



Policy on Public Records

Introduction

It is the policy of the Ohio School Facilities Commission (OSFC) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of OSFC to strictly adhere to the state's Public Records Act, to construe possible exemptions to the Records Act in their narrowest sense, and to present an explanation of any denial of public records in response.

Section 1 - Public records

This office, in accordance with the Ohio Revised Code, 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. All records of OSFC are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

It is the policy of the OSFC that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Because the Commission administers school facility construction across the state of Ohio, certain records for a particular school construction project may be kept at the actual school construction site in the care of the Construction Management firm (CM) overseeing that particular construction project on behalf of the Commission. Each CM will organize and maintain their records in an appropriate manner.

Record retention schedules are to be updated regularly and posted prominently.

Section 2 - Record requests

When the Commission receives a public records request, staff shall make every reasonable attempt to fulfill the request with records that are held at the Commission or that are immediately available to the staff. In the event that necessary records are held at the project site, the Commission shall contact the appropriate CM and request that the records are forwarded to the Commission for distribution to the requestor. If it facilitates a faster response, the Commission staff may arrange for the CM to provide the records directly to the requestor.

Public records requests received directly on-site by the CM shall be forwarded to the Commission for response.

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 - 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 OSFC to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will contact the requester for clarification, and will assist the requestor in revising the request.

Section 2.2 - 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 Commission's general policy that this information need not be requested.

Section 2.3 - 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.

Section 2.4 - Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately when feasible. Routine requests include, but are not limited to, meeting minutes, budgets, forms and applications, personnel rosters, etc. If the records are readily available in an electronic format that can be e-mailed or downloaded easily, the records may be produced in such a format. In general, records shall be provided in the medium in which they are maintained, however, a change in medium may be approved at the discretion of the Commission.

In the event a requestor makes a request for a voluminous amount of material, the staff or CM shall apprise the requestor of the projected estimate of cost for making the copies and offer the requestor the opportunity to review the material prior to making the copies.

All records requests shall either be satisfied, or acknowledged as to the complexity, within a reasonable period of time.

Section 2.5 - 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.

Section 3 - Costs for Public Records

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

Section 3.1 - The Commission's standard charge for paper copies is 5 cents per page. If the request is voluminous by nature or the time needed to respond would be lessened, the staff (or CM where applicable) shall make arrangements with the requesting party for the documents to be sent to a commercial copying business. If the requestor has an account with the commercial copying business, then the requestor shall take responsibility to make direct billing arrangements. If the CM or Commission arranges the copying/billing, then the invoice for the copying may be sent directly to the requestor.

There shall be no charge for documents e-mailed. There shall be no charge for records provided on CD-ROM.

Section 3.2 - Additional charges, such as fees for retrieval or transportation of records may not be imposed. Charges for staff time in compiling the requested records are also prohibited. Access to the records cannot be limited to conditions where the requestor will incur expenses for that access (such as room rental fees at the storage facility).

Section 3.3 - Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4 - Email

Documents in electronic mail format are records 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.

Section 5 - Failure to respond to a public records request

The Ohio School Facilities Commission 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, OSFC's failure to comply with a request may result in a court ordering this agency to pay the requester attorney's fees and damages.