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Public Records Policy

Introduction:

It is the policy of the State Board of Education and the Ohio Department of Education (collectively the “Department”) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Department to strictly adhere to the state’s Public Records Act. All exemptions to openness are to be carefully construed 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 Department, 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 Department are public unless they are exempt from disclosure under state or federal law.

Section 1.1 – It is the policy of the Department 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 on the Department’s website.

Section 2. Record 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 Department to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian or his/her designee may deny the request, but shall provide the requester an opportunity to revise the request by informing the requester of the manner in which the Department keeps its records.

Section 2.2 – The Department may ask the requester to put a public records request in writing, may ask for the requester’s identity, and the intended use for the information being requested. However, 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. Requesters will be informed that they are not required to put the request in writing, provide their identity, or purpose of the request. The Department may explain how providing the request in writing, the requester’s identity, and purpose may enhance the Department’s ability to respond to the request.

Section 2.3 – Public records are to be available for inspection at all reasonable times 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 2.4 – Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied within a reasonable amount of time. 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. Requests that require legal review are not considered 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, the request should be satisfied as quickly as the equipment allows.

All requests for public records must either be satisfied within a reasonable amount of time, or be acknowledged in writing by the Department within three business days of receipt by the appropriate office within the Department. 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.

Section 3. Costs for Public Records

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

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 3.5 – The Department may choose to waive copying costs for routine requests or requests involving a small number of copies.

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 Department. 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 Department 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 to the Department's records custodian or his/her designee.

Section 4.2 – When an email's content pertains to the work of the Department, employees and the records custodian or his/her designee are 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 Department 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 Department's failure to comply with a request may result in a court ordering the Department to comply with the law and to pay the requester attorney's fees and damages.