

Fairfield County Clerk of Courts Policy: Public Records Requests

#2014-07-17

Purpose: To document the Fairfield County Clerk of Courts Office Public Records Policy and update the previous policy dated February 11, 2016.

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, Ohio Rules of Superintendence, Ohio Rules of Procedure, and the local Rules of Practice adopted by the Fairfield County Court of Common Pleas (General Division and Domestic Relations Division) and the Fifth District Court of Appeals. If the request is in writing, said explanation must also be in writing.

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, the Ohio Rules of Superintendence, or the Local Rules of the Fairfield County Court of Common Pleas via its respective divisions.

- 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 and/or copying. Records retention schedules are to be updated regularly, as needed.
- B.** Under Ohio law, some records will be withheld from release because state or federal law makes the record confidential. Some commonly-requested records that are confidential include, see ORC 149.43:
 - 1. Attorney-client privileged information and trial preparation records;
 - 2. Social Security numbers;
 - 3. Records of ongoing investigations;
 - 4. Medical records;
 - 5. BMV records;
 - 6. Records that a judge ordered to be sealed per statute;
 - 7. Grand Jury Records; and
 - 8. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services workers, or corrections officer, Residential and Familial Information.

II. Records 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. Providing such information to the Clerk's office is entirely voluntary, although it can often clarify and expedite the release of information. Public records requests can be made in person, over the telephone, online or by email (ClerkRecords@FairfieldCountyOhio.gov).
- 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 prior to the release 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. Please refer to the "Fairfield County Clerk of Courts Redaction Policy."

III. Costs for Public Records: 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, pursuant to [ORC 2303.20](#).
- 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.
- E. The Clerk's office may ask for prepayment before a request is processed. Payment may be made online, over the phone, by mail (made payable to *Fairfield County Clerk of Courts* and sent to 224 E. Main Street, Lancaster, Ohio 43130) or in person at the Clerk of Courts Records Division located at 224 E. Main Street, 4th Floor, Lancaster, Ohio 43130.
- F. Fees for searches of Ohio Bureau of Motor Vehicle (OBMV) records of title information and copies thereof are pursuant to [ORC 4505.14](#). An OBMV Request Form ([BMV 1173](#)) is required and must be submitted directly to the BMV with payment to the address listed on the form.

IV. 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 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 Fairfield County Board of Commissioners Resolution 01-12-20-11).

V. Failure to Respond to a Public Records Request: 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.