

# **Rural Lorain County Water Authority**

## **Public Records Policy**

It is the policy of Rural Lorain County Water Authority (RLCWA) that openness leads to a better informed citizenry, which leads to better government and better public policy. As part of this policy, RLCWA shall strictly adhere to Ohio'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 necessary, as outlined in the Ohio Revised Code. If the request is in writing, the explanation will also be in writing.

The general manager is therefore directed and authorized to implement the necessary procedures to comply with the board's Public Records Policy, with approval of legal counsel as to form and as to the requisite compliance with Ohio law.

### **Public Records Policy Procedures and Guidelines for the Public**

#### **Section 1 – Public records**

RLCWA, 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 RLCWA that documents the organization, functions, policies, decisions, procedures, operations, or other activities of RLCWA. All records of RLCWA are public unless they are specifically exempted from disclosure under the Ohio Revised Code (i.e. medical records, attorney-client privileged information, Social Security numbers, records of ongoing investigations, confidential law enforcement records, etc.).

#### **Section 1.1 – Organization and Maintenance of Records**

RLCWA public records shall be organized and maintained so that they are readily available for inspection and copying.

#### **Section 1.2 – The availability of the RLCWA Public Records Policy; Creation and Posting of a Public Records Policy Poster**

RLCWA shall keep its public records policy readily available for use and inspection. A "Public Records Policy Poster" shall be created and placed in a conspicuous place in RLCWA reception areas or administrative offices where public record requests are made. The poster shall include the following information:

- a. The preamble of RLCWA's public records policy as set forth above;
- b. The definition of a public record;
- c. The fact that the public may request these records for their review;
- d. Where and when the requests may be made;
- e. The existence of the complete public records policy which is available for inspection;
- f. The existence of a retention schedule which is available for inspection and that it may assist the requester in ascertaining the documents desired;

- g. The fact that a requester does not have to provide RLCWA identifying information or the reason for their public records request but that this information may assist RLCWA in processing the request;
- h. The fact that RLCWA may deny a request for certain documents and will provide the legal reason for the denial. This shall include 'redacting' information from documents provided;
- i. That RLCWA may seek legal review of the request made;
- j. Any copying cost associated with processing the request;

### **Section 1.3 – Retention Schedules**

In order to assist a requester of public records to efficiently identify and ascertain the records desired, RLCWA shall have its Records Retention Schedule (RRS) posted prominently. The RRS shall be regularly updated as changes in the retention schedule have been properly processed and approved by the State Historical Society and the State of Ohio Auditor's Office.

## **Section 2 – Record Requests**

Each request for public records shall be evaluated for a response using the following guidelines:

### **Section 2.1**

Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow RLCWA to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will contact the requester for clarification, and will assist the requestor in revising the request by informing the requestor of the manner in which the RLCWA keeps its records. **RLCWA does not have a duty to create or provide access to non-existent records.**

### **Section 2.2**

Although, 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, RLCWA provides a request form that will help RLCWA identify, locate and deliver the public records to the requester. The requester may decline to make the request in writing or to reveal his or her identity or the intended use of the public records.

All public records requests shall be entered into a log to record the following: name (if provided) and address (mail or e-mail) or requester; date request received; records requested; redactions and/or exemptions asserted (if any); and date of response.

### **Section 2.3**

Public records will be available for inspection during regular business hours, with the exception of published holidays. Regular business hours are Monday thru Friday, 8:00 a.m. to 4:00 p.m. 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; and the necessity for any legal review of the records requested.

## **Section 2.4**

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately, if feasible to do so. Routine requests include, but are not limited to, meeting minutes, budgets, 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 will be made as quickly as the equipment allows.

All requests for public records will either be satisfied (see Section 2.4) or be acknowledged in writing by RLCWA within five (5) business days following RLCWA'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 will include the following:

- a. An estimated number of business days it will take to satisfy the request.
- b. An estimated cost if copies are requested.
- c. Any items within the request that may be exempt from disclosure and the legal reason for the exemption.

## **Section 2.5 Denial of Request**

Under certain circumstances, records are not defined as "public records" under Ohio law. In these situations, the public record request will be denied on that basis. The denial of the records requested will include a written explanation. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the remainder of the record released. If there are redactions, each redaction will be accompanied by a supporting explanation, including legal authority.

RLCWA may create a Records Request Denial Form which will assist in providing the requester with the legal basis for the denial of records or the redaction of certain information.

## **Section 3 – Costs for Public Records**

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

### **Section 3.1**

The current charge for paper copies is five cents (\$.05) per page. RLCWA shall endeavor to limit the charge to its cost of copying, excluding administrative time and expense. There is no cost for requests for less than 20 pages provided such requests are not cumulative in nature.

### **Section 3.2**

The charge for downloaded computer files to a compact disc is \$1.00 per disc.

### **Section 3.3**

There is no charge for documents provided by electronic mail.

### **Section 3.4**

Requesters may ask that documents be mailed to them. RLCWA shall require payment in advance for the actual cost of postage or the cost of delivery and for the actual cost of supplies used in the mailing or delivery of public records if the requester has requested the public records be mailed or delivered.

## **Section 4 – E-Mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of RLCWA. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

### **Section 4.1**

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representative of RLCWA are instructed to retain their emails that relate to RLCWA and to copy them to their business e-mail and or to RLCWA's records custodian.

### **Section 4.2**

The records custodian is to treat the e-mails from private accounts as records of RLCWA when the e-mails pertain to RLCWA business by filing them in the appropriate way, retaining them per the established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

## **Section 5 – Failure to respond to a public records request**

RLCWA recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, RLCWA's failure to comply with a request may result in a Court ordering RLCWA to comply with the law and to pay the requester attorney's fees and damages.

# RLCWA PUBLIC RECORDS REQUEST FORM

It is the policy of RLCWA that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of RLCWA to strictly adhere to the State of Ohio's Public Records Act.

Neither a written request nor provision of personal information is required to access public records, but completion of this form may expedite fulfillment of the request. Whether in writing or not, the requester must identify desired records with sufficient clarity to allow for identification, retrieval, and review by the custodian.

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## Requester Information (Not Required)

Name of Requester \_\_\_\_\_

Daytime Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**Preferred Delivery Method:**  Email (if practical)  Pickup  U.S. Mail  On-site Review

## Records Request Information

Be specific when describing requested records. Inclusion of subject, date range, author, recipient, type of record, etc. expedites delivery of information. Requesters will be contacted to narrow overly broad requests.

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### For Official Use Only

Number of Copies \_\_\_\_\_

Charge per Copy \_\_\_\_\_

Extra(CD's) \_\_\_\_\_

Delivery Fees (postage) \_\_\_\_\_

Total Fees \_\_\_\_\_

Paid by: \_\_\_\_\_ Cash \_\_\_\_\_ Check

### Tracking

Date Received \_\_\_\_\_

Date Delivered \_\_\_\_\_

Delivered by: \_\_\_\_\_