

# UNION COUNTY TREASURER PUBLIC RECORDS POLICY

## **Introduction:**

It is the policy of the Union County Treasurer that openness leads to a better informed citizenry, which leads to better government. The Union County Treasurer will make public records available in accordance with this Public Records Policy which has been developed in accordance with Ohio's Public Records laws.

## **Section 1. Public Records**

In accordance with the Ohio Revised Code and applicable judicial decisions, records are defined as any item that:

- 1. Is stored on a fixed medium (such as paper, electronic – including but not limited to electronic mail – or other formats);**
- 2. Is created or received by, or sent under the jurisdiction of a public office;**
- 3. Documents the organization, functions, policies, decisions, procedures, operations or other activities of the office.**

If any of these three requirements is absent, the item is not a "record" and therefore not a public record.

The Treasurer's office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

## **Section 2. Record Requests**

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

### **Section 2.1 Identification of 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 Treasurer or their designee to identify, retrieve, and review the records.

### **Section 2.2 Format of Request**

The Treasurer or designee 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 **only** after **all** of the following occur:

1. Disclosure to the requester that a written request is not mandatory;
2. Disclosure to the requester that the requester may decline to reveal the requester's identity or intended use;
3. Disclosure of the identity or intended use would benefit the requester by enhancing the ability of the Treasurer or designee to identify, locate, or deliver the public records sought by the requester.

### **Section 2.3 Response Time to Request**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. 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.

### **Section 2.5 Denial of Public Record Requests**

Any denial of public records requested must include an explanation, including legal authority, stating why the request was denied. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Each redaction must be accompanied by a supporting explanation. If the initial request was provided in writing, the explanation of redaction or denial shall be provided to the requester in writing.

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Treasurer or designee cannot reasonably identify what public records are being requested:

1. The Treasurer or designee may deny the request.
2. However, the Treasurer or designee will assist the requester by informing him or her of the manner in which records are kept and accessed in the ordinary course of business. The requester shall be allowed to revise the request to clarify it as necessary.

### **Section 2.6 Records Prohibited from Release to the Public**

Generally, the confidential nature of certain types of information or records precludes their release. The Treasurer may deny a request for a record maintained by the Treasurer if the record that is requested is prohibited from release due to applicable state or federal law.

- Please see Appendix A for a list of records maintained by a public office that may not be subject to release per ORC 149.43 (A)(1);
- Appendix B for a list of most common express exemptions in Ohio law;

The Treasurer or designee shall consult the Union County Prosecutor if unsure whether a requested record or part of the requested record is exempt from disclosure

### **Section 3. Costs for Public Records**

Those seeking public records will be charged only the actual cost of making or transmitting copies. Employee time will not be calculated into the “actual cost” charge. The cost of record reproduction will vary upon the size, type and format of the items to be reproduced. In some circumstances, it is permissible for the Treasurer to have an outside contractor make copies and recover the cost of the service directly from the requester.

The requester may choose to have the public record duplicated

- upon paper,
- upon the same medium which the record is kept, or
- upon any other medium which the record can be reasonably duplicated, as long as the requested method and medium are an integral part of the normal operations of the Treasurer’s office.

### **Section 3.1 Payment in Advance**

The Treasurer may require the requester to pay in advance the cost involved in reproducing or generating copies of public records.

### **Section 3.2 Delivery Costs to be Paid in Advance**

Requesters may ask that documents be mailed to them by U.S. mail or by any other means of delivery or transmission. They will be charged the actual cost of the postage, mailing supplies, delivery or transmission. The Treasurer may require the requester to pay in advance the cost for postage, mailing supplies, delivery or transmission fees.

### **Section 4. Electronic Mail (Email)**

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

#### **Section 4.1 Private Email Accounts**

Records in employees and public officials private email accounts used to conduct public business are subject to disclosure and must be retained per established schedules and made available for public inspection and copying in accordance with the Public Records Act.

Adopted this \_\_\_\_23\_\_ day of \_\_September\_\_\_\_\_, 2009. Revised on the \_16th\_\_ day of \_March, 2016.

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Andrew J Smarra  
Union County Treasurer

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UNION COUNTY TREASURER'S OFFICE

Cost sheet for the Reproduction of Public Records

Media Costs:

8 ½ X 11 paper Copies \$0.10 per page.

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