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Morrow County Health District (MCHD) Public Records Policy

POLICY & PROCEDURE TITLE:	Public Records Policy
EFFECTIVE DATE:	06.19.2017
BOH RESOLUTION	2017-037-ADM, 2018-009-ADM
BOH ADOPTION:	12.17.2007
DATE REVIEWED/REVISED:	06.19.2017, 08.30.2017, 02.12.2018
AUTHORIZED BY:	Pamela Butler, Health Commissioner
ESSENTIAL PUBLIC HEALTH SERVICE:	Domain 11: Maintain Administrative and Management Capacity

INTRODUCTION

It is the policy of the Morrow County Board of Health that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Monow County Board of Health 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 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

PURPOSE

In order to facilitate prompt compliance with the Ohio Public Records Act (Ohio Revised Code 149.43), all persons seeking to inspect or obtain copies of Board or agency records are expected to comply with the policy. This policy does not apply to the use of records for official Board business by authorized individuals or to persons who desire to inspect or obtain copies of their own records.

Requests to inspect or copy public records may be made to the **Health Commissioner**, Public Records Officer or **Health Commissioner** Designee. If a request is made directly to any other Board of Health official or employee, the request will promptly be referred to the Public Records Officer or Designee to begin the process. Requests may be made in person, by telephone, or in writing.

SCOPE

All staff, management and the Board of Health members are responsible for being aware of, implementing and maintaining the quality system as appropriate to their role and responsibilities.

DEFINITIONS:

"Designee" means a designee of the appointed official in the public office if that appointed official is the only appointed official in the public office involved.

"Elected official" means an official elected to a local or statewide office. "Elected official" does not include the chief justice or a justice of the Supreme Court, a judge of a court of appeals, court of common pleas, municipal court, or county court, or a clerk of any of those courts.

"Public office" has the same meaning as in section [149.011](#) of the Revised Code.

"Public record" has the same meaning as in section [149.43](#) of the Revised Code.

REQUEST

It is the responsibility of the requestor of public records to identify with clarity (not ambiguous) the records that are sought. The Board is under no duty to seek out and retrieve records that contain specific information that is of interest to a requestor.

It is not appropriate to ask the Board / agency personnel to search for records containing selected information. For example, a request for any and all records containing any reference to a particular person or subject is overly broad and inappropriate.

The Board is under no obligation to create a record that contains the information requested, if it does not already exist. If the request is determined to be overbroad it can be denied. However, an attempt will be made to work with the requestor to narrow broad requests and identify ways in which records are kept and accessed.

If a request is ultimately denied, in part or in whole, the requestor will be provided with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation will also be provided to the requestor in writing. The explanation does not preclude the Board, or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending a suit to obtain the information.

There is no requirement that a requestor disclose their identity or intended use of the records requested.

Written requests will assist in fulfilling the request accurately, however, a written request is not mandatory and the request cannot be denied if the request is not in writing.

The person responsible for responding to the public records request may ask a requestor to make the request in writing, may ask for the requestor's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requestor that a written request is not mandatory and that the requestor may decline to reveal the requestor's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requestor by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requestor.

INSPECTION

Inspection is permitted during the hours of 9 AM and 4 PM. Monday through Thursday and during the hours of 9 AM and 11 AM Friday.

Not all records are available for inspection upon demand. Records must often be reviewed and non-public information redacted before inspection can be permitted. Other than for a person under incarceration, records will be made available for inspection within a reasonable period of time following the request.

The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information.

Some records are exempt from disclosure or contain information that should be redacted. Ohio Revised Code 149.43 contains definitions of those records that are exempt from the Public Records Act. A copy of ORC 149.43 is attached. The Board has no obligation to make those records available to the public and cannot be forced to make them available to the requestor.

Inspection will be only in the presence of Board of Health personnel.

COPIES

Not all records are available for copying upon demand. Records must often be reviewed and non-public information redacted before copying will be permitted. Redaction means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a record, as defined in Section 149.011 of the Ohio Revised Code, which is attached.

If information has been redacted the requestor will be able to determine all of the places where information was redacted.

Copies will be provided within a reasonable period of time following the request. The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information. Costs must be paid in advance before copies will be provided.

Copies will be made only by Board personnel.

The person desiring the record may choose the method of duplication, as long as it is the same medium upon which the Board of Health / agency keeps it, or some other means, that is a normal part of the operation of the office.

If a copy is made by mail, the person requesting the copy must receive it in a "reasonable time". Persons requesting that records be returned by mail shall pay for the postage and other supplies in advance. Copies delivered via US Mail, or by any other means will be charged at cost, in advance.

A person may obtain nuisance reports. However, the complainant's name may be redacted if confidentiality was promised to the complainant. If the complainant is another government agency, that information will not be withheld.

The owner of a medical record or a legal guardian may obtain medical records after signing a written release form. – following HIPAA rules / privacy rules and/or personal health information release of the agency.

Personnel files are public records and must be released upon request, with certain exceptions. These exceptions are; [1] Protected medical information, [2] social security number, [3] and records specifically

compiled in reasonable anticipation of litigation. Records that pertain to employee discipline are public records and must be released upon request.

When a public records request is made to examine a personnel file, the affected employee will be notified that their records have been requested.

The number of records that the Board will transmit by United States mail to a requestor is limited to ten per month, unless the requestor certifies to the Board that they do not intend to use or forward the requested records, or the information contained in them for commercial purposes. Commercial purposes does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or non profit educational research.

PAYMENT

The requestor shall be required to pay in advance for the cost of the copy format that is requested, as follows:

- Up to and including ten (10) paper copies: Free
- More than ten (10) paper copies: **10** cents per page
- Email Copies: Free
- Burn to CD: Actual Cost of CD/DVD
- Standard Mail: Actual Cost of postage & supplies
- Priority Mail: Actual Cost of postage & supplies
- Next Day Air: Actual Cost of postage & supplies

REFERENCES

ORC 109.43 Public records training programs - Model Public Records Policy:

<http://codes.ohio.gov/orc/109.43>

ORC 149.43 Availability of public records for inspection and copying.: <http://codes.ohio.gov/orc/149.43>

Morrow County Health District – Public Records Request Form