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## **INTRODUCTION TO PUBLIC RECORDS**

It is the policy of the Geauga County Recorder's Office that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Geauga County Recorder's Office to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request for public records is in writing, the explanation of denial must also be in writing.

**SB248 which was signed into law on January 6, 2009 by Governor Strickland, amends Ohio Revised Code §317.24. This bill creates a public records exemption for DD214's (Military Discharge papers) for a period of 75 years.**

## **PUBLIC RECORDS**

### **Section 1. Definition**

The Geauga County Recorder's Office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Geauga County Recorder's Office are public unless they are specifically exempt from disclosure (See SB248) under the Ohio Revised Code.

### **Section 1.1 Organization and Maintenance**

It is the policy of the Geauga County Recorder's Office that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are updated regularly and available upon request.

# **PUBLIC RECORDS REQUESTS & RESPONSES**

## **Section 2. Evaluation of a Public Records Request**

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

### **Section 2.1 Identification of Public Records Requested**

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. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

### **Section 2.2 Method of Public Records Request and Identity of Requestor**

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. It is the Geauga County Recorder's Office's general policy that this information is not to be requested. A Recorder's Authorization form must be completed for requests to view DD214s (See SB248).

### **Section 2.3 Availability of Public Records for Inspection and Production of Copies**

Public records are available for inspection during regular business hours, with the exception of published holidays. The majority of the public records in the Geauga County Recorder's Office are 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. The exception is for records covered under SB248.

### **Section 2.4 Time Constraints for Satisfying Public Records Requests**

Each request should be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. Routine requests include, but are not limited to, recorded documents, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. 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 by a public office within three business days following the office's receipt of the request. If a request will not be satisfied within three business days, the acknowledgement must include at least the following:

- A request for clarification (if necessary)
- An estimated cost if copies are requested.
- **Section 2.5 Denial of Public Records Requests**

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

## **COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS**

- **Section 3. Charges for Copies and Postage**

Those seeking public records will be charged only the actual cost of making copies, as follows:

- **Section 3.1** The charge for paper copies made without assistance of an employee of the Recorder's Office is ten cents per page.

The charge for paper copies made with the assistance of an employee of the Recorder's Office is \$2.00 per page. ORC§ 317.32(I)

- **Section 3.2** Copies for certification made in the Recorder's Office are \$2.00 per page plus \$1.00 per document for the Recorder's certification, except as to instruments issued by the armed forces of the United States (\$1.00 fee per page) ORC§ 317.32(B)
- **Section 3.3** There is a \$2.00 per page charge for e-mailed documents. ORC§ 317.32(I) mandates that we charge \$2.00 per copy and we must copy the document to scan and e-mail it.
- **Section 3.4** Requesters may ask that documents be mailed to them. Please include a self-addressed stamped envelope. Documents will be mailed upon receipt of payment.

## **E-MAIL AS PUBLIC RECORDS**

- **Section 4. Definition of E-mail as Public Records**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

- **Section 4.1 Private E-mail Accounts Holding Public Records**

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Geauga County Recorder's Office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the Office's records custodian.

- **Section 4.2 Duties of the Records Custodian in Managing Private Account E-mails**

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

## **FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST**

- **Section 5. Legal and Non-Legal Consequences**

A public office 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 result in a court ordering the public office to comply with the law and to pay the requestor's attorney fees and damages.