

## MEDINA COUNTY DISTRICT LIBRARY POLICY MANUAL

Policy No: MAN-07	Title: PUBLIC RECORDS		
Section: Management	Owner: Executive Director	Resolution No: 17-24	
Board Approval Date: 07-17-2017	Staff Reviewed Date: 05-01-2024	Revised Date: 07-17-2017	Effective Date 07-17-2017

The Medina County District Library shall comply with the Ohio Revised Code section 149.43 entitled "Availability of Public Records for Inspection and Copying" and any amendments to that statute and to all statutes included in the Ohio Public Records Act.

### **PUBLIC RECORDS DEFINITION:**

Public Records are defined in the Ohio Revised Code section 149.01.1 (G) as follows: A public record is defined as any document, device or item regardless of the physical form or characteristic, including an electronic record that is created or received by or coming under the jurisdiction of the library that documents the organization, functions, policies, decisions, procedures or other activity of the library. All records are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

In order to facilitate broader access of such records, the library shall organize and maintain its records in such a manner so that they can be made available in accordance with this policy.

Records retention and disposition processes shall be governed by the Medina County District Library's Record Retention Policy MAN-8, as reviewed and approved by the library's Records Commission and the Board of Trustees. Any Federal or State of Ohio legislative action that restricts, alters, modifies or otherwise necessitates changing the guidelines in this policy will, upon effectiveness, be incorporated into the Medina County District Library's Public Records Policy and shall supersede any and all previous applicable language.

### **OFFICIAL RECORDS CUSTODIANS:**

The Board of Trustees establishes the records custodians as the Executive Director, Fiscal Officer and Human Resources Director. Library staff not trained in public records law receiving records requests must immediately report the request to their supervisor or manager. Supervisors or managers not trained in public records law are required to report the records request to a records custodian as soon as possible. The records custodian will determine if there are records that are exempt from disclosure from the records request prior to facilitating the release of any records.

### **RECORDS REQUESTS:**

ORC section 149.433 provides that upon request, all public records not specifically excluded from disclosure shall be promptly prepared and made available for inspection to any person at all reasonable times during non-holiday regular business hours. Each request for public records must either be satisfied, or be acknowledged in writing by the library within 3 business days following the library's receipt of the request. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be done as quickly as possible and feasible.

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All copies shall be made available, mailed or by any other means of delivery or transmission within a reasonable period of time after a request. "Prompt" and "reasonable" responses 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.

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:

- An estimated number of business days it will take to satisfy the request.
- An estimated cost if copies are requested.
- A list of items within the request that are exempt from disclosure, and the legal authority for the exemption.

When portions of a record are exempt from disclosure, the exempt portions are to be redacted and the rest of the record released. Any redactions must be accompanied by a supporting explanation including legal authority as required by and detailed in the Ohio Revised Code.

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 library to identify, retrieve and review the records. If it is not clear what records are being sought, the records custodian must contact the requester to clarify the request. Whenever possible, public records can be provided in a format as requested. However, the library is not required to provide records in a format other than how they are normally created or stored. The records custodian will inform the requester of the manner in which the library normally creates and stores its records.

### **EMAIL:**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content meets the definition of a public record. Email is to be treated in the same fashion as other types of records.

Items in private email accounts that meet the definition of a public record are subject to disclosure and all employees and Board members are to retain them accordingly. The records custodians are to handle incoming or outgoing emails from or to private accounts that meet the definition of public records by filing them in an appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

### **FEE SCHEDULE FOR PUBLIC RECORDS:**

Those requesting public records will be charged as follows:

- Paper copy – the same as the current charges at the library's public copier machines.
- Computer files copies/stored on a compact or other disc - \$1 per disc.
- Mailed documents - actual cost of the postage along with the paper copy cost as above.
- Faxed documents – same as paper copy fees.
- There is no charge for documents emailed.

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Fees are required to be paid prior to the library releasing any copies.

### **FAILURE TO COMPLY WITH A PUBLIC RECORD REQUEST:**

The Library recognizes the legal and non-legal consequences of failure to properly comply with a public record request. In addition to the possible distrust in government, the Library's failure to comply with a public record request may result in legal action against the library as well as financial damages and other fees.