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➢ PUBLIC RECORDS REQUEST POLICY

Effective Date: **December 8, 2017**

I. PURPOSE

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Attorney General's Office (AGO) to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

II. SCOPE

This policy applies to all full-time or part-time employees; permanent, temporary, or intermittent employees; interns and externs; consultants; and contractors of the AGO, and any other holders of AGO records.

III. DEFINITIONS

A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the AGO that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the AGO.

A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

IV. PROVISIONS

A. Applicable Timeframes

1. Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly.

2. 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; the necessity for any legal review and redaction; and other facts and circumstances of the records requested.

3. Generally, all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request.

B. Handling Requests

1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records.
2. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances.
3. 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. It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after first telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.
4. If a request is made by a member of the media, the recipient of the request must notify the Communications Section. In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.
5. If a request presents a high probability of litigation, or any complex or unique issue, the recipient of the request must contact the Public Records Unit of the Constitutional Offices Section at (614) 466-2872 as the request is being processed. The Public Records Unit will assist in processing the request.
6. A copy of the most recent edition of the Ohio Sunshine Laws manual is available at http://www.ohioattorneygeneral.gov/YellowBook for the purposes of keeping employees of the office, and the public, educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws, and Personal Information Systems Act.

C. Electronic Records

1. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

2. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

D. Denial and Redaction of Records

1. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the AGO cannot reasonably identify what public records are being requested, the request may be denied, but the AGO must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the AGO.

2. If the AGO withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If some portions of a record are public and other portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the AGO shall notify the requestor of any redaction or make the redaction plainly visible.

E. Copying and Mailing Costs

1. Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is five (5) cents per page. The charge for electronic files downloaded to a compact disc is one dollar ($1) per disc.

2. A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which this office determines that the record can reasonably be duplicated as an integral part of the AGO's normal operations.

3. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery.

4. There is no charge for e-mailed documents.

F. Managing Records

Current and obsolete records retention schedules for the AGO are available at the AGO's Records Management Section, 30 E. Broad Street, 23rd Floor, Columbus, Ohio. Current retention schedules can also be found online at http://www.ohioattorneygeneral.gov/About-Ag/Public-Records-Access.

VII. CONTACT

The Public Records Unit in the Constitutional Offices section is available for consultation or questions regarding this policy.

This policy supersedes any previous policies and will remain in effect until cancelled or superseded.