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### 8310A - **PUBLIC RECORDS**

The School District's public records are available for public inspection and/or copying in accordance with State law.

#### **Designation of Officers**

The Treasurer/CFO shall be the District Records Officer (DRO).

#### **Definitions**

"Public record" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District.

"Public record" does not mean any of the following: medical records; documents containing genetic information; trial preparation records; confidential law enforcement investigatory records; and other records the release of which is prohibited by State or Federal law, including, but not limited to, student personally identifiable information and student directory information when the student's parents have affirmatively withdrawn consent for release of it in writing.

"Electronic record" includes any record having been created, generated, sent, communicated, received, or stored by electronic means.

"Redaction" means obscuring or deleting any information that is exempt from public inspection or copying from an item that otherwise meets the definition of a "public record".

#### **Location and Time**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. The District shall organize and maintain public records in a manner such that they are promptly made available for inspection or copying.

"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. No record shall be removed from such location. A member of the staff must be present throughout the inspection and copying of such record.

While requests to inspect and/or obtain copies of records are best made in person, telephone and written requests are permitted.

While the District is responsible for promptly preparing and making available public records, State law does not require the District to provide additional information that may be related to a record but is not part of a record. In addition, the District is not required to create a new record to respond to a public request for information if no public record is available that is responsive to the request or to respond to requests for information when the information requested is not contained in a public record.

While personnel files contain public records, some specific information and/or records contained in such files may be confidential and not subject to disclosure (see AG 8320).

#### **Procedures**

The following procedures shall be followed in connection with requests to inspect and secure copies of School District's public records:

- A. Requests to inspect and/or obtain copies of public records shall be submitted to the Treasurer/CFO. A public records request must at least identify the records requested with sufficient clarity to allow the District to identify, retrieve, and review the records. If it is not clear what records are being sought, the DRO shall contact the requester for clarification.
- B. Individuals requesting to inspect and/or obtain copies of public records do not have to put records requests in writing and do not have to provide his/her identity or the intended use of the requested public record(s).

The District may ask that the requester's identity and reason the information is sought be in writing. The District, however, must first inform the requester that such disclosure is not mandatory, unless the request is for student directory information. The District must also inform the requester that providing such information in writing enhances the District's ability to identify, locate, and/or deliver the records sought. The District may ask that records requests be put in writing, but must also notify the requester that it is not mandatory to do so.

Each request shall be evaluated for an estimated length of time required to gather the records. Routine request for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both draft and final form), budgets, salary information, forms and applications, personnel roster, etc. If fewer than twenty (20) pages of copy 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 equipment allows.

All requests for public records must either be satisfied (as above) or be acknowledged in writing by the DRO promptly following the District's receipt of the request. If the request for records was in writing, the acknowledgement shall also be in writing.

If a request is deemed significantly beyond "routine" (such as seeking a large volume/number of copies or requiring extensive research), the acknowledgement must include the following:

- A. an estimated number of business days necessary to satisfy the request
- B. an estimated cost if copies are requested
- C. any items within the request that may be exempt from disclosure and the reason for such exemption, including legal authority

With respect to public records that are determined to be available, the Treasurer/CFO will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of any required fee.

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.

With respect to records that are determined not to be available, the Treasurer will notify the requester of same, noting the reason for unavailability on the request form if one is submitted, and return one (1) copy of the form to the requestor. Treasurer/CFO shall also notify the requester of the estimated time necessary to process and fulfill the request, make arrangements with the requester for delivery of the requested records, and arrange a method of communication between the requester and the School District in the event that further information is needed by the District to fulfill the request.

## **Fees**

Upon request, copies of public records will be provided at the actual cost of making copies:

- A. The charge for paper copies is \$.05 per page.
- B. There is no charge for documents e-mailed.

A person who requests a copy of a public record may choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as the costs for postage and mailing supplies.

## **Electronic Mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the District (i.e., they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District). E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule.

Records in private e-mail accounts are subject to disclosure if their content relates to public business, and all employees or representatives of the District are responsible for retaining e-mails that meet the definition of public records and copying them to

their District e-mail account(s) and/or to the records custodian.

The records custodian shall treat such e-mail/records from private accounts as records of the District. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with the Public Records Act.

Private e-mail, electronic documents, and documents ("private records") that do not serve to document the District's organization, functions, policies, decisions, procedures, operations or other activities are not public records. Although private records do not fall under Policy 8310 – "Public Records" or this guideline, they may fall under Policy 8315 – "Information Management" or AG 8315 – "Litigation Hold Procedure."