

HAMILTON COUNTY PROSECUTOR'S OFFICE PUBLIC RECORDS POLICY

MISSION STATEMENT

As a public office of the State of Ohio, the Hamilton County Prosecutor's Office is the caretaker of records that belong to the citizens of Hamilton County. Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Hamilton County Prosecutor's Office to strictly adhere to Ohio's Public Records Act.

DEFINING PUBLIC RECORDS

A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the Hamilton County Prosecutor's Office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can reasonably be made available for inspection and copying.

RESPONSE TIMEFRAME

Public records are available for inspection during regular business hours, with the exception of published holidays. 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 the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the Hamilton County Prosecutor's Office that all requests for public records will be acknowledged in writing promptly and, if feasible, satisfied within a reasonable time following the office's receipt of the request.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must 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 will contact the requester for clarification and assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

The requester does not have to put a records request in writing and does not have to provide their identity or the intended use of the requested public record(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester

by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the office does not have an obligation to create new records, search, or do research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features.

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

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, 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 this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

DENIAL AND REDACTION OF RECORDS

Any denial of public records requested will include an explanation, including legal authority as required by law. If portions of a record are public and portions are exempt, the exempt portions are to be redacted, and the rest released. If there are redactions, each redaction will be plainly visible and accompanied by a written supporting explanation, including legal authority as required by law.

COPYING AND MAILING COSTS

Those seeking public records that are not in video format may be charged for the actual cost of making copies, not labor. The charge for paper copies is five (5) cents per page for all pages after the first thirty pages. Double-sided is counted as one page. The charge for electronic files downloaded to a compact disc is fifty (50) cents per disc. The charge for other media (flash drives, etc.) will be the actual cost of the media on which the records are provided.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the Hamilton County Prosecutor's 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 delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

Those seeking video records may be charged for the actual cost associated with preparing a video record for inspection or production, not to exceed seventy-five (75) dollars per hour of video produced, nor seven hundred fifty (750) dollars total. "Actual cost," with respect to video records only, means all costs incurred by the state or local law enforcement agency in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request. An estimated actual cost will be provided within five (5) business days of receipt of the public records request. Before the Hamilton County Prosecutor's Office will begin the process of preparing a video record for inspection or production, the requester is required to pay the estimated actual cost in full. If the actual cost exceeds the estimated actual cost by no more than twenty (20) percent, the requester will be charged for the difference upon fulfilling the request for video records.

MANAGING RECORDS

Hamilton County Prosecutor's Office's records are subject to records retention schedules. Record retention schedules are updated regularly and are available at <https://www.hcpros.org>.