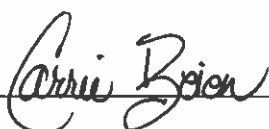


PUBLIC RECORDS POLICY

The purpose of the Public Records Policy is to provide openness that leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Erie County Board of Developmental Disabilities (ECBDD) 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.

The Superintendent shall establish, revise and keep current the procedures to be utilized in the implementation of this policy. The Superintendent/designee shall ensure compliance with these procedures. All revisions or changes will be shared with Board Members when made.

Superintendent Signature:  Date: 9/17/26

Implemented: 9/20/07

Board Member Approval: 9/20/07, 5/21/20, 7/18/24, 9/17/26

Revised: 5/21/20, 7/18/24, 9/17/26

Reviewed: 5/21/20, 7/18/24, 9/17/26

Cross Reference: Ohio Revised Code 109.43; 149.43; 149.433, Record Retention Schedule, Public Records Policy Poster

**ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES
PUBLIC RECORDS PROCEDURE**

I. PUBLIC RECORDS

- A. The ECBDD, in accordance with the Ohio Revised Code 149.43, defines records as including the following: Any document – 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 ECBDD that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the ECBDD.
- B. A “public record” is a record that is kept by ECBDD at the time the request is made, unless exempt from disclosure by State or federal law.
- C. It is the policy of the ECBDD that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying.

II. RECORD REQUESTS

Each request for public records should be evaluated for a response using the following guidelines:

- A. Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the ECBDD to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification and should assist the requestor in revising the request by informing the requestor of the manner in which the ECBDD keeps its records. In processing a request, the office is not required to create a new record or perform research. An electronic record is deemed to exist if the office's existing systems can produce it through standard sorting, filtering, or querying functions.
- B. The ECBDD may ask for a written request, the requester's identity, or the intended use of the information only if doing so would benefit the requester by enhancing the office's ability to identify, locate, or deliver the requested records, and only after informing the requester that such information is not required and may be declined. The individual may be asked to provide contact information if the records are not readily available.
- C. Records in the form of email, text messages, instant messages, and similar electronic communications shall be treated the same as records in other formats.
- D. 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. 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; and the necessity for any legal or other review of the records requested to ensure protected information is not released.

It is the goal of ECBDD that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three (3) business days following the ECBDD's receipt of the request. If a request is deemed significantly beyond “routine,” such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

- 1. An estimated number of business days it will take to satisfy the request.
- 2. An estimated cost if copies are requested.

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3. Identification of any items responsive to the request that may be exempt from disclosure.
- E. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty (20) pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows. (If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.)
- F. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. ECBDD shall notify the requester 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. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.
- G. A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

III. COSTS FOR PUBLIC RECORDS

- A. Those seeking public records will be charged only the actual cost of producing records. The term "actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.
- B. The charge for paper copies is:
 - i. \$0.15 per page for black and white;
 - ii. \$0.25 per page for color.
- C. The charge for downloaded computer files to a USB drive will be the cost of the USB drive. There is no charge for documents e-mailed.
- D. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- E. A requester may be required to pay in advance for the actual cost involved in providing the record(s) in accordance with the choice made by the requester. The requester may choose whether to have the record duplicated upon paper, upon the same medium on 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. The ECBDD shall provide a copy of a public record in accordance with the choice made by the requester. Nothing in the law requires the ECBDD to allow the requester to make the copies of the public record themselves.

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IV. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The ECBDD recognizes that failure to properly respond to a public records request may have both legal and non-legal consequences. Failure to respond may result in distrust in government agencies or it may result in a court order of the ECBDD to comply with the law and to pay the requestor's attorney fees.

V. MANAGING RECORDS

The ECBDD records are subject to records retention schedules. The ECBDD current schedules are available at 4405 Galloway Rd, Sandusky, Ohio, a location readily available to the public as required by Ohio Revised Code 149.43(B)(2).

VI. POLICY ADMINISTRATION

- A. The Superintendent, or designee, shall ensure that a poster describing the ECBDD Public Records Policy is created and posted in a conspicuous place at ECBDD. The poster may also be posted on the ECBDD website.
- B. The Superintendent, or designee, shall attend training approved by the attorney general in accordance with ORC 109.43 when first assuming the position of Superintendent.