Sandusky County Appointing Authorities (SCAA) who have adopted the Sandusky County Personnel Policy and Procedure Manual, hereby adopt this revised policy in order to facilitate prompt compliance with the Ohio Public Records Act (Ohio Revised Code 149.43). With respect, any individual or organization seeking to inspect or obtain copies of Sandusky County records are expected to comply with the policy.
- B. **Definition of Public Record** Sandusky County, 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 County office which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office, except those records that are otherwise identified as exempt under Ohio Public Records Act, or the release of which is prohibited by State or Federal law.
- C. **Record Request** All record requests must be submitted to the SCAA, or his or her designee. Public record requests may be made in person, by telephone, or in writing. Any individual or organization wishing to inspect or obtain copies of public records must identify the records requested with sufficient clarity to allow the County office to identify, retrieve, and review the records.
1. Although the individual or organization wishing to inspect or obtain copies of public records is not required to submit a public record request in writing; nor are they required to provide his or her identity, or the intended use of the requested public record, it is recommended a Public Record Request Form (SCPR-10) be completed in writing to enhance the ability of the County to comply with the request. Prior to asking the requestor to submit his or her request in writing, it must be reaffirmed to the requester; submission of a written request with his or her identity and its intended use is not mandatory.
 2. The SCAA, or his or her designee, will prepare and make available for inspection and / or copy public records, as defined in Ohio Revised Code, section 149.43, upon the request of any individual or organization of the general public.
 3. If it is not clear what records are being sought, the County may deny a request, but will provide the requestor an opportunity to revise the request by informing the requestor of the manner in which the office keeps its records.

**SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

**INSPECTION, RELEASE, AND RETENTION OF
PUBLIC RECORDS**

**SECTION 2.18
PAGE 2 OF 5**

4. Prior to denying or redacting any part of a public record request, the Sandusky County Prosecutor or his assistant shall review the request for legal authority.
5. The SCAA establishes the limit of (10) record requests mailed via U.S. mail per month to any one requester, unless the requester certifies its use is non-commercial.
6. The SCAA, or his or her designee, has no responsibility to search for and retrieve records that contain ambiguous information that is of interest to a requestor. The Ohio Public Records Act requires the County to provide a copy of the information, as it currently exists.

D. **Inspection Time** Public records are to be available for inspection during regular County business hours, with the exception of published holidays. However, not all records are available for inspection upon demand. Ohio Public Records Act specifies public records must be made available for inspection *promptly*, and copies of public records must be made available within a *reasonable* period of time.

1. "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. Records must often be reviewed and non-public information redacted before inspection can be permitted.
2. Any denial of a public record request 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 remaining portion released. If there are redactions, each redaction must be plainly visible and accompanied by a supporting explanation, including legal authority as outlined in the Ohio Revised Code. Any denial of a public record request or a redaction of certain information on a public record shall be documented on the Public Record Request Response Form (SCPR11) with a copy forwarded to the requestor.
3. Any inspection of records shall take place in the presence of the SCAA, or his or her designee.
4. Any and all copying of records shall take place by the SCAA, or his or her designee.

**SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

**INSPECTION, RELEASE, AND RETENTION OF
PUBLIC RECORDS**

**SECTION 2.18
PAGE 3 OF 5**

- E. When a public record request is made to examine a personnel file, the employee, to the extent practicable, will be informed that his or her personnel records have been requested and, if known, the name of the individual making the request.
- F. If there is a question regarding whether the content of a requested record is a public record, the SCAA, or his or her designee shall request an opinion from the County Prosecutor or his assistant. The individual or organization submitting the request shall be advised; legal counsel is reviewing the request to ensure the said County office does not improperly release protected and / or exempt information.
- G. **Record Retention** All public records in the custody of *each court related office* shall be retained in accordance with standards set by The Supreme Court of Ohio, Rules of Superintendence. All public records in the custody of *each non-court related office* shall be retained in accordance with that said Office or Departments' Records Retention Schedule (RC-2).
1. If a Schedule has not been established, the SCAA shall maintain its public records indefinitely unless the retention period set forth in its appropriately enacted records retention schedule has expired. Public records shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, unless in compliance with Ohio Revised Code and Ohio Historical Society's Local Government Records Program.
- H. **Fees for Copying of Public Records** The SCAA will provide copies of records at cost - in accordance with said County Office's copy fee schedule. Fees must be paid in advance before copies will be provided.
1. The fee for letter / legal size paper copies in this office will be: _____ cents per page.
 2. The fee for downloaded computer files to a compact disc is .50 cents per disc.
 3. The fee for downloaded computer files to a 3.5" diskette is .50 cents per disc.
 4. There shall be no fee for documents e-mailed.
- I. Individuals or organizations may ask that documents be mailed to them via U.S. mail. They shall be charged the actual cost of the postage and mailing supplies in addition to the cost of copies prior to mailing.

**SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

**INSPECTION, RELEASE, AND RETENTION OF
PUBLIC RECORDS**

**SECTION 2.18
PAGE 4 OF 5**

J. The SCAA, or his or her designee may waive the fee provisions under this policy when a request to obtain copies of records is made:

1. By another governmental agency;
2. By an authorized representative of another governmental agency;
3. By an authorized agent of a Sandusky County Appointing Authority;
4. In accordance with a Court Order.

K. **E-mail**

Documents in electronic mail format are records as defined in Ohio Revised Code section 149.43, when their content relates to the business of the County office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

1. All record requests shall conform to Section C of this policy.
2. The office of Information Technology (IT) shall not respond to any record request pertaining to another SCAA's office or employees.
3. Retention and maintenance of electronic mail is the responsibility of the user and his or her Appointing Authority.

L. **Self Help to Records Prohibited:**

1. Employees may not copy or remove any record or writing, even those regarded as "public records," without first obtaining advanced written permission from their department head, or without going through the process for obtaining public records outlined in (C) (1) above.
2. No employee may copy, or use any agency writing, document, or record in any grievance, appeal, or legal action without having first obtained the written permission of the SCAA. This particular policy does not apply to matters obtained through formal "discovery" under the Rules of Civil Procedure.
3. No employee shall tape record any meeting, hearing, or appeal involving the Employer or a representative of the Employer without the advance written permission of the SCAA.

**SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

**INSPECTION, RELEASE, AND RETENTION OF
PUBLIC RECORDS**

**SECTION 2.18
PAGE 5 OF 5**

4. Except for official agency business, employees may not have any agency writing or document in their possession, unless obtained through this policy.
- M. **Disclaimer** Sandusky County will conform to the requirements of the Ohio Public Records Act as described in Section 149.43 of the Ohio Revised Code. Any amendments to this section of law take precedence over this policy.