

<b>POLICY AND PROCEDURE</b>	
SUBJECT/TITLE:	Public Records Policy
APPLICABILITY:	All Staff
CONTACT PERSON & DEPARTMENT:	Erik Balster, Health Commissioner
ORIGINAL DATE ADOPTED:	12/15/2022
LATEST EFFECTIVE DATE:	12/15/2022
REVIEW FREQUENCY:	5 years
BOARD APPROVAL DATE:	12/15/2022
REFERENCE NUMBER:	800-061-P

**A. PURPOSE**

The Butler County General Health District maintains various records that are utilized to support the accountability of the Government. In accordance with Ohio Revised Code 149.38 and the Butler County Records Commission, the Butler County General Health District has adopted Schedules of Records and Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received or sent under the jurisdiction of the Health District which document the organization, functions, policies, decisions, procedures, operations or other activities of the agency. The Board of Health of the Butler County General Health District has adopted a Public Records Policy to ensure all Public Records responsive to the request are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.

**B. SCOPE**

- a) Each office, department or division that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
- b) Each Health District office has a copy of the public records policy. R.C.149.43 (E)(2).
- c) This Public Records Policy, as well as the schedules of Records Retention and Disposition (RC-2) for each Health District office is available at every location in which the public may access public records. Copies of all RC-2's and the Public Records Policy are available on the Health District website at <http://health.bcoho.us/>.
- d) All Health District offices display a poster that describes the availability of public records at every location in which the public may access the records.

**C. FEES**

The Butler County General Health District, in accordance with Section 149.43(B)(6) of the Revised Code, has established the following fees for providing copies of reproductions of public records maintained by its offices:

<b>Media</b>	<b>Cost</b>
a) Paper (sizes 8/5x11 through 11x17)	\$ 0.10 per page for black & white copies 10 B&W copies or less <u>no charge</u>
b) USB Drive	\$ 0.15 per page for colored copies \$ 5.00 per drive
c) CD-R	\$ 0.30 per disc



Public Health  
Prevent. Promote. Protect.

Butler County  
General Health District

Butler County General Health District  
All Staff  
IN PROCESS

## D. PROCEDURES & STANDARD OPERATING GUIDELINES

### I. Availability:

- d) All public records maintained by the Health District office shall be promptly prepared and made available for inspection to any person during regular business hours (R.C. 149.43 (B)(1)).
  - 1) Promptness is determined by the facts and circumstances of each public records request. Please note that the volume of records, location where they are stored, amount of legal review and redaction required effects the amount of time necessary for the Health District to provide records.
- e) The person requesting records must identify those records with sufficient clarity to allow staff to identify, retrieve and review the records. For the purpose of enhancing staff's ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the Health District may ask for the request in writing. Staff will assist the requester if necessary.
  - 1) Although staff may ask for the request in writing, for the requester's identity and may inquire about the intended use of the information requested, the requester shall be advised that:
    - i) A request in writing is not mandatory; and
    - ii) The requester's refusal to make a request in writing or to identify themselves or the intended use of the information does not impair their right to inspect and/or receive copies of the public record.
  - 2) Any person, including corporations, individuals and governmental agencies may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- f) In the event a request is made to inspect and/or obtain a copy of a record maintained by the Health District offices whose release may be prohibited or exempted by either State or Federal law, the person submitting the request shall be advised that their request is being reviewed to ensure that protected and/or exempted information is not improperly released and provided an estimate of when the records will be available for release if they may be released in whole or in part.
- g) Copies will be provided in the form in which they exist – if it is an electronic file, staff can provide a copy of the electronic file, etc. Staff is not required to convert files to a different format or create a report of the requested information if the report does not currently exist.

### II. Public Records Requests:

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, the Health District shall promptly respond to the request.

- a) A staff person will evaluate the request and estimated the length of time required to gather the records,

taking into account the volume of records, the proximity of the record storage and the necessity for any legal review of the records requested. The requester will be advised that advance payment may be required prior to providing copies of public records, and in addition, if mailed, the fee shall include the cost of postage. R.C. 149.43(B)(7).

- b) When the Health District receives a request and it involves faxing a single copy, it can be faxed without charging a fee. If the request involves copying more than one page, staff will make the copies and the requester can pick them up with a fee of 10 cents per copy. If staff is asked to mail the copies, postage will be added to the copy fee and the copies will be mailed after the fee is received.
- c) When practical, staff may forward copies of records by any other means reasonably acceptable to the requester.
- d) If the request is for a file that will require a significant amount of time to copy, staff can determine a reasonable pick-up date, inform the requester that the copies will be provided, and give the requester the date the copies can be picked up. If it is a large file, payment for the copies must be received prior to copying.
- e) If a request is voluminous, housed in an off-site location or will require legal review, an acknowledgement letter will be prepared. This letter will include: the estimated number of business days to satisfy the request; estimated cost if copies are requested; and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.
- f) In order to process the numerous varied public records requests our office receives, health department employees will make all photocopies and digital downloads for each request..

### **III. Response and Denials:**

- a) Requests for inspection and/or copies of public records that are not maintained by the Butler County General Health District or any Health District office shall be replied to in writing. The response shall state that these records are not kept by the Health District; the requested records have been disposed of according to the Schedules of Records Retention and Disposition (RC-2) or pursuant to Application of One Time Records Disposal (RC-1); or that in accordance with R.C. 149.40, the Health District is under no obligation to create records to meet the records request.
- b) If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requester by informing them, via the Health District's RC-2, what records are retained by the agency and the manner in which they are retained.

### **IV. Denial of a Record Maintained by the Butler County General Health District:**

The Butler County General Health District may deny a request for a record maintained by the Butler County General Health District if:

- a) The record that is requested is prohibited from release due to applicable State or Federal law, including but not limited to:
  - 1) Attorney-client privileged information and trial preparation records.
  - 2) Social Security numbers.
  - 3) Records of ongoing investigations.
  - 4) Medical records.
  - 5) Bureau of Motor Vehicle records.
  - 6) Records that a judge ordered to be sealed per a statute.
  - 7) Child Fatality Review Board records.
  - 8) Emergency Planning documents.
  - 9) Medical Reserve Corp volunteer data.
  - 10) Peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker or corrections officer, Residential and Familial Information (RC. 149.43 (A)(7)).
  - 11) The Health District will not provide copies of public records that are created or received after the requester's original request is completed.
  
- b) As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Butler County General Health District shall provide the requester with an explanation including legal authority, -under which the request was denied.

**V. Redacting Exempted Records/Procedure:**

- a) If a public record contains information that is exempt from the requirements for public disclosure – by Federal or State law, it shall be redacted. The redactions shall be plainly visible. The Agency Director shall provide the legal authority for the redactions. The Agency Director shall make available the information within the public record that is not exempt.
  
- b) When making a redacted document available for public inspection or copying, the Agency Director shall notify the requester of any redaction or make the redaction plainly visible (R.C. 149.43 (B)(1)).
  
- c)

**VI. Interpretation:**

It is the intention of the Board of Health of the Butler County General Health District and its employees to at all times comply in good faith with the requirements of the Ohio Records Law. This policy will be interpreted and applied to conform to Ohio law and all requirements thereunder.

**E. CITATIONS & REFERENCES**

ORC 149.43

**F. CONTRIBUTORS**

The following staff contributed to the authorship of this document:

1. Erik Balster, Health Commissioner
2. Kim Geisler, Fiscal Officer



**H. APPENDICIES & ATTACHMENTS**

N/A

**I. REFERENCE FORMS**

N/A

**J. REVISION & REVIEW HISTORY**

Revision Date	Review Date	Author	Notes

**K. APPROVAL**

This document has been approved in accordance with the “800-001-P Standards for Writing and Approving PPSOGFs” procedure as of the effective date listed above.