

# STARK COUNTY PARK DISTRICT

## PUBLIC RECORDS POLICY

Resolution#: 12-01-007  
January 4, 2012

### **Introduction:**

It is the policy of the Stark County Park District that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Stark County 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 is in writing, the explanation must also be in writing.

### **Section 1.0 Public records**

This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, photos, electronic (including, but not limited to, e-mail, tapes, films, videos), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, its functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Stark County Park District are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

### **Section 1.1**

It is the policy of the Stark County 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 e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

### **Section 2.0 Public record requests**

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

### **Section 2.1 Inspection of records**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Copies of public records must be made available within a prompt and reasonable period of time. "Prompt" and "reasonable" take into account the 1) volume of records requested, 2) proximity of the location where the records are stored, and 3) necessity for any legal review of the records requested. There is no charge for inspection.

### **Section 2.2 Request for records**

Although no specific language is required to make a request, the requestor 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, the records custodian must contact the requestor 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. If clarification is needed and contact information has not been provided by requestor, the records custodian must inform the requestor or designee at time of retrieval that additional information is required to fulfill the request.

### **Section 2.2.a.**

The requestor 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 records.

### **Section 2.2.b.**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. 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.

**Section 2.2.c.**

All requests for public records must either be satisfied or be acknowledged in writing by the Stark County Park District within five (5) business days following 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:

**Section 2.2.c.1.**

The date the records request was received.

**Section 2.2.c.2.**

An estimated cost if copies are requested.

**Section 2.2.c.3.**

Any item within the request that may be exempt from disclosure.

**Section 2.3 Denial of requested records**

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 reactions, each redaction must be accompanied by a supporting explanation, including legal authority.

**Table 2.4** Provides examples of information that should never be disclosed as well as information that is readily available. Seek advice from your legal counsel if you are unsure.

<b>Mandatory Exemptions</b> (prohibited from public disclosure or “confidential”). <b>Never disclose.</b>	<b>Discretionary Exemptions</b> (records that are designated “not public” by state statutes, rules, federal statutes or regulations). <b>Use caution.</b>	<b>Public Records</b> <b>Always disclose in timely manner.</b>
<p>Examples:</p> <ul style="list-style-type: none"> <li>• Physician-patient privileged records</li> <li>• Student education records</li> <li>• Criminal history records obtained through LEADS</li> <li>• Criminal records sealed pursuant to statutorily authorized court order</li> <li>• DNA records obtained from inmates</li> <li>• Concealed carry permit records</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Information pertaining to the recreational activities of children younger than 18</li> <li>• Confidential Law Enforcement Investigatory Records (CLEIRs)</li> <li>• Trial Preparation Records</li> <li>• “Security” and “Infrastructure” Records</li> <li>• Non-medical records identifying recipients of Golden Buckeye Cards</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Policies</li> <li>• Park Board Meeting Minutes</li> <li>• Photos</li> <li>• Staff Meeting Proceedings</li> <li>• Salary information</li> <li>• Videos</li> <li>• Purchase Agreements (once final)</li> <li>• Contracts</li> <li>• Other items that do not fall in the “Exemptions” categories</li> </ul>

**Section 3.0 Costs for public records**

**Section 3.1**

Those seeking public records will be charged only the actual cost of making copies. The charge for paper copies in black and white is 1 cent per page. The charge for paper copies in color is 10 cents per page. Cost may change without notice based on market fluctuation.

**Section 3.2**

The charge for downloaded computer files to a compact disc is \$1.00 per disc.

**Section 3.3**

There is no charge for documents e-mailed.

**Section 3.4**

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

**Section 3.5**

Payment in advance for any records request with an estimated cost of \$20.00 or more is required.

**Section 4.0 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 4.1**

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

**Section 4.2**

The records custodian is 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 for inspection and copying in accordance with the Public Records Act.

**Section 5.0 Failure to respond to a public records request**

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

**Section 6.0 Records retrieval and archiving area**

To protect the privacy and integrity of the Stark County Park District and its records, only the records custodian may retrieve and/or enter the records archiving area.