

PUBLIC RECORDS POLICY

CHAPTER 5, (NEW) SECTION 5.400

5.400 PUBLIC RECORDS POLICY

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 Washington State Community College to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

5.410 Defining Public Records

5.411 All records kept by the College 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.

5.412 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 the College that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the College.

5.420 Response Timeframe

5.421 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 and redaction of the records requested.

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

5.430 Handling Requests

5.431 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 the College to identify, retrieve, and review the records. If it is not clear what records are being sought, the College must contact the requester for clarification, and should

assist the requester in revising the request by informing the requester of the manner in which the College keeps its public records.

- 5.432 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 the College's general policy that this information is not to be requested. However, the law does permit the College 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 the College'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.
- 5.433 In processing the request, the College 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, the College may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.
- 5.434 In processing a request for inspection of a public record, a College employee must accompany the requester during inspection to make certain original records are not taken or altered.
- 5.435 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) for the purpose of keeping employees of the College and the public educated as to the College's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

5.440 Electronic Records

- 5.441 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 Blackberry) are to be treated in the same fashion as records in other formats, such as paper or audiotape.
- 5.442 Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the College are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

5.450 Denial or Redaction of Records

- 5.451 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 must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the College.
- 5.452 Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must 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, the College 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.

5.460 Copying and Mailing Costs

- 5.461 Those seeking public records may 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 \$5.00 per disc.
- 5.462 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 the College determines that the record can reasonably be duplicated as an integral part of the College's normal operations.
- 5.463 If a requester asks that documents be mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

5.470 Managing Records

- 5.471 College records are subject to records retention schedules. The College's current schedules are available on the College's website, a location readily available to the public as required by §149.43(B)(2), Ohio Revised Code.