

FAIRFIELD COUNTY ENGINEER'S OFFICE

PUBLIC RECORDS POLICY

It is the policy of the Fairfield County Engineer's Office that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Engineer's Office to strictly adhere to its obligations under the state's Public Records Law. It is also the policy of the Engineer's Office that exemptions from disclosure established by federal or state law must be applied, particularly where the laws are intended to protect the rights of third parties.

1. Public Records

- 1.1. This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, fax, 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 Engineer's Office meeting this definition are public unless they are specifically exempt from disclosure under Ohio law or federal law.
- 1.2. It is the policy of the Engineer's Office that, as required by Ohio law, records will be organized and maintained so that they are available for inspection and copying in accordance with the Ohio Public Records Law. Record retention schedules shall also be made readily available to the public. The County Engineer has designated the Administrative Secretary as a public records custodian to whom requests for public records should be directed. The identity of the public records custodian(s) and policy of the Fairfield County Engineer's Office shall be posted at the Engineer's Office, also being posted on the Office's webpage at www.fceo.org.

2. Record Requests

- 2.1. Each request for public records should be evaluated for a response using the following guidelines:
 - 2.1.1. 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 public office 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 office keeps its records.

- 2.1.2. 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. It is this office's general policy that this information is only to be requested if the written request or disclosure of identity of the requestor or the intended use of the record would benefit the requestor by enhancing the ability of the Engineer's Office to identify, locate or deliver the requested public records, and if the requestor is informed that the written request or disclosure of identity of the requestor or intended use of the record is not mandatory.
- 2.1.3. Public records are to be available for inspection during regular business hours. 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.
- 2.1.4. 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 meeting minutes, budgets, salary information, forms and applications, and such other records requests that the County Engineer determines are "routine". If any of these records contain exempt material such as social security numbers or other confidential information, they cannot be handled as "routine" requests. 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 practicable, taking into account the time required for legal review or redaction of the records requested, when applicable. The County Engineer will strive to acknowledge all requests for public records and provide an estimate of the number of business days it will take to satisfy the request within three business days following the records custodian's receipt of the request.
- 2.1.5. Any denial of 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. If the initial request was in writing, the explanation shall also be provided in writing.

3. Costs for Public Records

- 3.1. Those seeking public records will be charged only the actual cost of making copies.

- 3.2. The charge for paper copies is five cents (\$0.05) per side copied for legal size and smaller; or ten cents (\$0.10) for any larger paper copies or the amount required by law.
- 3.3. The charge for downloaded computer files to a compact disc is the actual cost, not-to-exceed one dollar (\$1.00) per disc or the amount required by law.
- 3.4. There is no charge for documents e-mailed.
- 3.5. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- 3.6. The County Engineer may require the requestor to pay in advance the actual cost involved in providing the copies, including postage.

4. E-mail

- 4.1. Documents in electronic mail format are records as defined by the Ohio Revised Code 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.
- 4.2. Employees who use private e-mail accounts to conduct public business create records that may be subject to disclosure in accordance with the Ohio Public Records Law. All employees or representatives of this office shall be instructed to comply with this office's records retention policy with regard to all e-mails in private accounts that document the organization, functions, policies, decisions, procedures, operations, or other activities of the office, and to make them available to the office's records custodian in a timely manner.
- 4.3. The records custodian shall be instructed 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 Ohio Public Records Law.

5. Failure to Respond to a Public Records Request

- 5.1. The County Engineer recognizes that the consequences of failing to properly respond to a public records request in accordance with the law may result in a court ordering the County Engineer's Office to comply with the law and to pay the requester attorney's fees and statutory damages.