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Owner	Julie Richards: Health Commissioner
Area	Administrative

Public Records

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PURPOSE:

The purpose of this policy is to ensure all employees and board members of Seneca County General Health District understand and comply with the Ohio Public Records Act.

POLICY STATEMENT:

It is the policy of the Seneca County General Health District to promptly respond to all requests for public records, to make records available for inspection within a reasonable period of time during normal business hours, and to otherwise fully comply with the Ohio Public Records Act.

All public records will be maintained and organized in a manner that makes them readily available for inspection and copying, subject to records retention schedules. Many of the records Seneca County General Health District creates and maintains fall under the requirements of the Open Records Act. Conversely, some records are strictly confidential and exempt from public record. This policy will be interpreted liberally in favor of disclosure and exemptions will be narrowly construed. Any denial of public records in response to a valid request will be accompanied by an explanation.

DEFINITIONS:

For the purposes of this policy, the following words or phrases have the meanings indicated:

SCGHD: Seneca County General Health District.

Record: Any document, device, or item, regardless of physical form or characteristics, including an electronic record as defined in R.C. 1306.01, created or received by or coming under the jurisdiction of the Seneca County General Health District, which serves to document the organization, functions, policies, decision, procedures, operations, or other activities of the office.

Public Record: A “record” (as defined above) that is being kept by the Seneca County General Health District at the time a public records request is made. These do not include any records excluded from the definition of "public record" in Ohio Revised Code §149.43(A)(1) or by federal law.

Business Hours: 8:00 am to 4:30 pm Monday through Friday; does not include holidays or other days on which SCGHD offices are closed and the SCGHD is not conducting business. Business hours also do not include overtime that might be necessary to provide the documents requested.

Prompt and reasonable period of time: Takes into account the volume of records requested, the location of the records, the need for any legal review of the records requested, and the need to redact non-public information.

Public records request form: Use of this form is designed to benefit the requestor by enhancing SCGHD’s ability to identify, locate, and deliver the records sought by the requestor. A requestor may decline to utilize the form. This form shall be available on SCGHD’s website and at SCGHD’s offices.

Vague or ambiguous requests: Overly broad requests in which the requestor has had difficulty in clarifying and refining the documents desired.

Denial reasons: May include, but not be limited to, the requested document does not exist, the item requested is not a public record as defined by law, no document meets the parameters of the request, the requested document or parts thereof is exempt from release as a matter of law, or the request was vague and ambiguous.

Protected Records: Records exempted from the definition of public records in Ohio Revised Code §149.43. The most pertinent of these records, for this agency's purposes, include:
1. Medical records - Defined as any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.
2. Confidential law enforcement investigatory records
3. Records provided to, statements made by review board members during the meetings of, and all work products of a child fatality review board, other than the summary statistical report prepared by the review board
4. Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the Ohio Department of Health under sections 3705.12 to 3705.124 of the Ohio Revised Code
5. Records the release of which is prohibited by state or federal law.

Records Custodian: The person responsible for keeping, organizing, and maintaining records for SCGHD. The director of each department within SCGHD is the Records Custodian for the department records. The Records Custodian shall keep the records as indicated in the SCGHD’s Records Retention Schedule.

- Fiscal Director is the Records Custodian for all fiscal records.
- Director of Nursing is the Records Custodian for all nursing records.
- Director of WIC is the Records Custodian for all WIC records.

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- Director of Environmental Health is the Records Custodian for all environmental health records.
- Registrar is the Records Custodian for all vital records.
- Health Planning & Accreditation Manager is the Records Custodian for all accreditation-related records, injury prevention records and emergency preparedness records.
- Communications Specialist is the Records Custodian for communication-related records pertaining to press releases, social media, and SCGHD's website.
- Board members are the Records Custodian for their personal records pertaining to SCGHD's Board functions.
- Health Commissioner is the default Records Custodian for SCGHD.

Records Manager: SCGHD's Communications Specialist serves as the Records Manager. This person is responsible for:

- Answering all public records requests.
- Keeping track of all public record requests received by SCGHD in the form of a yearly log.
- Ensuring that the Public Records Request Policy, the Public Records Request Form, and the Records Retention Schedule are available on SCGHD's website and at SCGHD's offices.
- Advising SCGHD's employees on when records shall be destroyed according to the approved Records Retention Schedule.
- Consulting with SCGHD's Health Commissioner and legal counsel, if necessary, regarding public records requests.
- Receiving yearly training regarding the Ohio Public Records Act.

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Record Series: A group of related records filed and/or used together as a unit and therefore evaluated as a unit for retention and disposition purposes.

Records Retention Schedule: A comprehensive list of record series, indicating the length of time each series is to be maintained and its disposition. The records retention schedule shall be updated regularly and posted prominently.

Redaction: Obscuring or deleting non-public information before permitting public inspection or copying of a public record. If information has been redacted, the requestor will be able to determine all of the places where information was redacted.

PROCEDURE:

Maintenance of Public Records

A. To facilitate broader access to public records, SCGHD shall organize and maintain public records in a manner that they can be made available for inspection and copying.

B. SCGHD shall have available on its website and at its office locations in a conspicuous place: a Public Records Request Policy Poster, a copy of the Public Records Policy, a copy of the Records Retention Schedule and a copy of the Public Records Request Form.

C. Public records content transmitted to and from private accounts or personal devices is subject to disclosure. All SCGHD employees and board members are required to retain their e-mail records and other electronic records in accordance with SCGHD's Records Retention Schedule.

D. Records in the form of e-mail, text messaging, instant messaging, including those sent and received via a hand-held communication device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

E. The Records Manager shall keep track of the following through SCGHD's Public Records Request Log – Appendix B.
   a. Date of request
   b. Requester name, if applicable.
   c. Address (required for mail)
   d. E-mail (for electronic response)
   e. Description of records requested.
   f. Date received by the Records Manager.
   g. Date of response by the Records Manager.
   h. Copy of released records: Yes or No.
   i. Any redactions: Yes or No.
   j. Legal authority for redactions, if applicable.

Requests for Public Records

A. Unless specifically required or authorized by state or federal law, SCGHD may not limit or condition the availability of public records by requiring disclosure of the requester's identify or the intended use of the requested public record.

B. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow SCGHD to identify, retrieve, and release the records. In processing the request, SCGHD does not have an obligation to create new records or perform a search for information in SCGHD's records.

C. SCGHD may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use.

D. SCGHD may not limit the number of public records that SCGHD will make available to a single person, and may not limit the number of public records that it will make available during a fixed period of time.

Response to Public Records Requests

A. The Records Manager shall be responsible to promptly answer (within three business days) to all Public Records Requests by informing the requester that their request was received (*Public Records Acknowledgement Form- Appendix F*), the approximate amount of time it may take to prepare the request, and ask for any clarification regarding the request, if applicable. If a SCGHD employee or board member receives a Public Records Request, it shall promptly be forwarded to the Records Manager. It is the responsibility of the Records Manager to answer all Public Records Requests.

B. If the public record contains information that is exempt from the duty to permit public

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inspection or to copy the public record, the SCGHD shall make available all of the information within the public record that is not exempt.

C. When making the public record available for public inspection or copying the public record, SCGHD shall notify the requester of any redaction or make the redaction plainly visible.

D. If the requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that SCGHD cannot reasonably identify what public records are being requested, the SCGHD may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the SCGHD and accessed in the ordinary course of SCGHD's duties.

E. If a request is ultimately denied, in part or in whole, SCGHD shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. If some portions of a record are public and other portions are exempt, the exempt portions may be redacted, and the rest must be released.

F. SCGHD has no duty to furnish records that are not in its possession or control. If SCGHD kept a record in the past, but has properly disposed of the record, then it is no longer a record. But, so long a public record is kept by the SCGHD, it can never lose its status as a public record.

G. SCGHD can properly deny a request if:
a. The office no longer keeps the records pursuant to the SCGHD Records Retention Schedule.
b. The request is for documents that are not records of SCGHD.
c. The requester does not revise an ambiguous or overly broad request. SCGHD has no duty to fulfill requests that do not specifically and particularly describe the records the requester is seeking.

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Inspection of Public Records

A. Requests to review public records are made to the Records Manager or shall be forwarded to the Records Manager by other employees.

B. Upon request by a person, all public records applicable to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. "Promptly" shall take into account the volume of records requested; the proximity of the location where the records are stored; the necessity of any legal review and redactions; and other facts and circumstances of the records requested.

C. Inspection will only be in the presence of the records custodian or designee to maintain security of the records and to answer questions.

Copies of Public Records

A. Upon request by any person, SCGHD, through its Records Manager or through its Records Custodian(s) as assigned by the Records Manager, shall make copies of the requested public records at cost and within a reasonable period of time. "Reasonable" shall take into account the volume of records requested, the proximity of the location where the records are stored, the necessity of any legal review and redaction, and other facts and circumstances of the records requested.

B. The person requesting the record may choose to obtain the copy of the public record

duplicated on paper, or if the record is maintained electronically through e-mail, computer disk, or other electronic medium if supported by the SCGHD's current operating system. If the record is not maintained electronically as part of normal business operations, SCGHD is not obligated to provide it via this medium, but shall offer to duplicate and provide the record on paper.

C. Not all records are available for copying upon demand. Records must often be reviewed and non-public information redacted before copying can be permitted. If any portions of the record are redacted, the requester will be able to determine all of the places where information was redacted.

D. Copies will be made only by SCGHD personnel. A requester's media (jump drive, disc, etc.) will not be accepted in order to protect SCGHD's computer network from potential harm that may be on the requester's media.

E. Personnel files are public records and must be released upon request, with certain exceptions. These exceptions include: 1) Protected medical information; 2) Social Security Number; and 3) Records specifically compiled in reasonable anticipation of litigation. Records that pertain to employee discipline are public records and must be released upon request.

    1. When a public records request is made to examine a personnel file of a current employee, the affected employee will be notified that their records have been requested.

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Payment for Copies of Public Records

A. SCGHD will require the requesting party to pay, in advance of receipt of copies, for the cost of the copy format that is requested, as follows:

    1. Paper copies- black and white: Ten (10) cents per page
    2. Email copies: Free
    3. Burn to CD, flash drive, or similar media: Actual cost of media purchased by SCGHD
    4. U.S. Mail: Actual cost of postage and supplies

B. The requesting party shall pay by either cash, money order, or cashier's check. Payment must be paid prior to release of public records. Money orders or cashier's checks shall be made payable to the Seneca County General Health District.

Public Notice

A. SCGHD shall post its Public Records Policy, the Records Retention Schedule, and the Public Records Request Form on its website and in a conspicuous place in the public office and in all locations where SCGHD has branch offices.

Distribution and Training

A. SCGHD shall distribute the Public Records Policy to all the employees and board members. SCGHD shall require all employees and board members to acknowledge receipt of SCGHD's Public Records Policy (Appendix C- Public Records Policy Acknowledgement Form).

B. The Records Manager and the Record Custodians shall attend (in-person or virtually) a Public Records training approved by the Ohio Attorney General, at minimum once a year.

C. SCGHD employees and its board members (except the Records Manager and Record Custodians) shall attend (in-person or virtually) a Public Records training approved by the Ohio Attorney General, at minimum once every four years.

D. The Records Manager shall acknowledge and sign his/her responsibility as a "Records Manager" for SCGHD (Appendix D- Records Manager Acknowledgement Form).

E. The Records Custodians shall acknowledge and sign his/her responsibility as a "Records Custodians" for SCGHD (Appendix E- Records Custodian Acknowledgement Form).

F. . A copy of the Ohio Sunshine Law manual shall be posted on the SCGHD website yearly for the purpose of keeping employees, board members, and the public educated as to SCGHD's obligations under the Ohio Public Records Act, Open Meetings Act, and records retention laws.

APPENDICES

A. Public Records Request From (for all requesters- optional)

B. Public Records Requests Log (sample)

C. Public Records Policy Acknowledgement Form (for all SCGHD employees and board members)

D. Records Manager Acknowledgement Receipt Form (for Records Manager)

E. Records Custodian Acknowledgement Receipt Form (for Records Custodians)

F. Public Records Request Acknowledgement Response

REFERENCES:

1. Ohio Sunshine Laws 2023 An Open Government Resource Manual
2. Ohio Sunshine Laws website
3. Ohio Revised Code 149.43
4. Ohio Revised Code Chapter 149
5. Online Sunshine Laws Training

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Attachments

Appendix A Public Records Request Form.pdf

Appendix B Public Records Requests Log.pdf

Appendix C Public Records Acknowledgment Form.pdf

Appendix D Records Manager Acknowledgment Receipt Form.pdf

Appendix E Records Custodian Acknowledgment Receipt Form.pdf

Appendix F Public Records Request Acknowledgment Response.pdf

Approval Signatures

Step Description	Approver	Date
BOH	Julie Richards: Health Commissioner	09/2023
	Julie Richards: Health Commissioner	09/2023
	Anita Gaietto: Fiscal Director	09/2023
	Julie Richards: Health Commissioner	09/2023

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