

Defiance County Public Records Policy
Records and Document Management
Policies and Procedures

Defiance County
500 Court St.
Defiance, Ohio 43512

September 26, 2007

WHEREAS, the policy is as follows:

It is the policy of Defiance County that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Defiance County to strictly adhere to the state's Public Records Act. All exemptions to openness 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. If the request is in writing, the explanation must also be in writing.

Defiance County acknowledges that it maintains many documents and records that may be subject to inspection and/or reproduction. In accordance with state law and the Defiance County Records Commission, the County has adopted Schedules of Records Retention and Disposition (Form RC-2). These schedules list the records that are stored on a fixed medium that are created, received, or sent under the jurisdiction of this office and which documents the organization, functions, policies, decisions, procedures, operations, or other activities of this office. The records and documents maintained by Defiance County and the ability to access them are a means to provide trust between the citizens we serve and Defiance County.

The Department Heads or their designee shall serve as the custodian of the office's respective records.

The period of time which Defiance County stores or maintains records was determined by assessing the administrative, legal, fiscal, and/or historical value of the records and by reviewing the guidelines published by the Ohio Historical Society - Local Government Records Program.

Procedure:

- I. Definitions
 - A. "Records" (As used in Section 149.011(G) of the Ohio Revised Code): includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to

document the organization, function, policies, decisions, procedures, operations, or other activities of the office. All records of the office are public unless they are specifically exempt from disclosure under the Ohio Revised Code. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

- B. As used in section 1347.01 of the Revised Code:
1. "Local Agency" means any municipal corporation, school district, special purpose district, or township of the state or any elected officer or board, bureau, commission, department, division, institution, or instrumentality of a county.
 2. "Maintains" means state or local agency ownership of, control over, responsibility for, or accounting for systems and includes, but is not limited to, state or local agency depositing or information with a data processing center for storage, processing, or dissemination. An agency "maintains" all systems of records that are required by law to be kept by the agency.
 3. "Personal information" means any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, name, identifying number, symbol, or other identifier assigned to a person.

II. Fees

- A. Reproduction and copying fees associated with these guidelines shall be as follows:
1. For copies of either letter or legal size documents, the fees shall be as follows:
 - a. A single sided copy is ten cents per page (\$.10).
 - b. A double-sided copy is twenty cents per page (\$.20).
 - c. Agencies of elected officials may set different fees for specified documents that are issued by those offices.
 2. Facsimile transmissions:
 - a. Local fax number – cost is twenty-five cents per page (\$.25)
 - b. Long distance fax number – the cost is a \$ 2.00 transmission fee plus twenty-five cents per page (\$.25) for the first ten pages.
 - c. Long distance transmissions over ten pages will be charged the cost of the phone call in addition to the above fees.
 3. Certified Copies:
 - a. The cost to certify a page is \$ 1.00 plus the cost of the photocopy.
 - b. Certified Copies of Marriage Records are \$ 3.00 for each record.
 - c. Certified Copies of Birth and Death Records occurring prior to

- 1908 and registered with the Probate Court are \$ 9.00 each.
- d. Agencies of elected officials may set different fees for specified documents that are issued by those offices.
 4. For video or cassette tapes, the fee shall be the replacement cost for the tapes and/or the reproduction (copying) cost for the tapes. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy. If the County agency creates the copy, a reproduction fee will not be charged.
 5. For any other type of media, the fee shall be the replacement or reproduction cost for that particular media.
 6. The elected county officials set the established fee associated with providing copies or reproductions of public records maintained by their offices.
 7. Established costs/fees under this policy shall be clearly posted and visible to the public.
- B. Research Fees
1. Record requests that do not contain a specific citation will be considered a research request. A specific citation includes the Full Name/Title documented by the record, a Year or Date, and the County Department in which the record originated.
 2. State law does not require the County to conduct research. Therefore, each County Department/Office/Agency reserves the right to decide if, or when, County employees will conduct research.
 3. If the office chooses to conduct research, fees will be charged along with the cost of copies and postage when applicable. This fee includes one hour of research, each additional hour of research will cost ten (\$10.00) dollars an hour. Requestors are to specify the maximum research time desired.

III. Availability

- A. All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours, except for published holidays.
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.
 2. Each request shall be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately if feasible to do so.
 3. All requests should be satisfied or be acknowledged in writing by the public office within three business days following the office's receipt of the request.
 4. If the request is significantly beyond "routine," such as a voluminous number of copies or requiring extensive research, the acknowledgment should include: an estimated number of business days it will take to

satisfy the request; an estimated cost for copies; any items within the request that may be exempt from disclosure.

- B. Public record inspection requests for Defiance County shall be directed to the appropriate County office. Regular business hours for this office are 8:30 am to 4:30 pm, Monday through Friday.
- C. A person requesting copies of records must pay in advance for the cost of copies, supplies, and postage in accordance with the fee schedule in effect at the time of the request.
- D. Requestors may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies in addition to any fees for copies. These costs must be paid in advance.
- E. Records Request forms are to be used, when possible, to assist in fulfilling public records requests, however, written requests that disclose the requestor's identity or intended use of the records are not mandatory and the request cannot be denied if this information is not provided.
- F. An office must be willing to work with the public to narrow down broad requests and identify the ways in which records are kept and accessed to assist in refining requests.
- G. Requests for records or documents, which are NOT maintained.
 - 1. If a county agency receives a request for a record or document that it does not maintain, the requester will be informed:
 - a. Their request involves records that have never been maintained by the office, or
 - b. The request involves records that were destroyed according to the Schedule of Records Retention.
 - c. Current retention schedules must be made readily available anywhere the public can make a request.
 - 2. The requestor will be notified that (according to the Ohio Revised Code, section 149.40) the county office is under no obligation to create records or documents to meet public record requests.
- H. Grievances
 - 1. If a citizen is aggrieved by the failure to obtain or view a public record, they may:
 - a. Contact the person responsible for the records or
 - b. Contact the Department Supervisor, or designated person or Elected Official.
 - c. File a mandamus action.

IV. Exempted and/or restricted information

- A. In accordance with the Federal Privacy Act, and further addressed in state court cases, **no public record shall be released which contains a Federal Social Security number, public records containing Federal Social Security numbers will have that information redacted prior to release.**
- B. Records will not be subject to public inspection if the release of which is prohibited by either State or Federal law. More information can be found in

the current publication of the Ohio Sunshine Laws Handbook published by the Ohio Attorney General's Office.

V. Redacting/Exempting Records Procedure

- A. After viewing the requested record and determining that it contains non-releasable information, the releasing Employee shall make a copy of all pages (as requested) containing the excluded information.
 - 1. Redaction means obscuring or deleting any information that is exempt from public view
 - 2. The Requestor must be notified of the type of information that was redacted and the redaction must be made plainly visible.
- B. The releasing Employee will then neatly cross out the restricted information with a black marker.
- C. The releasing Employee will then make a copy of the marked page, releasing the copy to the requester.

VI. Public Records Policy Distribution and Training

- A. This policy must be distributed to the records custodian and any other employee handling public records requests in each office, who must then acknowledge receipt of policy.
- B. A poster highlighting the public records policy must be placed conspicuously in all public offices where records can be requested
- C. This policy will be included in the handbook of general policies and may be posted to the county's internet site.
- D. Each elected official or their designee will be required to have 3 hours of training per elected term, as provided by the Attorney General's Office or other certified training programs.
- E. Defiance County Employees handling public records requests should refer to their department head, elected official, or Prosecuting Attorney's office for clarification of laws or policies governing public records requests.

Acknowledgment of Receipt of Public Records Policy
Defiance County, Ohio

I, _____, (print name) Public Records
Custodian and employee for the office of _____
in Defiance County, Ohio, do hereby acknowledge that I have read and received
a copy of the Defiance County public records policy.

Date: _____

Signature: _____

Title: _____

Office: _____