

CUYAHOGA COUNTY SOLID WASTE DISTRICT

PUBLIC RECORDS POLICY

INTRODUCTION

On September 29, 2007, Ohio law required that all public offices adopt and publish a policy for responding to public records requests.

SECTION 1. PUBLIC RECORDS

The Cuyahoga County Solid Waste District (hereinafter referred to as "CCSWD"), 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 CCSWD that documents the CCSWD's organization, functions, policies, decisions, procedures, operations, or other activities. All records of the CCSWD that meet this definition will be considered public unless they are specifically exempt from disclosure under Ohio law or federal law.

Section 1.1 Availability. It is the policy of the CCSWD that, as required by Ohio law, records will be organized and maintained so that they are available for inspection and copying in accordance with the Ohio Public Records Law. The CCSWD's Records Retention Schedule will be made readily available to the public.

Section 1.2 Public Records Manager. The CCSWD shall designate a Public Records Manager to whom requests for public records will be directed. The CCSWD's Public Records Manager's name, along with the address, fax number and/or email address of where public records requests should be submitted will be publicized, including being posted on the CCSWD's webpage. The CCSWD will ensure that the Public Records Manager will receive three (3) hours of training on public records access as determined

Section 1.3 Publication of the Policy. The CCSWD's public record response policy will be:

- A. Distributed to the CCSWD employee(s) that have custody of any records of the office or who is the Public Records Manager. The Public Records Manager shall acknowledge receipt of the policy;
- B. The CCSWD will place a poster in a conspicuous place in the CCSWD's office. The poster will generally describe the CCSWD's records request policy;
- C. Included in the CCSWD's Personnel and Policies and Procedures Manual; and
- D. Published on the CCSWD's internet website.

SECTION 2. RECORD REQUESTS

Section 2.1 Each request for a public record will be evaluated for a response using the following guidelines:

- A. **Identification of Records.** 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 Records Manager to identify, retrieve, and review the records. If it is not clear what records are being sought, the Public Records Manager will contact the

requestor for clarification, and will assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

- B. **Requestors.** 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 CCSWD's general policy that this information is only to be requested if the written request or disclosure of identity of the requestor or the intended use of the record would benefit the requestor by enhancing the ability of the CCSWD to identify, locate or deliver the requested public records, and if the requestor is informed that the written request or disclosure of identity of the requestor or intended use of the record is not mandatory.
- C. **Availability.** Public records of the CCSWD will be available for inspection during regular business hours, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, except for legal holidays, and will be available for inspection promptly and copies of the public records will be made available within a reasonable period of time.
- D. **Requests.** Each request will be evaluated to determine the estimated length of time required to gather the records.

Routine requests include meeting minutes, budgets, salary information, forms and applications, and such other records requests that the CCSWD determine are "routine". Routine requests for records will be satisfied immediately, if feasible to do so.

If any of these records contain exempt material such as social security numbers or other confidential information, they cannot be handled as "routine" requests.

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 available as quickly as practicable, taking into account the time required for legal review or redaction of the records requested, when applicable.

The CCSWD will strive to acknowledge all requests for public records and provide an estimate of the number of business days it will take to satisfy the request within three business days following the Public Records Manager's receipt of the request.

- E. The denial of a record request will include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. If there are redactions, each redaction will be explained, including legal authority. If the initial request was in writing, the explanation shall also be provided in writing.

SECTION 3. COSTS FOR PUBLIC RECORDS

Section 3.1 Those seeking public records will be charged only the actual cost of making copies.

- A. **Paper Copies.** The charge for paper copies is three cents (\$.03) per page.

- B. **Computer Disk.** The charge for downloaded computer file(s) to a compact disc is the actual cost, not-to-exceed \$1.26 per disc.
- C. **E-mails.** There is no charge for documents e-mailed.

Section 3.2 Mailing. Requestors may ask that documents be mailed to them. If so requested, the requestor will be charged the actual cost of the postage and mailing supplies.

Section 3.4 Payment. The CCSWD may require the requestor to pay in advance the actual cost involved in providing the copies, including postage.

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 Private emails. Employees who use private e-mail accounts to conduct public business create records that may be subject to disclosure in accordance with the Ohio Public Records Law. All employees or representatives of the CCSWD will be instructed to comply with this office's records retention policy with regard to all e-mails in private accounts that document the organization, functions, policies, decisions, procedures, operations, or other activities of the office, and to make them available to the CCSWD's Public Records Manager(s) in a timely manner.

Section 4.2 Availability. The Public Records Manager will be instructed 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 Ohio Public Records Law.

SECTION 5. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The CCSWD recognizes that the consequences of failing to properly respond to a public records request in accordance with the law may result in a court ordering the CCSWD to comply with the law and to pay the requestor's attorney's fees and statutory damages.

Effective: January 3, 2008