



DELAWARE COUNTY PUBLIC RECORDS POLICY

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I. Introduction:

It is the policy of the Delaware County, Ohio Board of County Commissioners (“Board”) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is therefore the policy of the Board and the government of Delaware County, Ohio (“Delaware County”) to strictly adhere to the state’s Public Records Act.

II. Purpose:

The Board acknowledges that Delaware County maintains many records including, but not limited to, both fixed medium (i.e. paper, film, etc.) and electronic (i.e. email) that are used in the administration and operation of Delaware County. The records maintained by the Board and/or Delaware County and the ability to access them are a means to provide trust between the public and Delaware County. To foster, maintain and continue to build such trust, the Board and Delaware County, in accordance with state law, adopts this Public Records Policy (“Policy”). (R.C. § 149.43(E)(1)).

III. Definitions:

As provided by the Ohio Revised Code, the following definitions apply to this Policy:

- A. "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. § 149.011(G)).
- B. "Public Record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the records listed in R.C. § 149.43(A)(1)(a) through (y). (R.C. § 149.43(A)(1)).

IV. Scope:

All records of the Board and Delaware County are public records unless they do not meet either or both of the definitions of “Records” or “Public Record” as defined by the Ohio Revised Code (R.C. § 149.011G and R.C. § 149.43(A)(1)) or are otherwise specifically exempt from disclosure pursuant to the Ohio Revised Code or applicable federal law.

V. Internal Procedure:

- A. Each office, department or function that maintains records shall designate and maintain a designated employee who serves as the custodian of all records maintained by that office, department, or function.
- B. Each such designated employee and/or record custodian shall have a copy of this Policy or, in lieu of this Policy, a public records policy developed by that individual office, department, or function. The designated employee and/or record custodian shall, in writing, acknowledge receipt of this Policy or the public records policy developed by that individual office, department, or function in lieu of this Policy. (See Form 1) (R.C. 149:43(E)(2)).
- C. This Policy, as well as, the Schedules of Records Retention and Disposition (RC-2) applicable to that office, department, or function are located at every location of that office in which the public may access to records.
- D. This Policy is a part of and shall be located in and/or attached to the Delaware County Employee Handbook.
- E. A poster which generally describes this Policy shall be displayed at every location in which the public may access records.

VI. Fees and Costs:

- A. Unless a different fee is required by law (i.e. copies of certain recorded documents provided by the Delaware County Recorder), in accordance with R.C § 149.43, the following fee schedule is established for providing copies or reproductions of public records:

Media Type	Unit	Cost Per Unit
Letter or Legal Sized Paper Copy (Single Side)	Page	\$0.05
Letter or Legal Sized Paper Copy (Double Side)	Two Sided Page	\$0.05
Certified Paper Copy	Page	\$1.00
Microfiche	Fiche	\$0.50
Film Duplication	16mm Roll	\$15.00
Film Duplication	35mm Roll	\$20.00
Computer Diskette	3.5" Diskette	\$1.00
Audio Cassette Tape	Tape	\$1.00
Video Cassette Tape	Tape	\$2.50
CD/CD Rom	Disk	\$1.00
Email Documents	Various Forms	See Cost Per Unit Above

- B. The above fee schedule shall be clearly posted and visible to the public at all locations authorized to provide copies of public records. (See Form 2).
- C. Advance payment is required before any copies are prepared.
- D. The Board and/or Delaware County shall charge the actual cost of material for media not listed in the fee schedule above.
- E. As a result of security issues and to preserve the integrity of Delaware County's computer systems, the Board and/or Delaware County will not accept blank media supplied by the requesting party. The Board or Delaware County will supply the media. The cost of the media is included in the fee schedule above or, if not contemplated in the fee schedule above, the media will be supplied at cost.
- F. The Board and/or Delaware County shall notify the requesting party in advance in writing of any costs for labor or materials in situations where an outside vendor must be hired to fulfill the request(s).
- G. The Board and/or Delaware County will charge the actual costs of postage and mailing supplies when the requesting party requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

VII. Availability/Inspection

- A. Upon request and subject to R.C. § 149.43(B)(8), all public records shall be promptly prepared and made available for inspection to any person during regular business hours, with the exception of legal holidays.

- B. Copies or reproductions of the requested records shall be made available at cost (See Fee Schedule) and within a reasonable period of time.
- C. “Promptly” and “Reasonable,” as used above and in connection with the preparation and production of the requested records, is to be determined by the facts and circumstances of each public records request and take into account the following:
 - 1. The opportunity for legal review,
 - 2. The volume of records requested, and
 - 3. the proximity of the location where the records are stored.

VIII. Requests for Public Records

- A. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- B. No specific language is required to make a request for public records. The requestor must, however, identify the records requested with sufficient clarity to allow the Board and/or Delaware County to identify, retrieve, and review the records.
- C. If it is not clear what records are being sought, the records custodian shall contact the requestor for clarification and should inform the requestor of the manner in which the office keeps its records.
- D. The requestor may be asked, but the requestor does not have to:
 - 1. Put a records request in writing,
 - 2. Provide his or her identity, or
 - 3. The intended use of the requested public record.

If the requestor is asked for any of this information, he or she shall first be advised:

- 1. The requestor does not have to answer any of these questions, and
- 2. The requestor's refusal to provide any of this information does not impair the requestor's right to inspect and/or receive copies of the requested public records. (R.C. 149.43(B)(5)).

E. For the purpose of enhancing the ability of the Board and/or Delaware County to identify and provide for prompt inspection and/or copies of the requested records in a reasonable period of time, the requestor shall be provided with Form 3 for the requestor to complete. In providing Form 3 to the requestor, the requestor shall be informed:

1. The requestor does not have to complete Form 3, and
2. The requestor's refusal to complete or provide any and/or all information on Form 3 does not impair the requestor's right to inspect and/or receive copies of the requested public records. (R.C. 149.43(B)(5)).

IX. Response/Release

- A. Requests for public records shall be processed the same regardless of the means by which the request was made. (Note Section X - Special Provisions for Public Records Requests Received by Email, Regular Mail, or Other Delivery Service.)
- B. The records custodian shall complete the public records request using Form 4.
- C. Requests for records that are capable of being satisfied immediately and about which there are no issues concerning release should be satisfied immediately.
- D. Requests for public records that are not capable of being satisfied immediately shall be dealt with as follows:
 1. Voluminous/Copying or Reproduction Time Required Request: (Form 5)
 - a. Each such request for public records should be evaluated for the estimated number of copies required to satisfy the request and/or an estimated length of time required to gather the records.
 - b. The requestor shall be informed of the estimated length of time required to respond.
 - c. The requestor shall be informed of the estimated total fee/cost associated with copying or reproducing and delivery of the record(s) and that such estimated total cost must be paid in full prior to the record(s) being copied or reproduced.
 - d. The requestor shall be informed that any difference between the total estimated cost and the total actual cost shall be settled either by Delaware County re-paying any overage or, prior to the delivery of the records, the requestor paying any deficit.
 - e. The requestor shall be informed of any items within the request that may be exempt from disclosure.
 - f. If the request is made verbally the above information shall be

provided to the requestor either verbally or in writing. If the request is made in writing, the requestor shall be informed of the above information in writing.

- g. All such information as required above shall be provided to the requestor in no more than three (3) days after receiving the request.
- h. Considering the volume of records requested, the requested records should be made available to the requestor within a reasonable period of time.

2. Legal Issue Concerning Release: (Form 6)

- a. In the event a request for public records is made to inspect and/or obtain a copy of a record whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel (Delaware County Prosecuting Attorney) for research and/or review.
 - b. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released. If the request is made verbally this information shall be provided to the requestor either verbally or in writing. If the request is made in writing, the requestor shall be informed in writing.
 - c. If after review, it is determined that the record shall be released, refer to the procedures in subsection (A) and (B) above, whichever, depending on the record(s) requested, is applicable.
 - d. If after review, it is determined that the record shall NOT be released, refer to Section XIII.
- E. Copied records may be forwarded to the requestor by any means reasonably acceptable to the requestor.
- F. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. Refer to Section XIII.

X. Special Provisions for Public Records Requests Received by Email, Regular Mail, or Other Delivery Service

- A. Requests for public records received by email, regular mail, or other delivery service shall be responded to in the same manner as public records requests received via any other means, except that the records custodian, upon receipt of the request, shall, by any means practical, contact the requestor and advise them as follows:

1. Advance payment is required prior to providing copies of public records,
 2. The estimated total fee/cost associated with copying or reproducing and delivery of the record(s) and that such estimated total cost must be paid in full prior to the record(s) being copied or reproduced.
 3. That any difference between the total estimated cost and the total actual cost shall be settled either by Delaware County re-paying any overage or, prior to the delivery of the records, the requestor paying any deficit.
 4. Any items within the request that may be exempt from disclosure.
- B. Upon receipt of the fees/costs and where no issues concerning release exist, the copied or reproduced records shall be forwarded to the requestor by any means reasonably acceptable to the requestor.
- C. Voluminous requests, requests requiring time for copying or reproduction, and/or requests involving legal issues concerning release shall in all other respects be handled in accordance with Section IX.

XI. Medium

- A. The requestor shall be permitted to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or record custodian determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or records custodian. When the requestor makes a choice, the public office or records custodian shall provide a copy of it in accordance with the choice made by the requestor. (R.C. 149.43(B)(6)).
- B. Persons seeking copies of public records are not permitted to make their own copies of the requested records regardless of means or media. (R.C. 149.43(B)(6)).

XII. Limited Requests

- A. In accordance with section 149.43(B)(7) of the Ohio Revised Code, the Board and Delaware County limits the number of requested public records to be transmitted through United States mail to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
- B. For purposes of this section, "commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering

information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

XIII. Response/Denial

A. Records Not Maintained by the Office Where the Request is Made

1. The requested records have never been maintained by the office where the request is made,
2. The requested records are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2),
3. The requested record is a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1) or Certificate of Records Disposal (RC-3),
4. The requested record is not a record used or maintained by the office where the request is made. In such case, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that there is no requirement to create records to meet public record requests.

B. Ambiguous or Overly Broad Request for Public Records (R.C. 149.43(B)(2))

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the office responsible for the requested public record cannot reasonably identify what public records are being requested:

1. The request may be denied.
2. However, the requestor shall be provided with an opportunity to revise the request. In such case, the records custodian shall inform the requestor of the manner in which records are maintained by the office and accessed in the ordinary course of the office's or records custodian's duties.

C. Denial of the Public Records Request

1. The request for a record or public record maintained by the office where the request is made may be denied if the record that is requested is prohibited from release due to applicable state or federal law.
 - a. Any denial of public records requested must include an explanation, including legal authority.

- b. 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.
 - c. Employees shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in whole or in part, the requestor shall be provided with an explanation, including legal authority, setting forth why the request was denied.
3. If the initial request was provided in writing then the explanation shall also be provided in writing.
4. The explanation shall not preclude the Board or Delaware County from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

D. Redaction/Procedure

1. Definition and Effect of a Redaction

- a. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(11)).
- b. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).

2. Redaction Procedure

- a. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the information within the public record that is exempt shall be redacted and that information in the record which is not exempt shall be made available.
- b. Where a redaction is to be made, the records custodian shall reproduce a copy of the page where the redaction is to be made. The redaction shall be made on the copied page. The copied page shall then be re-copied with the redactions. The resulting copy shall be the page that is released to the requestor.

- c. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.
- d. When making that public record available for public inspection or copying, the records custodian shall notify the requestor of any and all redactions and/or make any and all redactions plainly visible. (R.C. 149.43(B)(1)).
- e. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in whole or in part, including redactions, the requestor shall be provided with an explanation, including legal authority, setting forth why the request was denied.
- f. If the initial request was provided in writing then the explanation shall also be provided in writing.
- g. The explanation shall not preclude the Board or Delaware County from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

XIV. Special Provisions Related to Email

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email shall be treated in the same fashion as records in any other format and should follow the same retention schedules.

- A. Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board and Delaware County are instructed to retain their e-mails that relate to public business and to copy them to their business email accounts and/or to the office's records custodian.
- B. The records custodian is to treat the emails 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.

XV. Grievances

- A. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may contact the senior representative of the office where the request was made.
- B. If the person is not satisfied after contacting the senior representative of the office where the request was made, they shall be advised that Ohio Revised Code

section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1) and(2)).

XVI. Failure to Respond to a Public Records Request

The Board and Delaware County recognize 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 failure to comply with a request may result in a court ordering the Board and/or Delaware County to comply with the law and to pay the requestor's attorney's fees and damages.

XVII. Training and Education

The Board and Delaware County continue to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).

FORM 1



ACKNOWLEDGEMENT OF RECEIPT OF THE DELAWARE COUNTY PUBLIC RECORDS POLICY

I, _____ am the designated employee and/or record custodian for _____. I hereby acknowledge that I have received on this _____ day of _____, 20____ a copy of the Delaware County Public Records Policy dated _____.

DATE: _____

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

DEPARTMENT: _____

FORM 2



FEE SCHEDULE AND POLICY REGARDING FEES FOR COPIES AND REPRODUCTIONS OF PUBLIC RECORDS

Unless a different fee is required by law (i.e. copies of certain recorded documents provided by the Delaware County Recorder), in accordance with R.C § 149.43, the following fee schedule is established for providing copies or reproductions of public records:

Media Type	Unit	Cost Per Unit
Letter or Legal Sized Paper Copy (Single Side)	Page	\$0.05
Letter or Legal Sized Paper Copy (Double Side)	Two Sided Page	\$0.05
Certified Paper Copy	Page	\$1.00
Microfiche	Fiche	\$0.50
Film Duplication	16mm Roll	\$15.00
Film Duplication	35mm Roll	\$20.00
Computer Diskette	3.5" Diskette	\$1.00
Audio Cassette Tape	Tape	\$1.00
Video Cassette Tape	Tape	\$2.50
CD/CD Rom	Disk	\$1.00
Email Documents	Various Formats	See Cost Per Unit Above

- A. The above fee schedule shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.
- B. Advance payment is required before any copies are prepared.
- C. The Board and/or Delaware County shall charge the actual cost of material for media not listed in the fee schedule above.
- D. As a result of security issues and to preserve the integrity of Delaware County's computer systems, the Board and/or Delaware County will not accept blank media supplied by the requesting party. The Board or Delaware County will supply the media. The cost of the media is included in the fee schedule above or, if not contemplated in the fee schedule above, the media will be supplied at cost.
- E. The Board and/or Delaware County shall notify the requesting party in advance in writing of any costs for labor or materials in situations where an outside vendor must be hired to fulfill the request(s).
- F. The Board and/or Delaware County will charge the actual costs of postage and mailing supplies when the requesting party requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

FORM 3



**DELAWARE COUNTY, OHIO
REQUEST FOR PUBLIC RECORDS
(FORM 3)**

The Delaware County, Ohio government belongs to the citizens of Delaware County, Ohio. We conduct our government activities in the open and we are proud of our strong commitment to this important principle of democracy.

IMPORTANT:

COMPLETION OF THIS FORM IS NOT MANDATORY. YOUR REFUSAL TO COMPLETE OR PROVIDE ANY AND/OR ALL INFORMATION ON THIS FORM WILL NOT AFFECT YOUR RIGHT AND/OR ABILITY TO INSPECT AND/OR RECEIVE COPIES OR REPRODUCTIONS OF THE REQUESTED RECORDS. (R.C. 149.43(B)(5)).

**IF YOU COMPLETE THIS FORM IT WILL HELP US TO BETTER AND MORE
EFFECTIVELY SERVE YOU IN PROVIDING YOU WITH THE RECORDS YOU ARE
REQUESTING.**

1. GENERAL INFORMATION: (Please Print.)

Today's Date	
Name	
Street Address	
City	
State	
Zip Code	
Telephone Number	
Facsimile Number	

2. INFORMATION ON RECORD REQUESTED: (Please Print.)

With as much specificity as possible, please describe what records you are requesting. (Use the back or attach other sheets as needed.)

3. INSPECTION OF RECORD: (Check your preference below.)

There is no charge to inspect public records while in the Delaware County, Ohio office where the records are kept. Delaware County, Ohio has adopted and provides photocopies and reproductions of public records in accordance with the Fee Schedule and Policy Regarding Fees for Copies and Reproductions of Public Records.

	I would like to inspect these records in the office when they are ready.
	I would like these records copies/reproduced and I will pick them up when they are ready.
	I would like these records copied and mailed to me at the address on this form.

4. MEDIUM:

Preferred Medium (i.e. paper, email (pdf or locked format only), CD-Rom, ect . . .) for Copy/Reproduction. ¹	
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¹ Medium is limited by the determination of record custodian as to the types of media upon which the record can reasonably be duplicated as an integral part of the normal operations of the public office or records custodian.

FORM 4



PROCESSING FORM FOR REQUESTS FOR PUBLIC RECORDS

Name of Requestor	
Date request Received	
Date Request Completed	

Name of Employee Handling Request

1. ESTIMATED NUMBER OF COPIES/FEES

Type of Unit	Estimated Number of Units	Cost Per Unit	Estimated Total of Fees/Costs

2. PREPAYMENT (REQUIRED)

<input type="checkbox"/>	Prepaid
--------------------------	---------

Amount of Prepayment	
Receipt Number	

3. ACTUAL NUMBER OF COPIES/FEES

Type of Unit	Actual Number of Units	Cost Per Unit	Actual Total of Fees/Costs

4. SETTLEMENT WITH REQUESTOR

Yes / No / Not Applicable	Settlement Necessary
Yes / No / Not Applicable	Settlement Made

Amount of Refund to Requestor	
Check/Warrant Number	

OR

Amount Due From Requestor	
Paid	Yes / No

5. RECORDS NOT AVAILABLE

	Record has never been maintained by the county.
	Record is no longer maintained or has been disposed of or transferred pursuant to RC-2
	Record has been disposed of pursuant to an application of One-Time Records Disposal RC-1 or Certificate of Records Disposal (RC-3)
	Record is prohibited from release due to applicable state or federal law. Cite for the applicable state or federal law.

6. LEGAL ISSUE

	Record has been forwarded to legal counsel for research/review.
	Record has been reviewed by legal counsel and records are to be released in their entirety.
	Record has been reviewed by legal counsel and contained non-releasable material. Non-releasable material has been redacted Cite for the applicable state or federal law permitting redaction.
	Record has been reviewed and release of the entire record has been denied by legal counsel. Cite for the applicable state or federal law.

FORM 5

Date

Mr. John Requestor
123 North Sandusky Street
Delaware, Ohio 43015

Re: Public Request to _____

Dear Mr. Requestor:

This letter is to acknowledge receipt by _____ of your public records request dated _____. Be assured, this office has every intent of fulfilling your request, however, your request has been determined to be voluminous and/or requires time to copy and/or reproduce the requested records. As a result, the purpose of this letter is to advise you of the following concerning your request:

1. The estimated length of time required to your request is _____. Therefore, you can expect your request to be completed by this office on _____, 20 ____.
2. The estimated total fee/cost associated with copying or reproducing and delivery of the requested records is _____. This amount must be paid to this office in advance of any copying or reproduction of the requested records. If you have not done so already, please forward this amount to this office as soon as possible so that this office may proceed with your request and have your records ready for you at on the date specified above. A failure to forward this amount will result in a delay or the requested records not being produced. Any difference between the total estimated cost and the actual total cost shall be settled either by a) Delaware County re-paying any overage to you or b) prior to the delivery of the records, you paying Delaware County any deficit.
3. There are/are not items within your request that may be exempt from disclosure. These items which may be exempt are as follows.

Should you have any questions, please feel free to contact me at (740) _____, or email me at _____, or send mail to or meet with me personally at the above address.

Sincerely,

Records Custodian

FORM 6

Date

Mr. John Requestor
123 North Sandusky Street
Delaware, Ohio 43015

Re: Public Request to _____

Dear Mr. Requestor:

This letter is to acknowledge receipt by _____ of your public records request dated _____. Please be advised you're your request is being reviewed by legal counsel. I will contact you regarding your request as soon as legal counsel completes it review and advises me regarding your request.

Should you have any questions, please feel free to contact me at (740) _____, or email me at _____, or send mail to or meet with me personally at the above address.

Sincerely,

Records Custodian