



RICHFIELD JOINT RECREATION DISTRICT PUBLIC RECORDS POLICY

Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Richfield Joint Recreation District (the “RJR”) to at all times fully comply with and abide by both the spirit and the letter of Ohio’s Public Records Act. This Public Records Policy was adopted by the RJRD and shall become effective on its adoption.

Section 1. Public Records Custodian

All requests for public records must be directed to the authorized Public Records Custodians of the RJRD. Requests made in person must be done during regular business hours, defined herein as Noon to 4:00 p.m. weekdays, excluding Saturdays, Sundays, and legal holidays. All public record requests made in person shall adhere to this requirement even if the public office is operated on a twenty-four (24) hour basis.

The Public Records Custodians shall be those persons designated by the Board who is authorized to respond to or to fulfill any public records request in the various offices of the RJRD. Any public records request made to any other employee, officer or representative of the RJRD shall be directed to the proper Public Records Custodian. The Board may designate Acting Public Records Custodians to serve in the absence of the Public Records Custodians. **The RJRD Administrator is the Public Records Custodian.**

Section 2. Public records

For the purposes of this Policy, the terms “records” and “public records” shall have the meanings set forth in Ohio Revised Code Chapter 149, as amended from time to time. In keeping with the meaning set forth in Ohio Revised Code Chapter 149, 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 the RJRD 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.

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 or other electronic records in accordance with applicable records retention schedules.

The records of the RJRD will be organized and maintained so that they are readily available for inspection and copying. The RJRD's record retention schedule may be amended from time to time at the discretion of the Records Commission.

Section 3. Public Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 3.1 Identification of 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 public office to identify, retrieve, and review the records. The Public Records Custodian may deny a request if the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Public Records Custodian cannot reasonably identify what public records are being requested. However, in such cases, the Public Records Custodian will provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired.

Section 3.2 Form of Request

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record(s). It is this office's general policy that this information is not to be requested. However, the Public Records Custodian may ask that the request for public records be in writing, may ask for the requester's identity, and/or may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate, or deliver the public records sought and if the Public Records Custodian informs the requester that a written request, disclosure of identity and/or intended use is not mandatory.

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.

Section 3.3 Availability of Records

Public records will be made available for inspection only during regular business hours as defined in Section 1, above. 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 availability of the records requested and the necessity for any legal review of the records requested. Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

Section 3.3a Request to review public records

The requester may make a request to view public records to the Public Records Custodian, who shall prepare the public records for inspection “promptly,” as required by the Ohio Revised Code. The actual time required to comply with the request will depend on the volume of records requested, the availability of the records requested, and the need for legal review of the records requested. 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.

Section 3.3b Copies of public records

The requester may make a request to have copies of public records made to the Public Records Custodian. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the RJRD, or upon any other medium if the RJRD can reasonably duplicate it as an integral part of its normal operations.

Copies made on paper are 5¢ (five cents) per page. All copy charges must be paid in advance before copies are made. If the Public Records Custodian uses an outside copying service to make the copies (see the following paragraph), the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than paper will be “at cost,” without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian’s discretion. Under no circumstances will the requester be permitted to make the copies. The manner of making the copies is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by “reducing” copy size or otherwise, may be met at the discretion of the Public Records Custodian.

Copies will be made available by the Public Records Custodian “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the volume of records requested, the availability of the records requested, and the need for legal review of the records requested. It is the goal of the RJRD that all general and routine requests for public records shall be acknowledged in writing or, if feasible, satisfied within five (5) business days following the office’s receipt of the request.

Section 3.3c Transmitting copies of public records

A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (FedEx, UPS, fax, e-mail). The cost of transmitting must be paid by the requester before the public records will be transmitted.

Copies will be transmitted to the requester by the Public Records Custodian “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the volume of the records requested, the availability of the records requested, and the need for legal review of the records requested. It is the goal of the RJRD that all general and routine requests for public records shall be acknowledged in writing or, if feasible, satisfied within five (5) business days following the office’s receipt of the request.

Section 3.3d Charges and payment for cost of copies or means of transmitting copies

Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) can be paid for in cash, or by check/money order/certified check, made payable to, RJRD e. If payment is made by check, copies will not be made until the check has cleared and been paid by the requester’s bank. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Custodian estimates to cover the cost of copies and means of transmission. If that amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies and means of transmission, the excess will be repaid to the requester.

Section 4. Denial of Public Record Request

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.

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code,¹ each redaction must be accompanied by a supporting explanation,

¹ Unless the redaction is otherwise required by federal or state law. [R.C. 149.43(B)(1)]

including legal authority. When making the public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

Section 5. Records and Information Exempt from Disclosure

Some records or information maintained by the RJRD are not “public records” but are protected, confidential records under Ohio and/or Federal law. Examples of protected, confidential records include, without limitation: infrastructure records,² security records, medical records, records pertaining to adoption, probation, and parole proceedings, records pertaining to actions and appeals under R.C. 2151.85 (juveniles seeking abortions), records listed in 3107.42 (A) (relating to adoption release records), trial preparation records, records and communications protected by R.C. 2317.02(A) (records and communications by and between the RJRD and its attorneys), confidential law enforcement investigatory records, records containing information that is confidential under R.C. 4112.05 (Civil Rights Commission), DNA records per R.C. 109.573, and records the release of which is prohibited by state or federal law.

In no event will records and communications by and between and the RJRD and its attorneys be released, unless the RJRD consents to their release.

Section 6. Compliance with Ohio Revised Code requirements

With any public record request, the RJRD and the Public Records Custodian reserve the right to consult with legal counsel prior to the release of such public records. This is to allow the RJRD the opportunity to comply with the laws prohibiting the release of certain records and permitting the denial of release of certain records.

Section 7. Records Retention Schedules

The RJRD’s records are subject to records retention schedules. The office’s current schedules are available at **4410 West Streetsboro Road, Richfield, Ohio C/o Finance Department**, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

Section 8. RJRD Employee Manual or Handbook

This policy shall be placed in the RJRD employee manual or handbook.

Section 9. Ohio Sunshine Laws Manual

²“Infrastructure record” is defined by R.C. 149.433 as “any record that discloses the configuration of a public office’s or chartered nonpublic school’s critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office or chartered nonpublic school is located. “Infrastructure record” does not include “a simple floor plan that discloses only the spatial relationship of components of a public office or chartered nonpublic school or the building in which a public office or chartered nonpublic school is located.” R.C. 149.433.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website (www.ohioattorneygeneral.gov/YellowBook) for the purpose of keeping employees of the office and the public educated as the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and Personal Information Systems Act.

Adopted Effective **SEPTEMBER 14, 2015**

Chairman, Board of Trustees
Richfield Joint Recreation District