

Medina County Park District

Public Records Policy

Purpose: To comply with Ohio's Public Records Act.

Policy: The park district will respond promptly and efficiently to requests for public records in compliance with Ohio law.

Related Policies: Medina County Park District Records Retention Policy

Definitions/Terms:

- **Public records** include all emails, correspondence, documents, or recordings that are created or received by Medina County Park District that document the organization, functions, policies, decisions, procedures, operations, or other activities of the park district. Public records include all recorded data, including audio and visual recordings, regardless of the format in which they were made or received, including information that is stored electronically.
- **Exemptions.** There are a number of items that are exempt from disclosure, including but not limited to the following:
 - Social Security numbers;
 - Medical records;
 - Employee home addresses;
 - Attorney-client privileged information;
 - Certain information involving current law enforcement investigations or practices.

The park director, in consultation with legal counsel, will make the determination as to whether any individual record or part of a record is exempt from disclosure. Labelling an item "confidential" does **not** automatically exclude it from disclosure as a public record.

- **Public records request** includes all requests for public records as defined above. Public records requests must identify the records requested with sufficient clarity to allow the park district to identify, retrieve, and review the records.
 - There is **not** specific language that must be used to request public records. The requester is not required to use the phrase "public records."
 - Public records requests **do not** have to be made in writing.
 - The requester is **not** required to provide his/her identity or the purpose for making the request.
- **Requester** refers to the person making the records request.

- **Responding party** refers to the park district employee responsible for responding to a public records request.

Responsible Parties:

- (Any) **Park Personnel**. Employees who receive written or verbal requests for public records shall refer the requester to the business manager and/or the park director.
- **Business Manager**. S/he shall promptly provide inspection of documents in response to public records requests that (a) are readily available and (b) clearly do not contain records which are exempt or which may require redaction to remove exempt material. Examples include minutes of meetings of the Board of Commissioners, park publications, press releases, district rules, and district policies.
- **Park Director**. S/he shall receive, process and respond to all other public records requests.

Procedures:

1. Creating records.

- Most records created in the course of business by park district personnel may be public records; therefore, all communication should be factually accurate and made in a respectful and professional manner.
- Records and communications regarding park district business should only be created, received or maintained on park district equipment or approved applications.

2. Storing and maintaining records. Public records shall be organized and maintained so that they are readily available for inspection and copying. Public records shall be stored and maintained in compliance with the separate Medina County Park District Records Retention Policy.

3. Receiving record requests.

- Any park district employee who receives a request for records should refer the requester to the park director and/or business manager, and shall immediately advise the park director and/or business manager about the referral.
- Anonymous requests. Employees who receive a request for records shall not ask the person to identify him/herself, or ask about the purpose for the request. However, if the requester voluntarily provides his/her name, contact information or the reason for the request, the employee shall convey that information to the park director and/or business manager.

4. Evaluating record requests.

- Initial questions. The responding party should consider the following questions for each public records request:
 - Is the request clear enough to allow for an accurate and complete response?
 - Does the request involve information that might be privileged or exempt?
 - Does the request appear to be ambiguous or overbroad?
- Asking for clarification. If the request is not clear enough to allow the park district to accurately and fully comply with the request, the responding party shall ask the requester for clarification.
- Privileged or exempt material. If the request involves information that is privileged or exempt, then such matters must be redacted by blacking out the privileged information in a manner that will be plainly visible to the requester, or the requester must be specifically notified of the redacted or omitted material. Some privileged or exempt items will be obvious, such as medical records and social security numbers. Questionable items should be referred to the park district's legal counsel.
- Overbroad. The responding party should consult with legal counsel before denying or limiting any request on the basis of being overbroad.
- Additional input from the requester. The responding party may ask the requester for one or more of the following, but only if such information would enhance the ability of the responding party to identify, locate, or deliver the public records sought:
 - the request to be put in writing
 - the requester's identity
 - the intended use of the records requested

Before doing so, the responding party must first tell the requester that s/he is ***not required*** to make the request in writing or to provide the requester's identity or the intended use of the requested records.

5. Responding to record requests.

- Prompt response. All public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.
- No duty to create new records. The park district is ***not*** required to create new records or provide an analysis of existing information to respond to public records requests.
- Director review. The park director shall review and approve any item or request that requires redaction, or any request that may be denied.
- Payment.

- There shall be no charge for staff time associated with research, review, and responding to requests for public records or for copies of records provided by email or other electronic transmission.
 - The requester shall be informed at the time of submitting his/her request that the charge for physical copies of records are as follows:
 - \$.05 per printed page (one- or two-sided), black and white
 - \$.10 per printed page (one- or two-sided), color
 - \$.50 per CD or DVD
 - \$5 per USB drive
 - Actual charges associated with mailing or delivery
 - Denial of request. Possible denial of any request shall be reviewed by the park district's legal counsel. If a request is denied, in part or in whole, the responding party shall, with assistance of park district legal counsel, provide the requester with an explanation including legal authority and the reason why the request was denied.
6. **Display of Policy.** This public records policy will be included in the Employee Handbook and will be posted in a conspicuous place in the park district's administrative offices.
7. **Failure to Respond.** Failing to respond fully and promptly to a public records request may result in legal action, court orders to comply with the request, or monetary damages including payment of the requester's attorney's fees.