



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Public Records Mediation Fact Sheet

Under the Ohio Public Records Act, a person who makes a request for specific, existing records is entitled to receive copies of those records within a “reasonable period of time.” While there is no required time period for responding to public records requests, the “reasonable period of time” standard allows a public body time to identify, locate, retrieve, review, redact, and copy the requested records.

What is the Ohio Attorney General’s Mediation Program?

Ohio Attorney General Mike DeWine is committed to upholding the spirit and purpose of the Ohio Public Records Act. In order to better serve the public, the Attorney General has created a mediation program to help individual requesters and local governments resolve disputes before turning to litigation.

Mediation is a voluntary, confidential process designed to resolve public records disputes with a solution acceptable to all parties. Both the individual requesting the public records and the local government entity receiving the request must voluntarily consent to mediation and to any agreement reached. The mediator cannot impose any outcome on the parties.

A mediator from the Ohio Attorney General’s Public Records Unit leads the parties through a process to explore the parties’ issues and interests with the goal of crafting a satisfactory solution that avoids time consuming, and often costly, litigation.

Who participates in mediation?

The Ohio Attorney General’s Mediation Program is designed to resolve public records disputes between:

- 1) Local government entities (*i.e.* county and city governments, township boards of trustees, school boards, village councils, etc.); and
- 2) A public records requester who believes that the local government entity has not responded to his or her request in a reasonable period of time, or believes that the public office improperly denied his or her request.

Why mediate?

- **Free.** Mediation is offered at no cost to the parties.
- **Efficient.** The mediation process is designed to move at a quicker pace than a lawsuit, resulting in a much faster resolution of a public records dispute.
- **Improved Communication.** Mediation requires the active involvement of both parties, which allows both sides to understand the other’s point of view.
- **Flexible.** Mediation allows parties to reach creative resolutions as opposed to outcomes imposed by a third-party decision-maker, such as a court.
- **Private.** The mediation process is not open to the public and all discussions during mediation are confidential.

Benefits of Mediation to the Records Requester

Under the Ohio Public Records Act, a records requester who has not received public records in response to a proper public records request within a reasonable period of time has only one way to resolve the dispute: to file a lawsuit in either the courts of common pleas or appeals where the Public Office sits, or to file in the Supreme Court of Ohio. For many records requesters, filing a lawsuit against a Public Office can be expensive and intimidating. However, the Attorney General's mediation program now offers an alternative to filing suit. With the mediation program, a records requester may choose to attempt to resolve the records dispute with the Public Office through the guidance of the Attorney General's Office. Importantly, the Attorney General's mediation program is free and takes less time to resolve than a lawsuit.

Benefits of Mediation to the Public Office

Public Offices also stand to benefit from the Attorney General's mediation program, not only because it helps them avoid potential litigation fees and moves more quickly than a lawsuit, but also because mediation can help them resolve ongoing disputes with persistent requesters. By communicating with a requester through a controlled conversation facilitated by the Attorney General's Office, a Public Office can come to understand what a records requester is actually seeking and create a plan for moving forward with that requester. Additionally, while the Attorney General's Office cannot give advice to either party participating in the mediation, the mediator can remind parties of the law, how courts

have interpreted it, and "reality check" with each party as to what is and is not likely to succeed in court. This "reality check" can often help both the Public Office and the records requester understand whether one, the other, or both need to alter their approach to conform with the law and resolve the dispute.

How do I request mediation?

Either party to the public records dispute may request mediation: the individual requesting public records, or the local government entity receiving the public records request.

The party requesting mediation should submit an online intake form, or contact the Public Records Unit of the Ohio Attorney General's Office to request mediation.

The Mediation Intake Form may be found online at:

<http://www.ohioattorneygeneral.gov/publicrecordsmediation>.

The Public Records Unit can be contacted toll-free at 1-888-958-5088.

What happens after I request mediation?

The Public Records Unit will within 10 business days of the request for mediation make every effort to inform the party requesting mediation whether it will mediate the dispute.

In order to do this, the Public Records Unit will reach out to the other involved party to determine the party's willingness to engage in the mediation process.

If both parties consent to mediation, the Public Records Unit will schedule the mediation and will notify both parties of the time and date of the mediation. Most mediations will occur by telephone conference.

What if my dispute involves a State of Ohio agency or office holder?

The Ohio Attorney General's Office provides legal representation for agencies and employees of the State of Ohio and works closely with its clients to ensure that they fully comply with their responsibilities under the Public Records Act. If you have a public records issue with a state agency, please contact our office and we will make every effort to facilitate your public records request with a state agency.

Additional Information

For more information on Ohio's public records laws, please review the Ohio Sunshine Laws Manual, located at:

<http://www.ohioattorneygeneral.gov/yellowbook>.

To request mediation, please complete and submit the online intake form located at:

<http://www.ohioattorneygeneral.gov/publicrecordsmediation>.

You may also contact the Ohio Attorney General's Public Records Unit by phone at **1-888-958-5088**.