

STARK COUNTY CORONER'S OFFICE PUBLIC RECORDS REQUEST POLICY MISSION STATEMENT

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of Stark County Coroner's Office to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

DEFINING PUBLIC RECORDS

A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of Stark County Coroner's Office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions 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. *See R.C. 313.10.*

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours. 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" taking 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. It is the goal of Stark County Coroner's Office that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request. *See R.C. 149.43.*

HANDLING REQUESTS

The requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. Generally, all records of a coroner's office are public records subject to inspection by the public. A coroner's office may provide copies to a requester upon a written request and payment by the requester of a statutory fee. However, the following are not public records: preliminary autopsy and investigative notes and findings; photographs of a decedent made by the coroner's office; suicide notes; medical and psychiatric records of the decedent provided to the coroner; records of a deceased individual that are part of a confidential law enforcement investigatory record; and laboratory reports generated from analysis of physical evidence by the coroner's laboratory that is discoverable under Ohio Criminal Rule 16. The following three classes of requesters may request some or all of the records that are otherwise exempted from disclosure: 1) next of kin of the decedent or the representative of the decedent's estate (copy of full records), 2) journalists (limited right to inspect), and 3) insurers (copy of full records). The coroner may notify the decedent's next of kin if a journalist or insurer has made a request. 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. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances. In processing a request for inspection of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered. 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.

ELECTRONIC RECORDS

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 this 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

Those seeking public records may be charged only the statutory cost of record retrieval and a minimum of one dollar. *See R.C. 313.10.* The charge for paper copies is 25 cents per page. The charge for electronic files downloaded to a compact disc is the actual cost per disc. A requester may be required to pay in advance for the actual costs involved in providing the copy. 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. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery.

MANAGING RECORDS

The Stark County Coroner's records are subject to records retention schedules. The office's current schedules are available at central records office, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).