

## **PERRY COUNTY, OHIO**

### **PUBLIC RECORDS**

Chapter 149.43 of the Ohio Revised Code (O.R.C.) legislates and mandates the maintenance and accessibility of public records and grants any person the right to inspect a public record within a reasonable time period.

Perry County maintains records used for administration and operation. A record is defined as any item that contains information stored on a fixed medium; is created, received, or sent under the jurisdiction of a public office; and documents the organization, functions, policies, decisions, procedures, operations or other activities of the office, as defined by O.R.C. 149.011(G).

Records in the form of e-mail, text messaging, and social media are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of Perry County are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

Under Ohio law O.R.C. 149.43(A) not all information contained in a record, or the entire record itself is considered a public record and is not subject to release. Records will be reviewed before being released. Denial of all or any part of a public record request will include an explanation, including legal authority.

### **RESPONSE TIMEFRAME**

Public records are to be made available for inspection promptly, during regular business hours. 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; the necessity for any legal review and redaction of the records requested as defined by Ohio law; preparing the request; and providing for delivery.

### **HANDLING REQUESTS**

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 office must contact the requester for clarification.

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. However, the law does permit the office to request this information, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

If a record does not already exist, the public office is not required to create a record that contains the information requested, or seek out and retrieve records that contain specific information that may be of

interest of the requester. 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.

In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.

## **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. 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 office 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.

## **COPYING AND MAILING COSTS**

Those seeking public records may be charged only the actual cost of making copies, not labor, absent any charges specified by law. The charge for copies is determined by each individual county department.

A requester may be required to pay in advance for costs involved in providing the copy. 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 reasonably be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

## **MANAGING RECORDS**

Perry County records are subject to records retention schedules. Current schedules are available at the Perry County Recorder's office in the Perry County Courthouse.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

Adopted June 5, 2019