PUBLIC RECORDS POLICY

It is the policy and intention of the Stark County Regional Planning Commission (hereinafter "SCRPC") to fully comply with the provisions of the Ohio Revised Code that provides the general public with the ability to review and/or obtain copies of public records maintained by the SCRPC. As public servants, we hold the public records in trust for the public. As public servants, we also must be diligent so we do not inadvertently release "records" which do not fit the definition of "public records" or fall under one of the exceptions set forth in the Ohio Revised Code, or fall under the purview of federally-protected information. To balance these competing interests, the following policy is established.

A. A copy of the Ohio Public Records Act (Ohio Revised Code Section 149.43) will be distributed to employees with this policy and updated when necessary. Those provisions that are of particular importance to this Office and its employees will be reinforced herein.

B. "**Public records" as defined are "records kept by any public office…"** Kept by a public office has been further defined as the type of item/record typically and actually retained by the office in the ordinary course of its business in order to carry out its duties and functions.

The definition of a public record can be further refined as the statute requires records only be created that "are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the office". Those records so generated are "public records," unless they fall into a specific exclusion.

C. **Exclusion as a public record.** The following is a list of records that are or may be generated and/or kept by the SCRPC (not all exclusions are listed, just those that pertain to this office) that are excluded from the definition of public records and are not to be released (viewed or copied) by/for the general public.

1. Medical Records as defined by ORC 149.43(A)(1)(a) and by federal regulations.
2. Trial preparation records as defined by ORC 149.43(A)(1)(a).
3. Confidential law enforcement investigatory records as defined by ORC Section 149.43(A)(1)(a).
4. Mediation records as set forth in Ohio Revised Code Section 2710.03.
5. The release of records which is prohibited by state or federal law.
6. Employee home addresses will not be disclosed as a rule and only in exceptions be treated as public records.
7. Employee social security numbers.
8. Security and Infrastructure records.

D. **Inspection of public records:** Requests to inspect public records will be responded to promptly. Promptly means without delay and with reasonable speed, given the facts and circumstances of the request. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of location where the records are stored; and the necessity for any legal review and redaction of the records requested.

1. Persons will not be charged to inspect public records.

2. Requests must be made/accommodated during normal business hours.
3. If there is a question regarding whether the records requested to be viewed are public records, the request will be referred to the designated "Public Records Officer." They will follow up immediately.
4. An employee of the SCRPC must be present/accompany the person inspecting public record(s) during inspection to ensure that original records are not taken or altered.

E. **Copies of public records:** Copies of public records will be provided in a reasonable amount of time. Reasonable means a period of time that is judged within the context of the facts and circumstances for each individual request.

1. The person requesting a copy or copies of public records has the choice of medium on which to have the public record duplicated, provided the record(s) is available on that medium as an integral part of the operations of the SCRPC or the original is kept on that medium. The person may choose to have the public record(s) duplicated:
   a. on paper
   b. upon the same medium upon which the public record(s) is (are) kept
   c. upon another medium which the SCRPC can reasonably duplicate the public record(s) as an integral part of normal operations.
   d. Schedule of Fees: See attached Fee Schedule
2. Requests by mail will be charged the actual cost of mailing as well as the copying cost.
3. The employee time in assembling and/or copying the public records shall not be charged.
4. The person requesting copies may choose the medium (paper, CD, etc.) provided the public records may be reproduced in that manner.
5. For any public records request that is estimated to exceed $5.00, including mailing fees if applicable, the person requesting copies will be required to pay in advance the estimated cost of copying/reproducing the public record(s). (See Item 3)

F. **"Public Records Officers":** A person wanting to make a public records request may contact a public record officer listed below or by mail at SCRPC, 110 Central Plaza S Suite 300, Canton, Ohio 44702.

Robert Nau	John Anthony	Jennifer Bayer
Executive Director	Staff Attorney	Executive Assistant
(330) 451-7488	(330) 451-7404	(330) 451-7934
ranau@starkcountyohio.go v	jfanthony@starkcountyohio.go v	jlbayer@starkcountyohio.go v

G. **Particularity of a Public Records Request:** The request to inspect and/or copy public records must be specific and describe the public records sought in enough detail and clarity so that the records can be identified, retrieved, and/or inspected.

So long as the request identifies with enough particularity the public record(s) being sought, the request should be immediately processed and/or forwarded to the appropriate section of the SCRPC that has custody of the records.

In the event that the request fails to identify the public records sought in enough detail and clarity so that the records can be identified, retrieved, and/or inspected, the request may be denied and the requester may be asked to restate their request.

In the event that a request is denied for failure to be specific enough and/or describe the public records sought in enough detail and clarity so that the records can be identified, retrieved, and/or inspected, the SCRPC SHALL assist the requester by informing them as to the types of records maintained by this office, the manner they are compiled and stored, and the manner in which they may be accessed.

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the SCRPC or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the SCRPC or the person responsible for the requested public record may deny the request by informing the requester of the manner in which records are maintained by the SCRPC and accessed in the ordinary course of this office's or person's duties.

The person (person includes corporations, individuals, and other governmental agencies) requesting to inspect and/or copy the public records.

1. Does **NOT** have to provide their name
2. Does **NOT** have to provide a reason for inspecting and/or copying the public records
3. Does **NOT** have to make the request in writing – the request can be in writing or verbal
4. May designate another person to inspect or retrieve the copies
5. Does **NOT** have to reveal a motive (motive is not relevant)
6. Is **NOT** required to be an Ohio resident

H. **Denial or Redaction of Records.** Any denial of public records requested must include an explanation, including legal authority. 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 released. When making public records available for public inspection or copying, the office shall notify the requestor 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.

I. **Existence of Records.** The SCRPC is not required or obligated to create new records or perform new analysis of existing information to respond to a public records request. An electronic record will be deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, and querying.

J. **E-mails.** Records in the form of e-mail 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 email records and other electronic records in accordance with RPC's records retention schedule.

1. Personal correspondence (including, but not limited to, "let's do lunch" or "can I get a ride home") are not public records and can/should be deleted.

2. Broadcast e-mail from outside sources, such as spam or list serve messages, are not public records and can/should be deleted.

The SCRPC recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the SCRPC's failure to comply with a request may result in a Court ordering the SCRPC to comply with the law and to pay the requester attorney's fees and damages.

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Robert Nau Date
Executive Director

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David Thorley Date
SCRPC President