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Portage County, OH

PORTAGE COUNTY PUBLIC RECORDS POLICY

Effective September 29, 2007; August 12, 2015

It is the policy of the Portage County Clerk of Courts that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Portage County Clerk of Courts 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 149.43. If the request is in writing, the explanation must also be in writing.

Section 1. Public Records

This office, 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 office. All records of the Portage County Clerk of Courts are public unless they are specifically exempt from disclosure under the Ohio Revised Code 149.43.

Section 1.1

It is the policy of the Portage County Clerk of Courts 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, posted prominently and are governed by Superintendent Rule 26.

Section 1.2 Public Records Redactions

Refer to Ohio Revised Code 149.43 for a complete listing of availability of public records for inspection and copying.

In addition to Ohio Revised Code 149.43 the Portage County Court has a local rule that the Portage County Court will exercise the right to protect certain sensitive information, including, but not limited to, Social Security Numbers and other identifying information, therefore the following documents will not be scanned for posting on the Internet: Civil Protection Orders, garnishments, executions, judgment liens in civil cases, bind over proceedings from municipal court and the warrant information sheet in criminal cases. The Court further finds that court transcripts, depositions, and the exhibits filed therewith will not be scanned and disseminated on the internet.

Section 2. Records 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 public office 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 this office'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 request.

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 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 Portage County Clerk of Courts 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:

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 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 10 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

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

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

Records in private e-mail accounts is 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 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 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.

Section 5. Failure to respond to a public records request

The Portage County Clerk of Courts 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 Portage County Clerk of Courts failure to comply with a request may result in a court ordering the Portage County Clerk of Courts to comply with the law and to pay the requester attorney's fees and damages.

PUBLIC RECORDS POLICY

The Portage County Clerk of Courts attests that it maintains all records that are used in the administration and operation of the Court.

The Clerk's Office maintains its records in a manner that allows inspection of its public records and will provide copies of requested records within a reasonable amount of time at a cost of 10 cents per printed page and 1.00 per page for certified copies.

The Clerk's Office retains and disposes of the records pursuant to the Rules of Superintendence for the Courts of Ohio, § §26.01, 26.02, 26.03 and 26.05 as established by the Ohio Supreme Court.

The Rules of Superintendence are available at:

<http://www.supremecourt.ohio.gov/LegalResorces/Rules/superintendence/Superintendence.pdf>