

ARTICLE XI. Inspection, Release and Retention of Public Records Policy

(As approved 08/01/19 meeting)

Section 11.01 Purpose

Sandusky County Land Reutilization Corporation (Land Bank) hereby adopts this policy in order to facilitate prompt compliance with the Ohio Public Records Act (Ohio Revised Code 149.43). With respect, any individual or organization seeking to inspect or obtain copies of Land Bank records is expected to comply with the policy.

Section 11.02 Definition of Public Record

The Land Bank, 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 the Land Bank which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office, except those records that are otherwise identified as exempt under Ohio Public Records Act, or the release of which is prohibited by State or Federal law.

Section 11.03 Record Request

All record requests must be submitted to the Land Bank Chairman or his or her designee. Public record requests may be made in person, by telephone, or in writing. Any individual or organization wishing to inspect or obtain copies of public records must identify the records requested with sufficient clarity to allow the Land Bank office to identify, retrieve, and review the records.

- A. Although the individual or organization wishing to inspect or obtain copies of public records is not required to submit a public record request in writing; nor are they required to provide his or her identity, or the intended use of the requested public record, it is recommended a Public Record Request be completed in writing to enhance the ability of the Land Bank to comply with the request. Prior to asking the requestor to submit his or her request in writing, it must be reaffirmed to the requester; submission of a written request with his or her identity and its intended use is not mandatory.
- B. The Land Bank Chairman, or his or her designee, will prepare and make available for inspection and/or copy public records, as defined in Ohio Revised Code, section 149.43, upon the request of any individual or organization of the general public.
- C. If it is not clear what records are being sought, the Land Bank may deny a request, but will provide the requestor an opportunity to revise the request by informing the requestor of the manner in which the office keeps its records.
- D. Prior to denying or redacting any part of a public record request, the Sandusky Land Bank Legal Counsel shall review the request for legal authority.
- E. The Land Bank establishes the limit of (10) record requests mailed via U.S. mail per month to any one requester, unless the requester certifies its use is non-commercial.

- F. The Land Bank, or his or her designee, has no responsibility to search for and retrieve records that contain ambiguous information that is of interest to a requestor. The Ohio Public Records Act requires the Land Bank to provide a copy of the information, as it currently exists.

Section 11.04 Inspection Time

Public records are to be available for inspection during regular Land Bank business hours, with the exception of published holidays. However, not all records are available for inspection upon demand. Ohio Public Records Act specifies public records must be made available for inspection *promptly*, and copies of public records must be made available within a *reasonable* period of time.

- A. “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. Records must often be reviewed and non-public information redacted before inspection can be permitted.
- B. Any denial of a public record request 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 remaining portion released. If there are redactions, each redaction must be plainly visible and accompanied by a supporting explanation, including legal authority as outlined in the Ohio Revised Code. Any denial of a public record request or a redaction of certain information on a public record shall be documented with a copy forwarded to the requestor.
- C. Any inspection of records shall take place in the presence of the Land Bank Chairman, or his or her designee.
- D. Any and all copying of records shall take place by the Land Bank, or his or her designee.
- E. When a public record request is made to examine a personnel file, the employee, to the extent practicable, will be informed that his or her personnel records have been requested and, if known, the name of the individual making the request.
- F. If there is a question regarding whether the content of a requested record is a public record, the Land Bank Chairman, or his or her designee shall request an opinion from the Land Bank Legal Counsel. The individual or organization submitting the request shall be advised; Legal Counsel is reviewing the request to ensure the said Land Bank office does not improperly release protected and/or exempt information.

Section 11.05 Record Retention

All public records in the custody of the Land Bank shall be retained in accordance with the Records Retention Schedule (RC-2).

- A. If a Schedule has not been established, the Land Bank shall maintain its public records indefinitely unless the retention period set forth in its appropriately enacted records retention schedule has expired. Public records shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, unless in compliance with Ohio Revised Code and Ohio Historical Society’s Local Government Records Program.

Section 11.06 Fees for Copying of Public Records

- A. The Land Bank will provide copies of records at cost - in accordance with said Land Bank Office’s copy fee schedule. Fees must be paid in advance before copies will be provided.

1. The fee for letter / legal size paper copies in this office will be: \$.10 per page.
 2. The fee for downloaded computer files to a compact disc or digital video disc is \$.50 per disc.
 3. The fee for downloaded computer files to an 8GB USB flash drive is \$8.00 per drive.
 4. There shall be no fee for documents e-mailed.
- B. Individuals or organizations may ask that documents be mailed to them via U.S. mail. They shall be charged the actual cost of the postage and mailing supplies in addition to the cost of copies prior to mailing.
- C. The Land Bank Chairman, or his or her designee may waive the fee provisions under this policy when a request to obtain copies of records is made:
1. By another governmental agency;
 2. By an authorized representative of another governmental agency;
 3. In accordance with a Court Order.

Section 11.07 E-mail

- A. Documents in electronic mail format are records as defined in Ohio Revised Code section 149.43, when their content relates to the business of the Land Bank office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.
1. All record requests shall conform to Section 11.03 of this policy.

Section 11.08 Disclaimer

- A. The Land Bank will conform to the requirements of the Ohio Public Records Act as described in Section 149.43 of the Ohio Revised Code. Any amendments to this section of law take precedence over this policy.

REVISION HISTORY

Rev Date	Date of Approval	Extent of Revision
08/12/20		Reformatted to incorporate into the Policies and Procedures Manual