



| <b>POLICY AND PROCEDURE</b>  |                                |
|------------------------------|--------------------------------|
| SUBJECT/TITLE:               | Public Records Policy          |
| APPLICABILITY:               | All staff                      |
| CONTACT POSITION & DIVISION: | Fiscal Manager, Administration |
| ORIGINAL DATE ADOPTED:       | 10/25/2021                     |
| LATEST EFFECTIVE DATE:       | 10/25/2021                     |
| REVIEW FREQUENCY:            | Every 5 years                  |
| BOARD APPROVAL DATE:         | 10/25/2021                     |
| REFERENCE NUMBER:            | 800-014-P                      |

**A. PURPOSE**

The purpose of this policy is to provide guidance for all Public Record Request at Canton City Public Health (CCPH).

**B. POLICY**

Canton City Public Health will comply with Ohio law in regard to provision of public records.

**C. BACKGROUND**

The Ohio Public Records Act (section [149.43 ORC](#)) provides the public with procedures to request records from any public office in Ohio, while protecting certain types of records from release. It also establishes a legal process to enforce compliance when a requester feels that a public office has failed to satisfy its public records obligations. The Public Records Act ensures that public documents belong to the people, not to the government body holding them.

**D. GLOSSARY OF TERMS**

**Public Record** – Pursuant to the Ohio Revised Code (ORC), a public record is a record held by a public office that:

- Is stored on a fixed medium (such as paper, computer, e-mail, film, etc.)
- Is created, received or comes under the jurisdiction of the Canton City Public Health
- Documents the organization, functions, policies, decisions, procedures, operations or other activities of the office.

**E. PROCEDURES & STANDARD OPERATING GUIDELINES**

1. PUBLIC RECORD
  - a) All records of CCPH are public unless they are specifically exempt from disclosure under law, the Ohio Revised Code or applicable court precedent.
  - b) It is the policy of CCPH that, as required by Ohio Law, records will, to the extent practical, be organized and maintained so that they are readily available for inspection and copying. When required, record retention schedules are to be updated regularly and posted prominently.
  - c) Where there is some question as to whether the record requested is public or if the record contains both public and confidential information, CCPH shall immediately refer such request to the City Law Department or other appropriate entity as required by a specific program for review. Such request by CCPH shall be made in writing and shall be dated and specify the documents, reports or records requested to be reviewed for determination. After the final determination is received to CCPH, the public record request will either be fulfilled with the appropriate redaction if applicable or not fulfilled.
2. RESPONSE TIMEFRAME
  - a) Public records are to be available for inspection during regular CCPH business hours, generally, Monday through Friday, 8:00am to 4:30pm, with the exception of published holidays or when CCPH is closed.
  - b) Public records must be made available for inspection promptly.
  - c) Copies of public records must be made available within a reasonable period of time.

- d) “Prompt” and “reasonable period of time” 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 and redaction of the records requested.
- e) In processing a request for inspection of a public record, a CCPH employee must accompany the requestor during inspection to make certain original records are not taken or altered.
- f) It is the goal of CCPH that all requests for public records should be acknowledged by telephone, e-mail or mail, or if possible, satisfied within five (5) business days following the office’s receipt of the request. If a request is deemed to be significantly beyond “routine” such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:
  - i. An estimated number of business days it will take to satisfy the request.
  - ii. An estimated cost, if copies are requested (if applicable).
  - iii. Any items within request that may be exempt from disclosure.

### 3. EVALUATION OF THE REQUESTS

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

- a) Although the Public Records Act does not require that specific language be required to make a public records request, the requester must identify the records requested with sufficient clarity to allow CCPH to identify, retrieve and review those records. If a request is received by CCPH and it is not clear what records are being sought, or is overly broad, CCPH should contact the requester for clarification, and assist the requester in revising the request by informing the requester of the manner in which the office maintains its records. CCPH may suggest the requestor inspect the records to better be informed of which records they are interested in.
- b) Requesters are encouraged to make any and all public records requests to CCPH in written form. While the requester does not have to put a records request in writing, a written request enables CCPH to identify responsive records with greater speed and accuracy.
- c) A requester does not have to provide his or her identity or the intended use of the requested public record(s). In many cases, however, such information could enhance CCPH’s ability to identify, locate and/or deliver responsive public records in response to the request. If CCPH determines that additional information would enhance CCPH’s ability to identify, locate and/or deliver responsive records, he or she may ask the requester to: (1) put the request in writing, (2) provide his or her name and address and/or (3) explain the purpose of the request or intended use of the information; provided that the requester is informed that the requester may decline to provide any of this information. CCPH may require sufficient contact information to fulfill the request, either by US Mail, electronic delivery or in person.
- d) In processing the request, CCPH 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. Although not required by law, CCPH may accommodate the requester by generating new records when it makes sense and is practical under the circumstances.

### 4. ELECTRONIC RECORDS

Public 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 audio tape.

- a) Records in CCPH provided e-mail accounts, private e-mail accounts and other electronic records used to conduct public business are subject to disclosure, and all employees or representatives of CCPH are instructed to retain their e-mails that relate to public business.
- b) When an email's content pertains to the work of CCPH, employees are 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.
- c) All employees are discouraged from using private email for public business.

#### 5. DENIAL OR REDACTION OF RECORDS

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. The denial must provide the requester an opportunity to revise the request.

- a) Any denial of public records requested must include an explanation, including legal authority.
- b) If the initial request was made in writing, the explanation must also be in writing.
- c) If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released.
- d) When making public records available for public inspection or copying, CCPH shall notify the requester of any redaction or make the redaction plainly visible.
- e) If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

#### 6. COPYING AND MAILING COSTS

There shall be no cost associated with the inspection of a public record. The first one hundred and twenty-five (125) pages of any public record request shall be provided to the requester at no cost, except per the rates below. All other copies will be provided according to the following rates:

- a) The charge for paper or computer printout copies (per side) is 5¢ per page, after the first 125 pages.
- b) The charge for downloaded computer files to a flash drive is the actual cost of the flash drive.
- c) There is no charge for documents e-mailed or faxed.
- d) Requesters may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies.
- e) Birth and death records shall be provided at a cost as required in Section 205.06 of the Canton City Health Code.

#### 7. PUBLIC RECORDS REQUEST FORM AND LOG

- a) Public Records Request can be made by the public by using the Public Records Request Form (800-014-02-F). This form is not required to make a public record requests, but would be recommended by CCPH.
- b) The form will be available on CCPH's main page of their website.
- c) The requestor should complete section one (1) of this form.
- d) If the request is made some other way than using CCPH's Public Records Request Form, the CCPH employee taking the request should complete section one of this form. If a request is made by e-mail or a written request, both of these requests should be kept with this form. . This form is needed to complete the documentation of the request per Auditor of State recommended practice.
- e) Once the request has been completed (either filled or denied), the CCPH employee fulfilling the request will complete section two (2) of this form.
- f) This completed form along with the public records request should be maintained together.

- g) These documents will be saved on SharePoint here:  
<https://cantonohiohealth.sharepoint.com/sites/DLTLeadership/SitePages/Public-Records-Resource-Page.aspx?from=SendByEmail&e=Vlgf-zFEZ0WBgwZ1lcbJfQ&at=9>
- h) There will be a place maintained on SharePoint for all CCPH public records requests to be filed. The files will be set up by 1) year, 2) then by division, 3) then by whether the public records request was filled, denied or redacted.
- i) A Public Records Request log must also be maintained for every public records request (800-014-03-F\_Public Records Requests Log). This Excel document will be saved in the same location on SharePoint as the public record requests. There will be a tab for each year and the following information must be completed for each request:
- Date received request
  - Form of request (i.e. written, e-mail, Facebook, etc.)
  - Name of requesting person (this is not required)
  - Division
  - Description of records request
  - Whether records were released or not
  - Whether there were any redactions on the request
  - If so, what is the legal authority for exemption redaction
  - Name of employee fulfilling request
  - Date request was fulfilled
  - Whether the information released was uploaded to SharePoint
- j) All information on the log must be completed by the person fulfilling the request.
- k) There is also a tracking number that will correspond with each request for each year. The tracking numbers will go as follows: the year, plus the number of the public records request (i.e. 2021-01, 2021-02, 2021-03, etc.)
8. PUBLIC RECORDS TRAINING
- a) The Sunshine Laws Certification Training, provided by the Ohio Attorney General's Office, can be completed online. As an alternative to the live three-hour certification training session, CCPH employees can take the online training anytime, anywhere.
- b) To begin your online training, register at here <https://sunshinelaw.ohioattorneygeneral.gov/Default.aspx>. Once you've completed the online training, a certificate of completion will be available that can be printed.
- c) This online version of the Ohio Sunshine Laws Certification Training has been approved by the Supreme Court of Ohio's Commission on Continuing Legal Education for 3.0 general self-study activity hours. The Ohio Attorney General's Office is the sponsor of this self-study activity. Please note that there is a twelve (12) hour limitation on self-study CLE credit (pursuant to Rule X, Section 5(E) and Regulation 409.2 of the 2014 Rules for the Government of the Bar of Ohio).
- d) The Ohio Sunshine Laws Certification Training must be completed annually between January 1 to December 31 by employees identified by the Health Commissioner.
- e) Once the training is complete, a copy of the Certificate must be given to the Fiscal Manager either by e-mail or a hard copy. The Fiscal Manager will file the certificate and record the training on a log created and kept with this policy.
9. PUBLIC NOTICE OF POLICY
- a) CCPH is required to create a poster that describes CCPH's public records policy and post in a conspicuous place in all public locations (800-014-01-A\_Public Records Poster).



- b) The Public Records Policy poster must be posted in a public area of all CCPH locations where CCPH employees offices are located.
- c) This policy shall also be posted on CCPH’s website at [www.cantonhealth.org](http://www.cantonhealth.org).

**10. RECORDS COORDINATOR/OFFICERS**

- a) Each division of CCPH shall identify a Records Coordinator who shall have the responsibility of maintaining the specific divisions with this policy.
- b) Each division Records Coordinator shall identify in their record retention schedule those records that are considered public records and those that would not be considered public records. The Record Retention Schedule (in Policy 800-024-P) should be used as a guide to fulfilling requests for copies of public records.
- c) The following positions at CCPH are designated as “Public Records Officers”: Health Commissioner and Fiscal Manager. Public Records Officers are the main custodians of public records, CCPH’s Record Retention Schedule/Policy and this policy.

**F. CITATIONS & REFERENCES**

Ohio Sunshine Laws Manual - <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Legal/Sunshine-Laws-Publications/2022-Sunshine-Manual.aspx>

Ohio Revised Code – Public Records Act - [Section 149.43 - Ohio Revised Code | Ohio Laws](#)

**G. CONTRIBUTORS**

The following staff contributed to the authorship of this document:

- 1. Christi Allen, Fiscal Manager

**H. APPENDICIES & ATTACHMENTS**

800-014-01-A\_Public Records Poster

**I. REFERENCE FORMS**

800-014-02-F\_Public Records Request Form

800-014-03-F\_Public Records Request Log

**J. REVISION & REVIEW HISTORY**

| Revision Date | Review Date | Author | Notes |
|---------------|-------------|--------|-------|
|               |             |        |       |

**K. APPROVAL**

This document has been approved in accordance with the “800-001-P Standards for Writing and Approving PPSOGFs” procedure as of the effective date listed above.