

The seal of the Delaware County Prosecutor's Office is circular. It features a central emblem with a sunburst and a scale of justice. The text "PROSECUTOR'S OFFICE" is at the top, "DELAWARE COUNTY" is at the bottom, and "Ohio" is on a banner at the very bottom. The motto "WHATEVER ALL THINGS ARE POSSIBLE" is written around the inner edge of the seal.

Melissa A. Schiffel

Delaware County Prosecutor

August 2, 2021

Dave Yost
Ohio Attorney General
Opinions Section
30 E. Broad Street
Columbus, OH 43215-3428

Dear Attorney General Yost:

Our office seeks your guidance regarding the electronic storage of public records by a county automatic data processing center, specifically related to confidential law enforcement records. We seek clarification to the following questions:

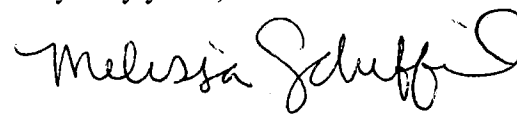
- 1) When a public office or agency, such as the Sheriff's Office, stores electronic records that are created and maintained by the Sheriff's Office, on servers kept and maintained by a county's automatic data processing center pursuant to R.C. 307.842, does the Sheriff's Office relinquish his/her responsibilities for such records under R.C. 149.43, Ohio's public records law, and related statutes?
- 2) Is the Sheriff's Office the record keeper of all public records created by the Sheriff's Office even if the records are stored on servers kept and maintained by a county automatic data processing center?
 - a. If yes, is the Sheriff's Office the public office responsible for responding to public records requests received by the Sheriff's Office for various records even if the requested records are stored on a county automatic data processing center server?
- 3) Does the county automatic data processing center have the authority to access and control the content of public records generated by the Sheriff's Office (or any public office) when those records are stored on county automatic data processing center server?
 - a. If a county automatic data processing center created pursuant to R.C. 307.842 is able to control and access electronic records that contain confidential law enforcement information, for example, information about confidential informants, ongoing

investigations and criminal intelligence, does such confidential law enforcement information retain its confidential status?

- b. If yes, and a county automatic data processing center is the records keeper for confidential law enforcement information created and maintained by law enforcement on its servers, is a county automatic data processing center able to assert the confidential law enforcement investigatory records exception (R.C. 149.43(A)(1)(h)) to public records requests when applicable?
- 4) Is a county automatic data processing center, created pursuant to R.C. 307.842, a "public office responsible for public records" under R.C. 149.43 for records generated by another public office or agency, when the county automatic data processing center merely stores electronic records for other public offices and agencies such as the Sheriff's Office?
- a. If yes, does the mere fact that a county automatic data processing center stores the records make the county automatic data processing center the records keeper for purposes of a public records request under R.C. 149.43?

Please feel free to contact me with any questions or if you need clarification. I look forward to receiving your response.

Very truly yours,



Melissa A. Schiffel
Delaware County Prosecuting Attorney