

## **MUSKINGUM COUNTY PUBLIC RECORDS POLICY**

Muskingum County believes openness and transparency leads to a better informed public, better government, and better public policy. This document is in compliance with Ohio's Public Records Act and is the public records policy for the Muskingum County Board of Commissioners and all departments under Commissioners' authority. Muskingum County departments and agencies not under the authority of the Muskingum County Board of Commissioners may elect to adopt this policy.

### **DEFINING PUBLIC RECORDS**

A "record" is a document in any format that documents the organization, function, policy, decision, procedure, operation or other activity of the office.

A "public record" is a "record" that is being kept by a public office at the time a public records request is made. Some records are exempt from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

### **RESPONSE TIMEFRAME**

Public records are to be available for prompt inspection during regular business hours. Copies of public records must be made available

within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

## **HANDLING REQUESTS**

The requestor should contact the department directly responsible for the creation of the information requested. If necessary, staff will assist with identifying the appropriate department(s).

No specific language is required to make a request for public records. However, the requester must at least identify the record requested with reasonable clarity to allow the public office to identify, retrieve, and review the record.

The request should not be overly broad or vague. If additional information is needed because the request is ambiguous, the requester will be advised that the request needs clarification, and opportunity for revision will be given.

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(s).

However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, if the additional information would benefit the requestor by

enhancing the office's ability to identify, locate, or deliver the public records that have been requested. (Prior to asking for the additional information, the requester must be told that a written request is not required and he/she may decline to provide the additional informational.)

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features.

An office employee may accompany the requester during inspection to make certain original records are not taken or altered.

## **ELECTRONIC RECORDS**

Public records in the form of e-mail, text messaging and instant messaging, including those sent and received via a hand-held communications device, 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 public office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

## **DENIAL AND REDACTION OF RECORDS**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then 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.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority for the denial(s). 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 must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

## **COPYING AND MAILING COSTS**

Unless a different fee is required by law, only the actual cost of making copies, not labor, will be charged. The requestor will be required to pay in advance. Each county office has determined the actual cost of creating copies in that office. The requester may choose to have the record duplicated on paper, on the same medium on which the public

record is kept, or 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, only the actual cost of the postage and mailing supplies or other method of delivery will be charged.

## **MANAGING RECORDS**

Public records created by Muskingum County offices are subject to records retention schedules. The current schedules are available to the public as required by Ohio Revised Code §149.43{B}(2). A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website ([www.ohioattorneygeneral.gov/YellowBook](http://www.ohioattorneygeneral.gov/YellowBook)) Muskingum County strives to keep its employees and the public educated as to the County's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and Personal Information Systems Act.

## **GRIEVANCES**

Any person with a grievance regarding compliance with the Public Records Policy may contact the appointing authority and/or review remedies listed in the Ohio Revised Code 149.43.