

Coshocton County

PUBLIC RECORDS POLICY

Coshocton County acknowledges that it maintains many records that are used in the administration and operation of Coshocton County. In accordance with state law and the Coshocton County Records Commission, Coshocton County has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records: These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of Coshocton County and document the organization, functions, policies, decisions, procedures, operations, or other activities of Coshocton County. (R.C. 149.011(G); R.C. 149.43(A) (1)). The records maintained by Coshocton County and the ability to access them are a means to provide trust between the public and Coshocton County.

I. Scope:

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
 - 1. Each record custodian has a copy of Coshocton County's public records policy. (R.C. 149:43(E)(2)).
- B. Coshocton County's public record policy, as well as, Coshocton County's Schedules of Records Retention and Disposition (RC-2) are located at every location in which the public may access Coshocton County's records.
- C. Coshocton County's public records policy is located in Coshocton County's policies and procedures manual.
- D. Coshocton County displays a poster which generally describes Coshocton County's public records policy at every location in which the public may access Coshocton County's records.

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III. Fees:

- A. Coshocton County, in accordance with Section 149.43 of the Revised Code, has established the following fees for providing copies or reproductions of public records maintained by Coshocton County:
1. For photocopies of either letter or legal size documents, the fees shall be [actual cost] per photocopy calculated from the first photocopy. Advance payment is required before any copies are prepared. Two sided photocopies shall be charged at a rate of [actual cost] per sheet.
 2. For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
 3. Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

IV. Availability

Inspection

- A. All public records maintained by Coshocton County shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the (public office's] current records retention schedule(s). (R.C. 149.43(B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request)). Regular business hours for Coshocton County are Monday through Friday (except holidays), from 8:00am to 4:00 pm.
- B. For the purpose Of enhancing the ability of Coshocton County to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, Coshocton County shall provide to the requester with a Coshocton County Records Request form for the requester to complete.
1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 2. Although Coshocton County may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requester shall be advised that:

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- a. The requests are not mandatory; and
 - b. The requestor's refusal to complete a Coshocton County Records Request form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
3. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by Coshocton County whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for Coshocton County for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by Coshocton County.
- D. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by Coshocton County, that may not be inspected or copied:
1. [Public Office's known records which are exempt from disclosure].

Public Records Requests

- A. Mailed Requests for Public Records:
1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, Coshocton County shall promptly respond to the request.
 2. An authorized employee of Coshocton County shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
 3. When practical, Coshocton County may forward copied records by any other means reasonably acceptable to the requestor.

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- a. If a person requests a copy of a public record, Coshocton County shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which Coshocton County maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of Coshocton County, or the responsible Coshocton County employee for the public record. (R.C. 149.43(B)(6)(7)).
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43(B)(6)).
4. In accordance with section 149.43(B)(7) of the Ohio Revised Code, Coshocton County limits the number of requested public records, to be transmitted through the U. S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
- a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
5. Authorized Coshocton County employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
- a. Coshocton County employees shall promptly process requests.
 - b. Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- B. Written or verbal requests for copies made by the public records requester or their designee shall be processed in the same manner as mailed requests.

Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by the [public office shall be processed in the following manner:
1. If Coshocton County receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing utilizing a Coshocton County Records Request form that one of the following applies:

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- a. Their request involves records that have never been maintained by Coshocton County;
- b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Coshocton County Schedules of Record Retention and Disposition (RC-2);
- c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
- d. If the record that is requested is not a record used or maintained by Coshocton County, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that Coshocton County is under no obligation to create records to meet public record requests.

B. Ambiguous or Overly Broad Request for Public Records

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that Coshocton County responsible for the requested public record cannot reasonably identify what public records are being requested:

1. Coshocton County may deny the request.
2. However, Coshocton County shall provide the requester with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by Coshocton County in the ordinary course of business. (R.C. 149.43(13)(2)).

C. Denial of a Record Maintained by Coshocton County

Coshocton County may deny request for a record maintained by Coshocton County if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of Coshocton County shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on the Coshocton County Records Request form if they are simply applying the statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for a denial.

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2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, Coshocton County shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - b. The explanation shall not preclude Coshocton County from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.
- D. Redacting Exempted Records/Procedure
1. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(11));
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
 - b. If a request is ultimately denied, in part or in whole, Coshocton County shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43 (B)(3)).
 2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, Coshocton County shall make available of the information within the public record that is not exempt.
 3. When making that public record available for public inspection or copying that public record, Coshocton County shall notify the requester of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
 4. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
 5. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

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Remedy

A. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 - a. Contact Coshocton County's senior representative.
 - b. If the person is not satisfied after contacting: Coshocton County's senior representative they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1)(2)).

V. Training and Education

The Coshocton County office continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).