

HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

PUBLIC RECORDS POLICY

Introduction:

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

Section 1. Public records

In accordance with Section 149.43 of the Ohio Revised Code, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES defines 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES.

Records regarding individuals with developmental disabilities who are eligible for services from or who are served by the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 posted prominently at the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES' administration office and other facilities.

Section 2. Record requests

Section 2.1

A requester must at least identify the records requested with sufficient clarity to allow the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES to identify, retrieve, and review the records. If it is not clear what records are being sought, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES and accessed in the ordinary course of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES' business.

Section 2.2

The HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES's regular business hours are 8:00 a.m. to 5:00 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

Section 149.43 of the Ohio Revised Code contains certain exemptions from disclosure. With respect to each request, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 Section 149.43 of 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 only the actual cost of making copies.

Section 3.1 The charge for paper copies is \$.08 cents per page and \$.50 cents per page if the copies are larger than 8 ½ x 11.

Section 3.2 The charge for downloaded computer files to a compact disc is \$1.00 per disc.

Section 3.3 There is no charge for documents e-mailed.

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 Section 149.43 of the Ohio Revised Code when their content relates to the business of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES. 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES's records custodian.

Section 4.2 – The records custodian will treat the e-mails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

Section 5. DISCLAIMER

Notwithstanding the existence of this policy, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 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 HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.

Policy Adopted by the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Initial Date: 09/20/2007

Revised: 01/21/2016

Holmes County Board of Developmental Disabilities

Public Records Act Policy and Procedures

The purpose of this policy is to ensure that all public records requests are handled in a timely and uniform manner at the Holmes County Board of Developmental Disabilities ("HCBDD").

WHAT IS A PUBLIC RECORD?

A public record is any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of any public office of the state, which serves to document the organization, functions, policies, decisions, procedures, operations, and other activities of HCBDD.

PROCEDURES FOR HANDLING A PUBLIC RECORDS REQUEST:

1. HCBDD will respond to public records requests whether the request is written or verbal. Each office will have a copy of its current retention schedule available.
2. HCBDD will acknowledge receipt of the request verbally or in writing. You may be asked to put your request in writing, however, if you decline, HCBDD must honor your verbal request.
3. If an HCBDD employee believes it would help ensure the accuracy of the HCBDD's response, you may be asked for identification and the intended use of the information you request but you are not obligated to give this information.
4. If a request is ambiguous or overly broad, HCBDD will give you an opportunity to revise the request and explain how the records are maintained and accessed at HCBDD.
5. If the requested record contains information that is exempt (as listed below), HCBDD will make available the portion of the record that is not exempt and clearly redact the exempt portion of the record.
6. If a request is denied in whole or in part (by redaction), HCBDD shall provide you with an explanation of the denial, which includes the legal authority for the denial. If the original request was in writing, the explanation of the denial will also be in writing.
7. Documents will be promptly prepared and made available for inspection. If you want copies of the documents, HCBDD may respond by electronic mail or other means if you have no objection. If you want hard copies, the standard charge is 8 cents per page. HCBDD may charge 50 cents per page if the copies are larger than 8½ X 11. Postage may be included in the charges. The copying fee may be waived for requests under 10 pages. HCBDD may require prepayment of the cost involved in providing the copy of the public record.
8. You are permitted to choose to have the public record copied on paper or upon any other medium in which it can reasonably be duplicated.
9. HCBDD must respond to public records requests within a reasonable amount of time. What is a reasonable amount of time depends upon such factors as the extent of the request and physical location of the documents.

EXEMPTIONS FROM THE PUBLIC RECORDS ACT:

The following are examples of records exempt from disclosure under the public records act:

1. Cost estimates of projects until all bids have been received, R.C. 5525.15.
2. Information relative to bidder qualifications, R.C. 5525.04.
3. Sealed bids for construction projects, R.C. 5525.10.
4. Trade secrets, R.C. 1333.61(D).
6. Employee medical records, R.C. 149.43 (A).
7. Social Security numbers, R.C. 149.43 (A).
8. Certain selection devices used in making hiring and promotional decisions, R.C. 124.09(B).
9. Certain communications between HCBDD employees and an attorney within the General, or special counsel appointed by the Attorney General, R.C. 149.43(A).
10. Files on current administrative investigations, R.C.149.43(A)(2).
11. Home addresses and home telephone numbers of state employees per State ex rel. Dispatch Printing Co. v. Johnson (2005), 106 Ohio St.3d 160.
12. Any records created or maintained by HCBDD for security purposes and infrastructure records that disclose the configuration of the HCBDD's critical systems, including but not limited to, communication, computer, electrical, mechanical, ventilation, water, plumbing systems or security codes. This does not mean a simple floor plan that discloses the physical location of the components of the office, R.C. 149.433.