Purpose: To document the Fairfield County Clerk of Courts (Legal Division) Public Records Policy, effective September 29, 2007.

Introduction: It is the policy of the Fairfield County Clerk of Courts office that openness leads to a better informed citizenry which leads to better government and better public policy. It is the policy of the Fairfield County Clerk of Courts office to strictly adhere to the state'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 will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, said explanation must also be in writing. Please be advised that the full public records policy is available upon request.

I. **Public Records:** The Fairfield County Clerk of Courts office, 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 Fairfield County Clerk of Courts office are public unless they are specifically ordered sealed by the Court or exempt from disclosure under the Ohio Revised Code.

   A. It is the policy of the Fairfield County Clerk of Courts office that, as required by Ohio law, court records will be organized and maintained so that they are readily available for inspection /copying. Records retention schedules are to be updated regularly, as needed.

II. **Record Requests:** Each request for public records should be evaluated for a response using the following guidelines:

   A. 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 requester in revising the request by informing the requester of the manner in which the office keeps its records.

   B. 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 not to be requested.

   C. Public records are to be 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 the records are stored; and the necessity for any legal review of the records requested.

   D. 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, court records, 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 (as stated above) or be acknowledged in writing by the Fairfield County Clerk of Courts office as promptly as possible following the office'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:

1. An estimated number of business days it will take to satisfy the request;
2. An estimated cost (if copies are requested); and
3. Any items within the request that may be exempt from disclosure.

E. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, then 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.

III. <u>Costs for Public Records:</u> Costs are as follows:

A. The charge for paper photo copies is 5 cents per page; $5.00 per certified copy; and $6.00 per authenticated copy

B. The charge for a compact disc of records is at the cost of the media on which it is produced. Please note that such requests are completed through the Fairfield County IT Department so additional time will need to be allotted for them to complete this task.

C. The charge for individual reports downloaded from the case management system is 5 cents per page for paper copy and can be e-mailed to the requester at no charge.

D. Requesters may ask that documents be mailed to them when the requester provides a self-addressed, stamped envelope with sufficient postage applied and copy costs, if applicable.

IV. <u>E-mail:</u> Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. The Fairfield County Clerk of Courts office follows the "Guidelines for the Management and Retention of Electronic Mail" as established by the Fairfield County Records and Information Department (as adopted by the Board of Commissioners Resolution 01-12-20-11).

V. <u>Failure to Respond to a Public Records Request:</u> The Fairfield County Clerk of Courts office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. Therefore, the office will do all that it can to comply with public records requests in a timely and efficient manner.