

OHIO COMMISSION ON MINORITY HEALTH

PUBLIC RECORDS POLICY

MISSION STATEMENT

Openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Ohio Commission on Minority Health (“OCMH”) to at all times fully comply with and abide by both the spirit and the letter of Ohio’s Public Records Act.

DEFINING PUBLIC RECORDS

All records kept by the OCMH are public unless they are exempt from disclosure under a specific federal law or state law. (ORC Section 149.43(A)(1). All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the OCMH that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A confidential record is any record that contains statutorily exempt information (e.g. client records, medical records, social security numbers) that must be redacted (edited out) from the requested record before it is released and made available for review.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Any employee of the OCMH who receives a request for access to public records shall first document the request and inform the Executive Director and request advice regarding whether the record(s) requested are public.

REQUESTS FOR COPIES OF PUBLIC RECORDS

The OCMH is required to provide copies of public records must be made available within a reasonable period of time of the request for copies. “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 and redaction of the records requested.

The employees of the OCMH who receives a verbal request for public records shall immediately transcribe the request and obtain verbal confirmation of the accuracy of the transcription from the person making the request to ensure delivery to the requester. Employees receiving a verbal or written request shall inform the Executive Director of the request who will notify the Assistant Attorney General Office and request assistance if necessary, in complying with the request.

The OCMH shall document the date of the request, the description of the records, number of copies, date the copies are provided and the charges for the copies. This correspondence shall be sent to the Assistant Attorney Generals office and the Executive Director.

It is the goal of the OCMH that all requests for public records should be acknowledged in writing or, if possible, satisfied within 60 business days following the office's receipt of the request.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office 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 office keeps its public records.

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. It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying.

In processing a request for inspection of a public record, **an office employee must** accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website (www.ohioattorneygeneral.gov) for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a Blackberry) 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.

DENIAL OR REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must 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.

Any denial of public records requested must include an explanation, including legal authority. 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 released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor.

The cost for photo copies of public records or printouts for requests which exceed an aggregate total of five pages shall be \$.05 per page. Copying charges may be waived for governmental agencies or by the Director or his/her designee. Payment will be collected before or at the time of delivery.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in 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 mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

MANAGING RECORDS

The OCMH records are subject to records retention schedules. The records retention policy went into effect on July 2011 and schedules have not been developed at this time. The OCMH schedules will be posted when available at www@mih.ohio.gov, a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code.