



## **PUBLIC RECORDS POLICY**

### **Introduction:**

It is the policy of the Summit County Port Authority (the “Port Authority”) to strictly adhere to the state’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 Port 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 the Port Authority that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Port Authority. All records of the Port Authority are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

#### **Section 1.1**

It is the policy of the Port Authority that, as required by the Ohio Revised Code, 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).

#### **Section 1.2**

The public records of the Port Authority shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by the Ohio Revised Code or under the rules adopted by the Summit County, Ohio Records Commission. Public records retention and disposition schedules are to be updated regularly and posted prominently.

#### **Section 1.3**

The Port Authority shall post the public records policy in a conspicuous place in the offices of the Port Authority and/or on the Port Authority’s internet web site.

## **Section 2. Record requests**

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

### **Section 2.1**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the Port Authority to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester 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**

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. It is the Port Authority's general policy that this information is not to be requested.

### **Section 2.3**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must 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. The requestor shall have the right to choose the medium upon which the requestor would like a public record to be duplicated, whether (a) on paper; (b) in the same form as the Port Authority keeps the records (i.e., computer disk(s) or other electronic media); or, in the event the public record is in a format that does not permit duplication in the medium preferred by the requestor, (c) on any medium upon which the Port Authority determines the records can reasonably be duplicated as an integral part of the normal operations of the Port Authority.

### **Section 2.4**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. 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 quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the Port Authority within three business days following the Port Authority'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, or to determine whether all or any portion of the public records are exempt, the acknowledgement must include the following:

**Section 2.4a** – An estimated number of business days it will take to satisfy the request.

**Section 2.4b** – An estimated cost if copies are requested.

**Section 2.4c** – Any items within the request that may be exempt from disclosure.

## **Section 2.5**

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, such redaction must be “plainly visible” on the public record, 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 making copies.

**Section 3.1** The charge for paper copies is 5 cents per page.

**Section 3.2** The charge for downloaded computer files to a compact disc is \$1 per disc.

**Section 3.3** There is no charge for documents e-mailed.

## **Section 3.4**

Requesters 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**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Port Authority. 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 representatives of the Port Authority 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 office’s records custodian.

**Section 4.2** – The records custodian is to treat the e-mails from private accounts as records of the Port Authority, 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.

## **Section 5. Records Custodian**

The Assistant Secretary of the Port Authority shall be the records custodian and will be responsible for the administration of and compliance with the Port Authority's Public Records Policy. The Port Authority shall distribute to the records custodian, and each successor thereafter, a copy of the public records policy and the records custodian shall acknowledge receipt thereof.

## **Section 6. Failure to Respond to a Public Records Request**

The Port Authority 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, the Port Authority's failure to comply with a request may result in a court ordering the Port Authority to comply with the law and to pay to requestor attorney's fees and damages.