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Owner Jill Keller:
Executive
Assistant
Policy Area Personnel
Applies To System Wide

Public Records (Personnel Policy 6.08)

Purpose:

To ensure all employees of the Henry County General Health District understand and comply with the Ohio Public Records Act.

Policy:

Ohio citizens are entitled to access the records of their government, as outlined in the Ohio Public Records Act. The Act imposes two primary obligations upon public offices and two corresponding rights upon the public:

1. Prompt inspection of public records; and
2. Copies of public records upon request within a reasonable period of time.

It is the policy of the Henry County General Health District to promptly respond to all requests for public records, to make records available for inspection within a reasonable period of time during normal business hours, and to otherwise fully comply with the Ohio Public Records Act.

Scope:

All public records will be maintained and organized in a manner that makes them readily available for inspection and copying, subject to records retention schedules. Many of the records the Henry County General Health District creates and maintains fall under the requirements of the Open Records Act. Conversely, some records are strictly confidential and exempt from public record. This policy will be interpreted liberally in favor of disclosure and exemptions will be narrowly construed. Any denial of public records in response to a valid request will be accompanied by an explanation.

Definitions:

For the purposes of this policy, the following words or phrases have the meanings indicated:

Public Records : 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 office. These do not include any records excluded from the definition of "public record" in Ohio Revised Code §149.43(A) (1).

Business Hours : 8:30 am to 4:30 pm Monday through Friday; does not include holidays or other days on which Health District offices are closed and the Health District is not conducting business. Business hours also do not include overtime that might be necessary to provide the documents requested.

Prompt and reasonable period of time : Takes into account the volume of records requested, the location of the records, the need for any legal review of the records requested, and the need to redact non-public information.

Public records request form : Use of this form is designed to benefit the requestor by enhancing the Health District's ability to identify, locate, and deliver the records sought by the requestor. A requestor may decline to utilize the form.

Vague or ambiguous requests : Overly broad requests in which the requestor has had difficulty in clarifying and refining the documents desired.

Denial reasons : May include, but not be limited to, the requested document does not exist, the item requested is not a public record as defined by law, no document meets the parameters of the request, the requested document or parts thereof is exempt from release as a matter of law, or the request was vague and ambiguous.

Protected Records : Records exempted from the definition of public records in Ohio Revised Code §149.43. The most pertinent of these records, for this agency's purposes, include:

- a. Medical records - Defined as any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment
- b. Confidential law enforcement investigatory records
- c. Records provided to, statements made by review board members during the meetings of, and all work products of a child fatality review board, other than the summary statistical report prepared by the review board
- d. Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the Ohio Department of Health under sections 3705.12 to 3705.124 of the Ohio Revised Code
- e. Records the release of which is prohibited by state or federal law.

Records Custodian : Each Section Director is the official custodian of all records created or received in his or her section. The Health Commissioner is the official custodian of all records created or received by the Board of Health, District Advisory Council, and personnel files. Every primary records custodian is responsible for managing, retaining, and disclosing their records in accordance with the law.

Record Series : A group of related records filed and/or used together as a unit and therefore evaluated as a unit for retention and disposition purposes.

Records Retention Schedule : A comprehensive list of record series, indicating for each the length of time the series is to be maintained and its disposition. Records retention schedule shall be updated regularly and posted prominently.

Redaction : Obscuring or deleting non-public information before permitting public inspection or copying of a public record. If information has been redacted, the requestor will be able to determine all of the places where information was redacted.

Procedures:

Maintenance of Public Records

- A. Each Section Director is the official custodian of all records created or received in his or her section. The Health Commissioner is the official custodian of all records created or received by the Board of Health, District Advisory Council, and personnel files.
- B. Every primary records custodian is responsible for managing, retaining, and disclosing their records in accordance with the law.
- C. All public records will be maintained and organized in a manner that makes them readily available for inspection and copying, subject to records retention schedules.

Requests for Public Records

- A. The Health District will respond to requests for public records received via e-mail, U.S. postal mail, telephone, personally, verbally, in writing, and any other means of communication from a member of the general public, news media, or other persons.
- B. The employee receiving the request shall promptly refer the matter to the appropriate records custodian based upon the record(s) being requested. If the records custodian is unavailable, the employee shall so notify a designee of the records custodian.
- C. The records custodian, or designee, shall determine whether the requested record is a public record or is exempted from public records law. If the records custodian is unsure if the requested record is a public record, he or she should contact the Health Commissioner. In the Health Commissioner's absence, guidance should be sought from legal counsel (i.e., the Henry County Prosecutor or Assistant Prosecutor).
- D. The Health District is under no obligation to create a record that contains the information requested, if it does not already exist.
- E. Each request for public records will be evaluated for a response using the following guidelines:
 - 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 public office to identify, retrieve, and review the records.
 - 2. If it is unclear what records are being sought (i.e., the request is vague or ambiguous), the records custodian must contact the requester for clarification and will attempt to assist the requester in revising the request by informing the requester

of the manner in which the Health District keeps its records.

3. The requester does not have to put a records request in writing, and does not have to provide his or her identify or the intended use of the requested public record. It is this office's general policy that this information is to be requested.
- F. The records custodian, or designee, receiving a public records request is expected to record and document the following, in so far as such information is available and needed to process the request:
1. The date and time that the request was received.
 2. The name of the records custodian, or designee, receiving the request.
 3. The specific records sought to be inspected or copied.
 4. The medium of the request including physical inspection, paper, e-mail, etc.
 5. Whether the record is to be picked up by the requesting party, mailed to a mailing address provided by the requesting party, e-mailed to an e-mail address provided by the requesting party, or faxed to a fax number provided by the requester.
- G. 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 the electronic format that can be e-mailed or downloaded easily, these will be made as quickly as the equipment allows.
- H. All requests for public records must either be satisfied or be acknowledged in writing by the records custodian or designee within three (3) business days following initial 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 acknowledgment must include the following:
1. The estimated number of business days it will take to satisfy the request.
 2. The estimated cost, if copies are requested
 3. Any items within the request that may be exempt from disclosure.
- I. If a request is ultimately denied, in part or in whole, the requester will be provided an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation will also be provided in writing. 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.

Inspection of Public Records

- A. Public records are to be available for inspection during regular business hours.
- B. Public records must be made available for inspection promptly. However, not all records may be available for inspection upon demand, since records may need to be reviewed and non-public information redacted before inspection can be permitted. Records will be made

available for inspection within a prompt and reasonable period of time following the request.

- C. Inspection will only be in the presence of the records custodian or designee to maintain security of the records and to answer questions.

Copies of Public Records

- A. Those seeking copies of records will be charged the actual cost of making copies, not including labor. See the "Payment" section for additional details.
- B. The person requesting the record may choose to obtain the copy of the public record duplicated on paper, or if the record is maintained electronically through e-mail, or electronic medium if supported by the Health District's current operating system. If the record is not maintained electronically as part of normal business operations, the Health District is not obligated to provide it via this medium, but shall offer to duplicate and provide the record on paper.
- C. Copies will be provided within a prompt and reasonable period of time following the request. Each request should be evaluated for an estimated length of time required to gather the records.
 - 1. 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 the electronic format that can be e-mailed or downloaded easily, these will be made as quickly as the equipment allows.
 - 2. For non-routine requests, the records custodian or designee shall advise the requester of the following:
 - a. An estimated number of business days it will take to satisfy the request (an appointment should be made with the requester for when copies or computer files can be picked up);
 - b. An estimated cost of copies, if applicable;
 - c. Any items within the request that may be exempt from disclosure.
- D. Not all records are available for copying upon demand. Records must often be reviewed and non-public information redacted before copying can be permitted. If any portions of the record are redacted, the requester will be able to determine all of the places where information was redacted.
- E. Copies will be made only by Health District personnel. A requester's media (jump drive, disc, etc.) will not be accepted in order to protect the Health District's computer network from potential harm that may be on the requester's media.
- F. Personnel files are public records and must be released upon request, with certain exceptions. These exceptions include: 1) Protected medical information; 2) Social Security Number; and 3) Records specifically compiled in reasonable anticipation of litigation. Records that pertain to employee discipline are public records and must be released upon request.
 - 1. When a public records request is made to examine a personnel file of a current employee, the affected employee will be notified that their records have been

requested.

Payment for Copies of Public Records

- A. The Health District will require the requesting party to pay, in advance of receipt of copies, for the cost of the copy format that is requested, as follows:
 - 1. Paper copies: Five (5) cents per page
 - 2. Email copies: Free
 - 3. Burn to CD, flash drive, or similar media: Actual cost of media purchased by the Health District
 - 4. Standard U.S. Mail: Actual cost of postage and supplies
 - 5. Priority Mail: : Actual cost of postage and supplies
 - 6. Next Day Air: Actual cost of postage and supplies

Public Notice

- A. The Henry County General Health District will post this policy and a current Schedule of Records Retention and Disposition in a conspicuous place at each location operated by the Health District, as well as on the Health District's website.

Distribution and Training

- A. This policy shall be distributed to each records custodian, who shall acknowledge receipt of the policy by signing the Acknowledgement of Public Records Policy For Employees form.
- B. Additionally, this policy shall be distributed to each employee, who shall acknowledge receipt of the policy by signing the Acknowledgement of Public Records Policy For Employees form.
- C. Each records custodian or designee shall attend a three (3) hour program approved by the Ohio Attorney General, which shall provide guidance in developing and updating public records policies as required under Section 149.43 of the Ohio Revised Code.
- D. Upon each revision of this policy, each employee shall read and acknowledge the updated policy, electronically via Policy Stat.

Failure to Respond to a Public Records Request :

- A. The Henry County General Health District 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 Health District's failure to comply with a request may result in a court ordering the Health District to comply with the law and to pay the requester attorney's fees and damages.
- B. Any or all provisions under this policy may be waived when a request to inspect or obtain records is made by another governmental agency or a court order. Each records custodian will consult with the Health Commissioner before waiving any provisions.

Attachments

[!\[\]\(08a82c22d89d6b027ff69762ad096586_img.jpg\) Acknowledgment of Public Records Policy for Employees](#)

[!\[\]\(35e4f762fc1cfea5610d92e2d225d5b4_img.jpg\) Public Records Request Form](#)

Approval Signatures

Step Description	Approver	Date
Health Commissioner	Joy Ann Ermie: Health Commissioner	8/14/2024
	Jill Keller: Executive Assistant	7/25/2024

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