

HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

PUBLIC RECORDS POLICY

Introduction:

Pursuant to Section 149.43 of the Ohio Revised Code, the Holmes County Board of Developmental Disabilities hereby adopts this public records policy. It is the policy of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES to adhere to the state's Public Records Act.

Section 1. Public records

In accordance with Section 149.43 of the Ohio Revised Code, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES defines records as:

Any document, device, or item – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES.

Records regarding individuals with developmental disabilities who are eligible for services from or who are served by the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES are not public records and will be disclosed only in accordance with state and federal law.

Section 1.1

It is the policy of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See also Section 4 for the e-mail record policy). Record retention schedules will be updated regularly and posted prominently at the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES' administration office and other facilities.

Section 2. Record requests

Section 2.1

A requester must at least identify the records requested with sufficient clarity to allow the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES to identify, retrieve, and review the records. If it is not clear what records are being sought, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES may deny a request but will provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained by the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES and accessed in the ordinary course of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES' business. In processing the request, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES does not have an obligation to create new records or perform a search or research for information in their records.

Section 2.2

The HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and

when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES to identify, locate, or deliver the public records sought by the requester.

Section 2.3

Public records will be available for inspection during regular business hours, with the exception of published holidays. The HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES's regular business hours are 8:00 a.m. to 5:00 p.m. although these hours may change from time to time. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" take into account, among other things, 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.

Section 2.4

Section 149.43 of the Ohio Revised Code contains certain exemptions from disclosure. With respect to each request, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. The HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as required by Section 149.43 of the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1 The charge for paper copies is \$.08 cents per page and \$.50 cents per page if the copies are larger than 8 ½ x 11.

Section 3.2 There is no charge for documents e-mailed.

Section 3.3 Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4. Electronic records

Documents in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are records as defined by Section 149.43 of the Ohio Revised Code when their content relates to the business of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES. Electronic records will follow the same retention schedules as paper records.

Section 4.1 – Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES's records custodian.

Section 4.2 – The records custodian will treat the e-mails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

Section 5. DISCLAIMER

Notwithstanding the existence of this policy, the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES hereby informs the public that it shall comply with the requirements of the Ohio Public Records Act, including, but not limited to, Section 149.43 of the Ohio Revised Code, and that the provisions of the Ohio Public Records Act, and any amendments thereto, supersede and take precedence over this policy. The HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.

Policy Adopted by the HOLMES COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Initial Date: 09/20/2007

Revised: 01/21/2016

Revised: 10/25/2023