

Policy 9.05

A. Policy

1. It is the policy of the MHRSB, as a public agency, to be responsive to requests for information that is in the public interest or is a matter of public record. In furtherance of this guiding principle, the following policy has been established to provide employees of the MHRSB with information regarding the Public Records Act and to establish procedures for those charged with responding to a public records request.

B. Scope

1. A record is:
 - a. any document, device, or item, regardless of physical form or characteristic (e.g., paper documents, e-mail, photocopies, maps, drawings, photographs, computer disks, computer files, audio and video tape recordings, etc.), that is
 - b. *created* by a public office, *received* by a public office or coming *under the jurisdiction* of a public office; and
 - c. which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.
2. Requests for review of an employee's personnel file, or to obtain copies of records contained in the personnel file, will be processed in accordance with this policy.
3. Records that are not public information:
 - a. Consumer identity and other consumer identifying information (see Policy 9.02, Confidentiality of Consumer Information).
 - b. Medical Records
 - c. Trial preparation records
 - d. Social Security numbers and home addresses of County employees
 - e. Other information specifically exempted by the Public Records Act (ORC §149.43) and records identified as exempt by state or federal statutes, or legal precedent.

C. Record Retention

1. MHRSB maintains a Records Retention Schedule approved by the County Records Commission and the Ohio Auditor of State.

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2. All MHR SB records are maintained disposed of in accordance with this schedule. The Records Retention Schedule is available to the public upon request.

D. Responding to a Records Request

1. Although most MHR SB information can be considered public record, all employees must follow the guidelines outlined below before releasing any MHR SB documents or related material.
 - a. All initial inquiries for public records, from any source and made in any manner (e.g., oral, electronic, fax, etc.), are to be referred to the Director of Administrative Services who is designated as the MHR SB Record Custodian (RC). In the absence of the RC, requests should be forwarded to a member of the Executive Team (i.e., Vice Presidents).
 - b. No employee shall respond to a public records request on behalf of the MHR SB unless in the company of or after consultation with the RC.
 - c. Employees should respond to business requests for information according to the standards of professional responsibility and confidentiality.

E. Duties of Record Custodian

1. Provide prompt inspection of public records and/or provide copies of requested records in a reasonable period of time, taking into account the volume of records requested; the proximity of the record location; and the necessity for legal review of the requested records.
2. Manage the organization and maintenance of MHR SB records so that they are readily available for inspection and copying.
3. Maintain the MHR SB's record retention schedule and make it available to the public.
4. Review each request following the procedure in Section E of this policy.
5. Notify any contractual service provider when a public record has been released that will affect the contractual service provider.

F. Review of a Public Records Request

1. The RC will establish whether information requested from the MHR SB is subject to public access by:
 - a. Determining if the information meets the definition of public record
 - b. Examining appropriate regulations to ascertain if the information is exempt under the terms of the Public Records Act (ORC §149.43) or other specific state or federal statutes.
2. If it is determined that the record is subject to public access, the Record Custodian will further evaluate the request to determine:

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- a. Whether any redactions are necessary to conceal or delete information that is exempt from a record (e.g., social security number, medical information, etc.)
 - b. Whether the request is overly broad or too ambiguous to reasonably identify the actual record(s) that is being requested
 - c. The reasonable amount of time necessary to promptly prepare and make available the record of inspection during regular business hours
 - d. The reasonable amount of time necessary to make copies available, if requested, and the choice of medium (e.g., paper, fax, audiotape, etc.) upon which the record can be duplicated.
3. If the RC has determined that the request should be denied, the RC will provide a written explanation (Form PR04) to the requestor citing the legal authority for the denial.

G. Receiving a Public Record Request

1. While it is not required that public records requests be submitted in writing, requestors are encouraged to submit the requests in writing (using Form PR01), in an effort to prevent any misunderstanding as to the records the requestor is seeking.
 - a. Individuals requesting a public record cannot be forced to provide identification or a reason for the request and cannot be charged for time and labor spent fulfilling the request.
 - b. The RC will notify the requestor if a written request, requestor identity, and/or the intended use of information would benefit the requestor by enhancing the ability of the RC to identify, locate, or deliver the public record(s) sought.
 - c. If a requestor makes an overly broad request or has difficulty in specifying the request, the RC will provide the requestor with reasonable assistance to facilitate the request (e.g., providing a copy of the retention schedule and policy and allowing an opportunity to revise the request).
2. The charge for copies of public records is as follows (as a cost saving measure, copies will be double-sided, unless requested otherwise):
 - a. First twenty-five (25) pages at no charge.
 - b. All pages thereafter, five cents (\$.05) per page (double-sided is counted as 1 page).
 - c. Computer files downloaded to a compact disc will be charged at \$1.00 per disc.
 - d. Duplication costs for other media will be determined at the time of the request.
 - e. There will be no charge for documents that are e-mailed.
 - f. There will be no charge when records are inspected on site.

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- g. If the records are requested to be mailed, the cost of U.S. postage and other mailing supplies beyond a standard envelope will be charged.
- 3. Payment shall be made in the following manner
 - a. All charges for copies, plus any postage and delivery charges, will be compiled on an invoice (Form PR02).
 - b. Payment for the cost of the copies will be requested in advance.
 - c. Payment may be made by cash or a check payable to the Hamilton County Treasurer.
 - d. Requestor shall receive a receipt for all cash payments.