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**Fiscal Officer
County of Summit**

Public Records Policy

Introduction:

It is the policy of the Summit County Fiscal Office that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Summit County Fiscal 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.

Section 1. Public Records

This 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 Summit County Fiscal Office are public unless they are specifically exempt from disclosure under state or federal law.

Section 1.1

It is the policy of the Summit County Fiscal 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 5 for the e-mail record policy). Record retention schedules are to be updated regularly in accordance with the Summit County Records Commission Records Management Manual and copies of the current record retention schedules shall be readily available to the public.

Section 2. Record 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 Summit County Fiscal 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 2.1

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. The Summit County Fiscal Office 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 the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the Fiscal Office to identify, locate, or deliver the public records sought by the requester.

Section 2.2

All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Copies of public records must be made available at cost 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 2.3

The public records law allows a person to choose the medium upon which they would like a record duplicated. The requester can choose to have the record duplicated upon paper, upon the same medium upon which the Fiscal Office keeps the public record, or on any medium upon which this Fiscal Office determines the record can reasonably be duplicated as an integral part of the normal operations of the Fiscal Office.

Section 2.4

The Fiscal Office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. The scope of the word "commercial" is to be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit education research.

Section 3. Denial of Public Records Requests

If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the Fiscal Office shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the Fiscal Office shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall

not be deemed a denial of a request to inspect or copy the redacted information when federal or state law authorizes or requires a public office to make the redaction.

Section 3.1

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 Fiscal Office cannot reasonably identify what public records are being requested, the Fiscal Office 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 Fiscal Office and accessed in the ordinary course of business.

Section 3.2

If a public record request is denied, in part or in whole, the Fiscal Office 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.

Section 4. Costs for Public Records

The requester of public records shall only be charged the actual cost of reproducing the record. Employee time shall not be calculated into the cost of reproducing the record.

Section 4.1

The Fiscal Office may require a requester to pay in advance the cost involved in providing the copy of the public record.

Section 4.2

Requesters may ask that documents be mailed or transmitted to them within a reasonable period of time after this office receives the request for a copy. The Fiscal Office may require the person making the request to pay in advance the cost of postage if the copy is transmitted by U.S. mail or the cost of delivery if the copy is transmitted other than by U.S. mail, and to pay in advance the costs incurred for other supplies (envelope, etc) used in the mailing, delivery, or transmission.

Section 4.3

There is no charge for having copies of records e-mailed.

Section 5. E-mail

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 5.1

Records in public e-mail accounts used to conduct public business are subject to disclosure, and all officials, employees or other representatives of the Fiscal Office are instructed to retain such e-mails that relate to public business (see Section 1 Public Records) in accordance with the Fiscal Office record retention schedule.

Section 5.2

Records in private e-mail accounts used to conduct public business on public property (i.e. county computers) may be subject to disclosure, and all officials, employees, other representatives of this office are instructed to retain such private e-mails should they relate to public business. Such e-mails from private accounts should be treated as records of this public office, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

Section 6. Failure to Respond to a Public Records Request

The Summit County Fiscal 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 cause, the Fiscal Office's failure to comply with a request may result in a court ordering the Fiscal Office to comply with the law and to pay the requester attorney's fees and damages.

If you have questions regarding the Fiscal Office Public Records Policy please contact Public Records Officer Randy Skeen at 330-643-2437.
