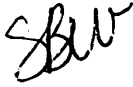


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Approved:



Sherri Bevan Walsh, Prosecutor

POLICY OUTLINE

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1.0 INTRODUCTION

- 1.01 This Public Records Policy is adopted by the Summit County Prosecutor's Office in accordance with Ohio Revised Code Chapter 149.
- 1.02 All exemptions to public disclosure 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 ("ORC"). If the request is in writing, the explanation must also be in writing.

2.0 RECORDS DEFINITION

- 2.01 "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

3.0 E-MAIL

- 3.01 Documents in electronic mail format are records as defined by the Ohio Revised Code when their content is related 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.

3.02 Public E-mail Accounts

- a. Records in public e-mail accounts used to conduct public business are subject to disclosure, and all officials, employees, or other representatives of the Summit County Prosecutors Office are instructed to retain such e-mails that relate to public business in accordance with the Office/Department's records retention schedule ("RC-2").
- b. The policy of the Summit County Prosecutor's Office is that e-mail accounts that do not document public business are not public records and are not subject to disclosure.

3.03 Private E-Mail Accounts

- a. Records in private e-mail accounts used to conduct public business on public property (i.e. using County computers) may be subject to disclosure, and all officials, employees or other representatives of this office are instructed to retain their e-mails that relate to public business.

4.0 AVAILABILITY OF RECORDS

- 4.01 It is the policy of the Summit County Prosecutor's Office that records will be organized and maintained so that they are promptly available for inspection and copying, except if legal review and/or redaction are

required then the records shall be provided within a reasonable period of time thereafter.

5.0 ONLY NECESSARY RECORDS TO BE MADE

5.01 The Summit County Prosecutor's Office shall make only such records as are necessary to document the organization, functions, policies, decisions, procedures, and essential transactions of the Summit County Prosecutor's Office and to protect the legal and financial rights of the Summit County Prosecutor's Office and persons directly affected.

6.0 DISPOSAL OF OR DAMAGE TO RECORDS

6.01 All records are the property of the Summit County Prosecutor's Office and shall not be removed, destroyed, mutilated, transformed, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the County of Summit Records Commission.

7.0 RECORDS REQUEST

7.01 No specific language is required to make a records request. However, the requester 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 requested, the records custodian must ask the requester for clarification and shall assist the requester in revising the request by informing the requester of the manner in which records are maintained by the office.

7.02 Request Not Required To Be In Writing

- a. The requester may be asked to make the request in writing, to provide their identity, and to disclose the intended use of the information requested, but may be asked such questions only after it has been disclosed to the requester that a written request is not mandatory, that he/she does not need to provide his/her identity or that he/she need not disclose the intended use of the information requested.

7.03 Ambiguous or Overly Broad Request

- a. If a requester makes an ambiguous or overly broad request or had difficulty in making a request for copies or inspection of public records such that the public office cannot reasonably identify what records are being requested, the public office may deny the request.
- b. However, the Summit County Prosecutor's Office shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office.

7.04 Limitations of Records/Requests

- a. The Summit County Prosecutor's Office may not limit the number of public records that the public

office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records.

- b. However, the Summit County Prosecutor's Office may limit the number of records requested by a person that the office will transmit by United States mail to ten (10) per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

8.0 PROMPT/REASONABLE RESPONSE

8.01 For purposes of a response to a records request, "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 and redaction of exempt information.

9.0 INSPECTION OF RECORDS

9.01 Public records are to be available for inspection during regular business hours, with the exception of holidays, weekends, or other days the offices are closed. Public records must be made available for inspection promptly.

10.0 NOT REQUIRED TO CREATE OR RESEARCH RECORDS

10.01 The Summit County Prosecutor's Office is not required to create new records.

10.02 The Summit County Prosecutor's Office is not required to research for a requester when the requester can inspect the records themselves.

11.0 COPYING OF RECORDS

11.01 Requester May Not Make Copies Themselves

- a. A requester seeking copies of the public record is not permitted to make their own copies of the requested records by any means.

12.0 EXEMPTIONS

12.01 Unless the Summit County Prosecutor's Office can identify an exemption under Federal and/or Ohio law which clearly requires or permits withholding a requested record, it must disclose the record.

12.02 If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released.

13.0 REDACTION

13.01 "Redaction" means obscuring or deleting information that is exempt from the duty to permit public inspection or copying from the item that otherwise meets the definition of a "Record" pursuant to *Ohio public record law*.

13.02 The employee of the Summit County Prosecutor's Office shall notify the requester of any redactions made or should make the redactions plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if Federal or Ohio law authorizes or required a public office to make the redaction.

14.0 MEDIUM

14.01 The requester may choose to have the public record duplicated upon paper, or upon any other medium, which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record.

15.0 COSTS FOR COPYING PUBLIC RECORDS

15.01 Those seeking public records will be charged only the actual cost of making copies which is Ten Cents (\$0.10) per copied page.

15.02 If the actual cost to fulfill the public records request, including copying and postage expenses, equals less than Five Dollars (\$5.00), then any such fees shall be deemed de minimis and shall be waived.

16.0 MEANS OF DELIVERY

16.01 Requesters may ask that documents be mailed by U.S. Mail or by any other common carrier. Requesters will be charged the actual cost of postage and mailing supplies.

17.0 PAYMENT IN ADVANCE

17.01 If records requests are responded to by U.S. Mail or by any other means, the Summit County Prosecutor's Office may require requester to pay in advance the cost of postage, delivery fees

and for supplies used for mailing and/or delivery of records.

18.0 REQUESTS BY INCARCERATED PERSONS

18.01 A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person. The Office will send a reply letter, advising this policy, to any inmate making such request.

19.0 POLICY INCLUDED IN EMPLOYEE HANDBOOK

19.01 The Summit County Prosecutor's Office public records policy shall be included in the Personnel Policies and Procedures manual or handbook.

20.0 ACKNOWLEDGMENT

20.01 The Summit County Prosecutor's Office shall distribute the public records policy to the employees of the Summit County Prosecutor's Office and shall require that employee to acknowledge receipt of the copy of the public records policy.

21.0 POSTER REQUIRED

21.01 A poster that describes the Summit County Prosecutor's Office Public Records Request Policy shall be posted in a conspicuous place in the Summit County Prosecutor's Office and in all locations where Summit County Prosecutor's Office has branch offices.

22.0 ELECTED OFFICIALS TRAINING

22.01 The Summit County Prosecutor or their appropriate designees shall attend public records law training for three (3) hours for every term of office. The training must be approved by the Ohio Attorney General.

23.0 AUDIT OF PUBLIC OFFICE

23.01 The Auditor of State, in the course of an audit of a public office, shall audit the public office for compliance of the public records law, including but not limited to, review of the policy, acknowledgment, poster requirement, and attendance of elected officials to required training.

24.0 ROUTING OF PUBLIC RECORDS REQUESTS

24.01 All public records requests received by the Summit County Prosecutor's Office shall be routed, without delay, to the Director of Communications for processing and assignment.

25.0 EMPLOYEE PERSONNEL FILE REVIEW

25.01 Anytime a request is made to review an employee personnel file, a designated employee shall be present when an employee personnel file is reviewed.