

**POLICY 800
PUBLIC RECORDS POLICY**

TABLE OF CONTENTS

800 PUBLIC RECORDS, ACCESS, AND RETENTION POLICY.....2

801 PUBLIC RECORDS POLICY2

 Section 1. Public Records.....2

 Section 2. Record Requests3

 Section 3. Costs for Public Records.....4

 Section 4. E-mail.....5

 Section 5. Disclaimer5

802 RECORDS ACCESS6

803 RECORDS RETENTION AND DESTRUCTION7

800 PUBLIC RECORDS, ACCESS, AND RETENTION POLICY

801 PUBLIC RECORDS POLICY

Pursuant to Section 149.43 of the Ohio Revised Code, the Clermont County Board of Developmental Disabilities hereby adopts this public records policy. It is the policy of the County Board that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the County Board to adhere to the state's Public Records Act.

Section 1. Public records

In accordance with the Ohio Revised Code, the County Board defines public 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 County Board, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the County Board. Records regarding individuals served by the County Board and other medical records are not public records and will be disclosed only in accordance with state and federal law.

Section 1.1

It is the policy of the County 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 this policy will be reviewed by the Board annually. A poster describing the policy is posted prominently at the County Board's administration office.

Section 2. Record requests

Section 2.1

A requester must at least identify the records requested with sufficient clarity to allow the County Board to identify, retrieve, and review the records. If it is not clear what records are being sought, the County 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 County Board and accessed in the ordinary course of the County Board's business.

Section 2.2

The County 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 County Board to identify, locate, or deliver the public records sought by the requester.

Section 2.3

Public records will be available for inspection during regular business hours, with the exception of published holidays. The County Board's regular business hours are 8:00 a.m. to 4:00 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.

Section 2.4

The Ohio Revised Code contains certain exemptions from disclosure. With respect to each request, the County 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 County 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.

Section 3. Costs for Public Records

Those seeking public records will be charged the following costs:

Section 3.1

The charge for paper copies is \$.15 per page.

Section 3.2

The charge for downloaded computer files to a flash drive is \$10.00 per flash drive.

Section 3.3

There is no charge for electronic documents e-mailed unless they must first be printed/copied and scanned. That charge will be \$.15 per page.

Section 3.4

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4. 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 County Board. E-mail is to be treated in the same fashion as records in other formats and will follow the same retention schedules.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the County Board are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) according to the retention schedules and to copy them to their business e-mail accounts and/or to the County Board's records custodian.

Section 4.2

The records custodian will treat the e-mails from private accounts as records of the public office, will see that they are filed in the appropriate way, retained pursuant to established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Section 5. Disclaimer

Notwithstanding the existence of this policy, the County 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 County Board retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.

802 RECORDS ACCESS

The official records and files of the Clermont County Board of Developmental Disabilities will be maintained in the Administrative Office of the Board, or at a location so designated, under the supervision of the Superintendent. They will be kept in locking cabinets, containers, or offices. Included among these are financial records, Board and committee proceedings, employee personnel files, correspondence, and other records as deemed necessary by the Board and Superintendent.

These records will be kept for the time specified by the Ohio Revised Code, the Ohio State Historical Society, and the Clermont County Records Commission. Any information to be destroyed shall be done using procedures specified in Policy 2400.01.04 Confidentiality Safeguards (Oral & Written) for paper records, and as specified in Policy 2500.1.10 Devise and Media Disposal and Re-Use for electronic records. A record retention schedule will be maintained at the superintendent's office.

The public will have access to information as outlined by the Ohio Revised Code, Federal Regulations, and the policies of the Clermont County Board of Developmental Disabilities. Records and reports related to the Clermont County Board of Developmental Disabilities' program shall be submitted as requested by the Ohio Department of Developmental Disabilities, the Ohio Department of Education, or federal or state government.

803 RECORDS RETENTION AND DESTRUCTION

In accordance with Section 149.38 of the Ohio Revised Code a Schedule of Retention and Destruction for records will be established. No records shall be retained, transferred, destroyed, or otherwise disposed of in violation of the Schedule of the Record Retention and Destruction. The schedule shall be effective on the date approved by the County Records Commission. Records will be destroyed in the time specified by the schedule, by shredding or deletion of electronic files. A Record Retention Schedule will be maintained in the superintendent's office.