

# **ACRTA POLICY AND PROCEDURE MANUAL**

## **B-09 Public Records**

Adopted: January 5, 2021

### **POLICY INTENT**

Openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of ACRTA to at all time fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

### **DEFINING PUBLIC RECORDS**

All records kept by ACRTA are public unless they are exempt from disclosure under Ohio law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of ACRTA that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the entity.

### **RESPONSE TIMEFRAME**

Public records will be available for inspection during regular business hours, with the exception of published holidays. Public records will be made available for inspection promptly. Copies of public records will 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 and redaction of the records requested.

It is the goal of ACRTA that all requests for public records should be acknowledged in writing or, if possible, satisfied within five (5) business days following the office's receipt of the request.

## **HANDLING REQUESTS**

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow ACRTA to identify, retrieve, and review the records. If it is not clear what records are being sought, ACRTA will contact the requester for clarification, and will assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

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 ACRTA's general policy that this information is not to be requested. However, the law does permit ACRTA to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing ACRTA's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

In processing the request, ACRTA does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, ACRTA may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, an ACRTA employee must accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) for the purpose of keeping employees of ACRTA and the public educated as to ACRTA's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

## **ELECTRONIC RECORDS**

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a business phone) will be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of ACRTA are required

to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

## **DENIAL OR REDACTION OF RECORDS**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial will provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by ACRTA.

Any denial of public records requested will include an explanation, including legal authority. If the initial request was made in writing, the explanation will also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released. When making public records available for public inspection or copying, ACRTA shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

## **COPYING AND MAILING COSTS**

Those seeking public records will be charged only the actual cost of making copies, not labor. The charge for paper copies is \$.10 cents per page. The charge for electronic files downloaded to a compact disc is \$1.00 per disc.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which ACRTA determines that the record can reasonably be duplicated as an integral part of ACRTA's normal operations.

If a requester asks that documents be mailed, he or she will be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

## **MANAGING RECORDS**

The ACRTA Board of Trustees Secretary/Treasurer is the custodian of ACRTA records. ACRTA records are subject to records retention schedules. The office's current schedules are available at ACRTA Headquarters at 200 E. High Street, Lima, Ohio 45801, a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code.