

## **Introduction:**

It is the policy of the Clinton County Job Family Services-Child Protection Unit (“CPU”) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the CPU to strictly adhere to the state’s Public Records Act. 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 (“ORC”).

## **Section 1. Public records**

This office, in accordance with the ORC, defines records as including the following: any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records belonging to the CPU are public unless they are specifically exempt from disclosure under the ORC.

### **Section 1.1**

Records that are specifically exempt from disclosure under the ORC and which are therefore non-public include, but are not limited to:

1. Records kept by a public children services agency and deemed confidential by ORC section 5153.17 including: written records of investigations of families, children, and foster homes, and of the care, training, and treatment afforded children, which are prepared and kept as required by law; except as provided by ORC section 3107.17(B).
2. Medical Records- any documents, or combination thereof, that pertain to the medical history, diagnosis, prognosis, or medical or psychiatric condition of a patient that is generated and maintained in the process of treatment.
3. Records pertaining to Probation and Parole Proceedings as described in ORC section 149.43
4. Records pertaining to adoption proceedings as described in ORC section 149.43
5. Information in a record contained in the putative father registry established by ORC section 3107.062, regardless of whether the information is held by the Department of Human Services or, pursuant to section 5101.313, the division of child support in the Department of Child Enforcement Agency
6. Adoption Records pursuant to ORC section 3107.42(a)

7. Trial Preparation Materials including any records created for or in anticipation of litigation
8. Confidential Law Enforcement Records as defined by ORC section 149.43(2)
9. Inmate Records- released by the Department of Rehabilitation and Correction to the Department of Youth Services or a court of record pursuant to ORC section 5120.21(E)
10. Department of Youth Services Records- pertaining to children in its custody released by the Department of Youth Services to the Department of Rehabilitation and Correction pursuant to ORC section 5139.05
11. Records maintained by the Department of Human Services pursuant to ORC section 5101.31 regarding new hire and rehire reporting for child support by employers
12. Communications made in the course of a mediation wherein the mediator is appointed in writing by a court, administrative agency or other public body pursuant to ORC section 2317.023
13. Statements, records, schedules, working papers and memoranda made by a certified public accountant or public accountant incident to or in the course of performing an audit of a public office or private entity under ORC section 149.43
14. Any other record the release of which is prohibited by state or federal law

Any record falling within one of these exceptions is not required to be released, but may be released at the discretion of the CPU unless release would violate guidelines or restrictions set out in federal or state statutes, regulations or rules.

## **Section 1.2**

It is the policy of the CPU 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**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the CPU to identify, retrieve, and review the records. CPU does not have to seek out and retrieve records that contain specific information. If it is not clear what records are being sought, the records

custodian must contact the requester 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.

### **Section 2.1**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. 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; and the necessity for any legal review of the records requested.

### **Section 2.2**

Properly made request for public records shall be satisfied by the CPU within a reasonable time as provided by the ORC.

### **Section 2.3**

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

## **Section 3. Costs for Public Records**

Those seeking public records will be charged only the actual cost of making copies. However, the CPU is under no duty to provide copies free of charge to someone unwilling or unable to pay. Further, the CPU may require prepayment of copies as well as the cost of supplies and postage. The CPU is not required to allow requesters to make copies of public records.

### **Section 3.1**

The charge for paper copies is 5 cents per page.

### **Section 3.2**

The charge for downloaded computer files to a compact disc is \$1 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 4.E-mail**

Documents in electronic mail format are records as defined by the ORC 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. Emails of a solely personal nature are not public records.

### **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. Failure to respond to a public records request**

The CPU 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 CPU's failure to comply with a request may result in a court ordering the CPU to comply with the law and to pay the requester attorney's fees and damages.

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