

## **MGT-4**

## **Public Records**

### ***Policy***

Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Warren-Trumbull County Public Library to fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act, ORC 149.43.

### ***Regulations***

All records kept by the Warren-Trumbull County Public Library are public unless they are exempt from disclosure under Ohio law. A record is defined to include the following: a document in paper or electronic format that is created, received by, or comes under the jurisdiction of the Warren-Trumbull County Public Library that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the library.

### **Procedures**

#### **Response Timeframe**

- Public records are available for inspection 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 records are stored; and the necessity for any legal review and redaction of the records requested.

#### **Handling Requests**

- All requests will be handed in the Administrative Office at the Main Library.
- No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the library will contact the requester for clarification.
- The requester does not have to put a records request in writing, and does not have to provide his/her identity or the intended use of the requested public records. The law does permit the library to ask for a written request, the requestor's identity, and/or the intended use of the information requested but only:
  - a. If a written request or disclosure of identity or intended use would benefit the requestor by enhancing the library's ability to identify, locate, or deliver the public records that have been requested
  - b. After telling the requestor that a written request is not required, and that the requestor may decline to reveal the requestor's identity or intended use
- A form will be provided for itemizing the records requested. It will be provided immediately to walk-in requestors and mailed to those whose request comes by mail, fax, email or telephone. Requestors do not have to utilize the form.  
(Attachment A)

- The director (or designee in the absence of the director) shall make the initial response to the request, supervise the record search and review, and determine which records are to be disclosed and which are exempt from disclosure. In the absence of the director, the assistant director, finance manager, or human resources manager will supervise the review.
- In processing a request, the library does not have an obligation to create new records or perform new analysis of existing information.
- Upon receipt of a mailed request an immediate response shall be made to the requester by mail or phone, stating the request has been received and is under review. The response shall also indicate that the requester will be contacted as soon as possible with further information.
- An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering or querying.
- Although not required by law, the library may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.
- In processing a request for inspection of a public record, a designated library employee must accompany the requestor during inspection to make certain original records are not taken or altered. No original records are to leave the premises.
- A log shall be kept by the library to document all communication with requesters. (Attachment B)
- If a request for public records includes personnel records, the current staff member(s) (and former staff whose address is obtainable) will be notified in writing within three business days of the request. This notification will include the name and address of the requester if available and a description of the records requested pertaining to that individual.
- A copy of the most recent edition of the Ohio Sunshine Laws manual is available at [www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov) for the purpose of keeping employees and public educated as to obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws, and Personal Information Systems Act.

#### Electronic Records

- Records in the form of email, text messaging, and instant messaging, including those sent and received via a hand-held communications device are to be treated in the same fashion as records in other formats.
- Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the library are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules. (See **MGT-5** Retention and Disposal of Library Records)

#### Denial or Redaction of Records

- If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the

requester of the manner in which records are maintained and accessed by the office.

- Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. (Examples are available from the Attorney General's office.)
- If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released.
- When making public records available for public inspection or copying, the library shall notify the requestor of any redaction or make the redaction plainly visible.
- If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
- Social Security numbers, public employees' home addresses/phone numbers, and other information not subject to disclosure within records will be redacted.
- Any questions as to the exempt status of any record should be reviewed by the Trumbull County Prosecutor's Office.

#### Copying and Mailing Costs

- Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies at the W-TCPL is 10 cents per page per side for black and white; 25 cents per page per side for color. The charge for electronic files downloaded to a CD-RW or DVD is \$2 per disc.
- A requester may be required to pay in advance for costs involved in providing copies. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the office determines that the record can be reasonably duplicated as part of the library's normal operations.
- If a requested asks that documents be mailed, the requestor may be charged the actual cost of the postage and mailing supplies. There is no charge for emailing of documents.

#### Managing Records

- Warren-Trumbull County Public Library records are subject to records retention schedules. The library's current schedules are available in the Public Service Policy Manual in **MGT-5** Retention and Disposal of Library Records, available at any library location, as required by ORC 149.43(B)(2).

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*This policy was based on the model provided on the website of the Ohio Attorney General's office.*