

# **PUBLIC RECORDS POLICY**

This Public Records Policy is adopted by the Coshocton-Fairfield-Licking-Perry Solid Waste Management District (“District”) in accordance with Ohio Revised Code Chapter 149. It shall be communicated to all employees and representatives of the District and posted within the District Office.

## **MISSION STATEMENT**

It is the policy of the District that openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the District to fully comply with and abide by Ohio’s Public Records Act and Open Meetings Act.

## **DEFINING PUBLIC RECORDS**

All records of the District are public unless they are specifically exempt from disclosure under the Ohio Revised Code, or are confidential attorney-client work product or communications. All records must be organized and maintained so that they are readily available for inspection and copying.

Public records are defined to include the following: Any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by, or comes under the jurisdiction of the District that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the District.

The District shall make only such records as are necessary to document the organization, functions, policies, decisions, procedures, and essential transactions of the District and to protect the legal and financial rights of the District and persons directly affected.

Documents in electronic mail format are public records when their content relates to the business of the District. E-mail communication is to be treated in the same fashion as records in other formats.

## **CONFIDENTIAL AND PRIVILEGED RECORDS**

Any record that is deemed to be a confidential communication between an attorney and client or created in preparation for trial shall be clearly marked at the top of the first page and at the bottom of each following page with a notation indicating that the record is either a “Confidential Attorney-Client Communication” or “Confidential Attorney Work Product.” If the record is in e-mail format, the notation should be included in the “subject” field.

All civil investigatory records and criminal law enforcement records shall be prominently marked with a “Confidential” notation.

## **DISPOSAL OF OR DAMAGE TO RECORDS**

All records are the property of the District and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under any policy or retention schedule adopted by the District. The Records Retention Schedule shall be updated regularly and made readily available to the public.

### **REQUESTS FOR PUBLIC RECORDS**

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 office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office must ask the requester for clarification, and shall assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

The requester is not required to put a records request in writing, or provide his or her identity or the intended use of the requested public record. If the requester does not desire to provide his or her identity, then the District will assign the requester a public records request number, which the District will use to track communications with the requester.

The District may not limit the number of public records that it will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight (8) hours.

In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. The District is not required to do research for a requester when the requester can inspect the records himself/herself.

The District is not required to allow a requester seeking copies of public records to make his/her own copies of the requested records. This measure is to protect the integrity of the original document.

### **RESPONSE TIMEFRAME**

Public records are to be available for inspection during regular business hours, with the exception of published holidays, weekends, or other days the District's office is closed. 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 review of the records requested.

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. If fewer than 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.

All requests for public records must either be satisfied or be acknowledged in writing within three business days following the District's receipt of the request.

### **DENIAL OF A REQUEST**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must 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.

Any denial of public records requested must include an explanation, including legal authority, setting forth why the request was denied. If the initial request was made in writing, the explanation must also be in writing.

### **REDACTION OF A REQUEST**

"Redaction" means obscuring or deleting information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "Record" pursuant to Revised Code Section 149.011.

If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the remainder of the record released. All redactions shall be plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

### **COPYING COSTS**

Those seeking public records may be charged only the actual cost of making copies, not labor:

- The charge for paper copies is 5 cents per page.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, or upon any other medium, which the District determines that it reasonably can be duplicated as an integral part of the normal operations of the office.

### **MEANS OF DELIVERY AND MAILING COSTS**

If a requester asks that documents be mailed to them, they will be charged the actual cost of the postage and mailing supplies, and the District may require the requester to pay in advance the cost of postage, delivery fees, and for supplies used for mailing and/or delivery of records. There is no charge for records e-mailed.