

RESOLUTION UPDATING AND REVISING THE PUBLIC RECORDS POLICY FOR ASHTABULA COUNTY

WHEREAS, Pursuant to the provisions of the Ohio Revised Code Chapter 149, this Board of Commissioners adopted a comprehensive Public Records Policy by Resolution No. 2007-372 on September 27, 2007 and amended on March 26, 2013 by Resolution Number 2013-105; and

WHEREAS, from time to time, it is necessary to update and revise that policy; and

WHEREAS, this policy, which is effective upon approval, will supersede all other public records policies previously adopted by said Board of Commissioners; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that the Ashtabula County Public Records Policy is hereby adopted as updated and revised to include the public records poster, with a copy available in this office.

Public Record Policy

PUBLIC RECORDS REQUEST POLICY

The records request policy establishes office procedures for responding to requests for public records. This policy supersedes any and all previously adopted records request policies.

MISSION STATEMENT

It is the policy of Ashtabula County, Ohio and its Board of Commissioners of Ashtabula County, Ohio that openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of Ashtabula County to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act and Open Meetings Act.

DEFINING PUBLIC RECORDS

Records of Ashtabula County, Ohio that meet the definition of a public record are public unless they are specifically exempt from disclosure under the Ohio Revised Code, federal law, or are a confidential attorney-client work product or communications. Records must be organized and maintained so that they are readily available for inspection and copying. Public records are defined to include 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 the county office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the County.

RESPONSE TIME FRAME

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" takes into account the volume of records requested; the proximity of the location where the records are stored; what is happening in the County at the time the records are requested (i.e., preparing for a

Board meeting, state audit, emergencies, etc.); and the necessity for any legal review of the records requested.

Each request should be evaluated for an estimated length of time required to gather the records. 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 time and equipment allows.

Requests for public records will generally either be satisfied or acknowledged in writing within three business days following the office's receipt of the request.

HANDLING REQUESTS

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 County employee to whom the request is made, to identify, retrieve, and review the records. If it is not clear what records are being sought, the County employee to whom the request was made, must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the records are kept.

The requester does not have to put a public 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 County's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the County does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. In processing a request for inspection of a public record, a County employee must accompany the requester during inspection to make certain original records are not taken from the premises or altered.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available to all elected officials and employees of the County via the Ohio Attorney General's website for the purpose of keeping all elected officials and employees of the County educated as to the County's obligations under the public records law. In the event that there is a need for any questions or clarification of the County's obligations under the public records law, the elected official or employee shall contact the County Prosecutor.

ELECTRONIC RECORDS

Documents in electronic mail format or sent via a hand-held communications device (such as a cellphone) are public records when their content relates to the business of the county office. 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 and other electronic records in accordance with applicable records retention schedules. E-mail and instant messages are to be treated in the same fashion as records in other formats.

CONFIDENTIAL AND PRIVILEGED RECORDS

Any record that is deemed to be a confidential communication between an attorney and client or created in preparation for trial shall be clearly marked at the top of the first page and at the bottom of each following page with a notation indicating that the record is either a "Confidential attorney-client communication" or a "confidential attorney work product." If the record is in e-mail format, the notation should be included in the "subject" field. All civil investigatory records and criminal law enforcement records shall be prominently stamped with a "Confidential" notation.

DENIAL OR REDACTION OF A REQUEST

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must 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 County.

Any denial of public records requested must include an explanation, including legal authority. If the initial request was made 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. All redactions shall be plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor:

- The charge for paper copies is five (5) cents per page.
- There will be a \$1 charge for compact discs or jump drives.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or any other medium on which the record can be duplicated.

If a requester asks that documents be mailed to them, they will be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

Ashtabula County's records are subject to record retention schedules. The Board of Commissioners current schedules are available at the Ashtabula County Board of Commissioners, 25 West Jefferson St., Jefferson, Ohio 44047, at a location readily available to the public as required by Ohio Revised Code 143.43 (B)(2).

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2022-347

July 26, 2022

**RESOLUTION UPDATING AND REVISING THE PUBLIC RECORDS POLICY FOR
ASHTABULA COUNTY**

Upon the motion of Kathryn L. Whittington, seconded by Casey R. Kozlowski.

VOTE:

J.P. Ducro IV

Aye

Casey R. Kozlowski

Aye

Kathryn L. Whittington

Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

THE PUBLIC RECORDS POLICY FOR ASHTABULA COUNTY, OHIO

DEFINING AND ORGANIZING PUBLIC RECORDS

Records that document the work of the Ashtabula County, unless they are exempt by law from disclosure. Public record laws apply to records in any format, including those that exist on paper, electronically (for example, email), or on any other media.

MAKING RECORDS ACCESSIBLE

Public records are available for inspection during regular business hours. Records must be provided promptly for inspection, and copies must be made available within a reasonable period of time.

PROCESSING REQUESTS

It is the goal of Ashtabula County that requests for public records generally be satisfied or acknowledged in writing within three business days following the office's receipt of the request. No "official" language is required to make a request for public records, and the request does not need to be in writing. The person making the request does not have to provide his or her identity, nor must he or she indicate how the records will be used. In fact, the office does not request such information. However, the person must identify the requested records with sufficient clarity to allow the office to retrieve them. If a request is ambiguous or overly broad, the office may deny the request but needs to contact the requester for clarification. The office should assist the person in revising the request by explaining how the office's records are organized and accessed.

HANDLING ELECTRONIC RECORDS

Electronic records are to be treated in the same way as records in other formats. Email, text messages, and instant messages, for example, may be public records if their content documents the business of the office. Records transmitted to or from private email accounts to conduct public business are subject to disclosure, and all employees or representatives of Ashtabula County are required to retain them in accordance with applicable records retention schedules.

DEALING WITH DENIALS OR REDACTIONS

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority. If portions of a record are public and other portions are exempt, the exempt portions may be redacted while the rest are released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

DETERMINING COPYING AND MAILING CHARGES

There is no charge to inspect public records. Copies of records are available at actual cost, excluding labor. The charge for paper copies is 5 cents per page. The charge for electronic files downloaded to a compact disc is \$1 per disc. The actual cost of postage, mailing supplies, or other delivery costs may be charged. There is no charge for emailed documents. It is permissible to require payment of all costs in advance of delivery. The requester may choose whether to have the record copied on paper, on the same medium in which the public record is kept, or on any other medium upon which Ashtabula County personnel determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

MANAGING RECORDS

The records of the Ashtabula County are subject to records retention schedules, which are available by contacting the appropriate office. The Board of Commissioners current schedules are available at the Ashtabula County Board of Commissioners, 25 West Jefferson St., Jefferson, Ohio 44047, at a location readily available to the public as required by Ohio Revised Code 143.43 (B)(2).