



OHIO MEDICAL TRANSPORTATION BOARD

POLICY	7.1
SUBJECT	PUBLIC RECORDS
POLICY DATE	March 16, 1999
PRIORITY REVIEW	All employees
DISTRIBUTION	All Offices
REVISION	Revised 12/2000; Revised 4/2003;
SUMMARY	Revised 3/2004, Revised 4/2009;
	Revised 5/2009

I. PURPOSE

- A. To provide guidelines for responding to records inspection requests from the public in accordance with ORC Section 149.43, Availability of Public Records.
- B. To supplement Ohio Public Records Laws with guidelines specific to Departmental responsibilities, including the definition of “confidential law enforcement investigatory record”.
- C. To provide a Public Records Request Fee Schedule.

II. POLICY

- A. It is the policy of the Ohio Medical Transportation Board 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 for public records is in writing, the explanation of denial must also be in writing.

B. DEFINITIONS.

1. This Office, in accordance with the Ohio Revised Code, defines records as: 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 this Office are public unless they are specifically exempt from disclosure under the Ohio Revised Code.
2. Confidential Law Enforcement Investigatory Record – One exception to the Public Records Act that has safeguarded the disclosure of certain information contained in case investigation records has been the “Confidential Law Enforcement Investigatory Record” clause to ORC 149.43. However, this exception requires a two-part test: (1) The information must pertain to a law enforcement investigation

(criminal, quasi-criminal, civil, or administrative) of specific alleged misconduct, and (2) the information also creates a high probability of disclosing one of the following:

- (a) Information that would disclose the identity of an uncharged suspect. A suspect is defined as the person who was subject to an investigation but no public action (arrest or citation) has yet been taken.
- (b) Information that would disclose the identity of an information source who has been reasonably promised confidentiality. This exception applies to the identity of the information source, not necessarily the information itself. However, where the protected identities are so inextricably intertwined with the investigatory file, the entire file may be exempt from disclosure.
- (d) Information that would endanger the life or physical safety of law enforcement personnel, crime victims, witnesses, or information sources.
- (e) Information that would disclose specific investigatory techniques and procedures.

C. Organization and Maintenance. It is the policy of the Ohio Medical Transportation Board 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 and posted prominently.

III. PROCESSING REQUESTS FOR RECORDS

- A. Evaluation of a Public Records Request. Each request for public records shall be evaluated for a response using the following guidelines:
 - 1. Identification of Public Records Requested. 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.
 - 2. Method of Public Records Request and Identity of Requestor. 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.
 - 3. Availability of Public Records for Inspection and Production of

Copies. 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.

4. Time Constraints for Satisfying Public Records Requests.

(a) Each request shall be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, forms and applications. 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.

(b) All requests for public records must either be satisfied or be acknowledged in writing by a public office within five business days following the office's receipt of the request. If a request will not be satisfied within five business days, the acknowledgement must include at least the following:

(1) A request for clarification (if necessary)

(2) An estimated cost if copies are requested.

5. Denial of Public Records Requests. 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.

IV. COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS. Those seeking public records will be charged only the actual cost of making copies, as follows:

A. The charge for paper copies is 5 cents per page.

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

C. There is no charge for documents e-mailed.

D. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

V. E-MAIL AS PUBLIC RECORDS. 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.

VI. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST. The Ohio Medical Transportation Board 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, failure to comply may also result in a court ordering the public office to comply with the law and to pay the requester's attorney's fees and damages.