

OWENS COMMUNITY COLLEGE
INTERNAL OPERATING PROCEDURES

Public Records

3358: 11-4-15

PROCEDURE:

Definition of a Public Record

Ohio Revised Code 149.43 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 a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Not all information contained in a record (or for that matter the record itself) is subject to release under the Ohio Public Records Act. For example, social security numbers should always be removed from a document before it is released. Moreover, certain personally identifiable information of enrolled students will not be released. However, all records of Owens Community College are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Records must be organized and maintained so that they are readily available for inspection and copying (See Electronic Records). Record retention schedules are updated regularly and posted prominently. (Also reference Records Retention Policy 3358:11-4-13 and the Records Retention Manual posted on the Owens Intranet.)

Nature of the Request

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 procedure not to request this information.

To facilitate a timely response, members of the media should submit requests to the Director of Public and Media Relations. Any other member of the public should submit requests to the College office having custody or control of the records.

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 College to identify, retrieve, and review the records. The College may decline to create a record that contains the information requested if the record does not already exist, or to seek out and retrieve additional records that may be of interest to the requester.

Procedures for Processing Requests

1. The office, department, or unit having custody of the records shall accept the actual public records request (whether verbal or written).
2. If a request is unclear, it is not to be initially rejected. The requester should be asked to revise the request in a manner that will allow the proper identification of the desired records. The records custodian must 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 records.
3. If the College office (1) is unsure whether the requested records are public records or may contain information that is exempt under the law (e.g., student education records, trade

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secret, medical information), 2) receives a records request from an attorney, or 3) receives a records request that is not considered routine (such as seeking a voluminous number of copies or requiring extensive research the College office), it is to immediately notify the Office of Human Resources, Vice President of Human Resources who will assist with further processing and/or will contact legal counsel for any required legal judgments.

4. Once contacted for assistance by the College office with custody of the records and accepting the request, the human resources representative will request the responsive records from that office. Two sets of documents may be requested from the record holder so that an unredacted set of documents may be retained in the files.
5. Non-routine requests – Should a request not be considered routine such as seeking a voluminous number of copies or requiring extensive research the College office should, whenever practicable, follow-up with a response indicating that it is in receipt of the request and that responsive records will be promptly made available.

Response Timeframe

Public records are available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly though records cannot always be made available for inspection or copying upon demand. Copies of public records are made available within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested, the location of the records, the medium of the records, and the necessity for any legal review of the records requested.

Denial of Record or Information Contained in Record

Any denial of requested 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. The appropriate College representative (outlined above) is to be contacted before denying any request in whole or in part.

Copying and Mailing of Requests

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

- The charge for paper copies is 5 cents per page.
- The charge for downloaded computer files to a compact disc is \$1 per disc.
- There is no charge for documents that are e-mailed.

A requester may be required to pay in advance for the cost involved in providing the copy. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Electronic 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.

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Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the College are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the office's records custodian.

The records custodian is 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 Act.

These procedures were developed for implementation by the Vice President of Human Resources.

Any changes to this procedure must be submitted to the Board Secretary for President's Cabinet review (except changes in contact information).

This procedure conforms to the policy that has been approved by the Board of Trustees on June 2, 2009, and filed with the State of Ohio Electronic Rule Filing with the policy effective date of June 13, 2009.