

MONTGOMERY COUNTY CONVENTION FACILITIES AUTHORITY

PUBLIC RECORDS POLICY

Introduction

It is the policy of the Montgomery County Convention Facilities Authority (the "Authority"), a "public office" as defined in Ohio Revised Code Section 149.43, that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Authority to 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 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.

Section 1. Public Records

The Authority, 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 a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Authority. All records of the Authority are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1. Organization and Maintenance

It is the policy of the Authority that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. See Section 4 for the e-mail record policy. Record retention schedules are to be updated regularly and posted prominently.

Section 1.2 Designation of Public Records Officer

The Board of Directors of the Authority shall designate an individual to serve as its Public Records Officer and records custodian. In the absence of a designation by the Board of Directors of the Authority, the Secretary of the Authority shall be the records custodian.

Section 2. Record Requests

Each request for public records should be evaluated for a response using the guidelines established in this Section 2. The Secretary is encouraged to communicate the public records request form attached to this policy as Exhibit A to any requestor making a request.

Section 2.1 Identification of Public Records Requested

Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve,

and review the records. If it is not clear what records are being sought, the Secretary must contact the requestor for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2 Method of Public Records Request and Identity of Requestor

The requestor 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. It is the general policy of the Authority that this information is not to be requested of the requestor.

Section 2.3 Availability of Public Records for Inspection and Production of Copies

Public records should be made available for inspection during regular business hours, with the exception of published holidays. Copies of public records should be made available within a reasonable period of time. "Reasonable" takes 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 Time Constraints for Satisfying Public Records Requests

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied as soon as possible. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, 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 should be made as soon as possible.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the (public office) within three business days following the office'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 must include the following:

- (i) an estimated cost if copies are requested; and
- (ii) any items within the request that may be exempt from disclosure.

Section 2.5 Denial of Public Records Requests

Any denial of public records requested must include an explanation, including legal authority. 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 must be accompanied by a supporting explanation, including legal authority.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of providing such records.

Section 3.1 Paper Copies

The charge for paper copies is the greater of (i) ten (10) cents per page, or (ii) a reasonable amount determined by the Authority based on the cost to the Authority of the specific public records request made.

Section 3.2 CDs

The charge for downloaded computer files to a compact disc is the greater of (i) ten dollars (\$10) per disc, or (ii) a reasonable amount determined by the Authority based on the cost to the Authority of the specific public records request made.

Section 3.3 E-mails

There is no charge for documents e-mailed.

Section 3.4 Mail

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

Section 4. E-mail as Public Records

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. 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 Private E-mail Accounts Holding Public Records

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 on Public Records) and to copy or forward them to their business e-mail accounts and/or to the Secretary or records custodian.

Section 4.2 Duties of the Records Custodian in Managing Private E-mail Accounts

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

Effective Date: _____

EXHIBIT A

MONTGOMERY COUNTY CONVENTION FACILITIES AUTHORITY
PUBLIC RECORDS REQUEST FORM

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Date: _____

Information requested. Please be as specific as possible, including dates, documents, and method of reproduction:

Requestor's Signature Date



FOR INTERNAL USE ONLY

Date Documents Provided to Requestor: _____

Method of Delivery: _____

Individual that Provided Documents to Requestor: _____