



GEAUGA PARK DISTRICT

INTRODUCTION TO PUBLIC RECORDS

It is the policy of Geauga Park District that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Geauga Park District 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.

PUBLIC RECORDS

Section 1. Definition

Geauga Park District, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, business 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 Geauga Park District are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1 Organization and Maintenance

It is the policy of Geauga Park District 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 electronic record policy). Record retention schedules are to be updated regularly and posted prominently.

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, Geauga Park District 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 office keeps its records.

Section 2.2 Method of Public Records Request and Identity of Requester

A public office or person responsible for public records 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, when a written request or disclosure of the identify or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester, but the public office may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal his/her identify or the intended use.

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

Public records are to be available for inspection at all reasonable times 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 and redaction of the records requested.

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, 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 Geauga Park District within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

- An estimated number of business days it will take to satisfy the request.
- An estimated cost if copies are requested.
- Any items within the request that may be exempt from disclosure.

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 Paper Copies - The charge for black and white paper copies is .06 cents per page and .13 cents per page for color copies.

Section 3.2 Computer Files - The charge for downloaded computer files to a compact disc is \$1 per disc. There is no charge for documents e-mailed.

Section 3.3 Other electronic medium – If videotapes, cassette tape or any other type of media is requested, the fee shall be the replacement cost or reproduction cost (copying costs if outside vendor is necessary).

Section 3.4 Mailed copies - Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

ELECTRONIC RECORDS AS PUBLIC RECORDS

Section 4. Definition of Electronic Records as Public Records

Documents in electronic mail format (e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device such as a Blackberry) are records as defined by the Ohio Revised Code when their content relates to the business of the office. Electronic records are to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 Private Electronic Record Accounts Holding Public Records

Public record content transmitted to and from private accounts or personal devices is subject to disclosure. All employees or representatives of Geauga Park District are instructed to retain any electronic records that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts.

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 Geauga Park District, 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. Failure to Respond to a Public Records Request

Geauga Park District 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, Geauga Park District's failure to comply with a request may result in a court ordering Geauga Park District to comply with the law and to pay the requester attorney's fees and damages.