

# **PUBLIC RECORDS POLICY OF THE CENTRAL COLLEGE COMMUNITY DEVELOPMENT AUTHORITY**

## **Introduction**

It is the policy of The Central College Community Development Authority (the Authority) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Authority to strictly adhere to the State of Ohio's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and 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. If the request is in writing, the explanation must also be in writing.

## **Section 1. Public records**

The Authority, in accordance with the Ohio Revised Code, 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 of the Authority are public unless they are specifically exempt from disclosure under the Ohio Revised Code or their release is otherwise prohibited or exempted by either state or federal law.

### **Section 1.1**

It is the policy of the Authority that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

### **Section 1.2**

The following constitutes the record retention schedule of the Authority absent adoption of a separate schedule by the Board:

- Financial Records: Until the audit for the applicable year is complete
- Community Development Charge Records: Permanent
- Board Minute Book: Permanent
- Contracts: Permanent
- Records Requests: Until the audit for the applicable year is complete
- Insurance Policies: 8 years after expiration
- E-mail/Correspondence: Earlier of 2 years or until no longer of administrative value

- Text messages: Earlier of 6 months or until no longer of administrative value
- Board Meeting Packets: Permanent
- All other records: 2 years

## **Section 2. Records requests**

Each request for public records should be evaluated for a response using the following guidelines:

### **Section 2.1**

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 Authority to identify, retrieve and review the records. 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 Authority keeps its records.

### **Section 2.2**

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. An exception to this general rule is that the Authority may ask a requester to make a request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested after informing the requester that (a) such is not required, and (b) such would benefit the requester by enhancing the ability to identify, locate or deliver the public records sought by the requester.

### **Section 2.3**

The requester of public records should contact the Chair of the Board of Trustees of the Authority or the record custodian to arrange inspection of public records. 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 2.4**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final

form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied or acknowledged in writing by the Authority within three business days following the Authority's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

**Section 2.4a** – An estimated number of business days it will take to satisfy the request.

**Section 2.4b** – An estimated cost if copies are requested.

**Section 2.4c** – Any items within the request that may be exempt from disclosure.

## **Section 2.5**

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. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies, which may be charged in advance.

## **Section 4. E-mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Authority. 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 the Authority are instructed to copy their e-mails that relate to public business (see Section 1 – Public Records) to the Authority's records custodian.

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

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