

GEAUGA COUNTY BOARD OF MENTAL HEALTH AND RECOVERY SERVICES

TITLE: Public Records Policy
APPROVAL DATE: June 26, 2024

SECTION: I-H

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, the Geauga County Board of Mental Health and Recovery Services (Board) is committed to fully complying with and abide by both the spirit and the letter of Ohio's Public Records Act at all times.

DEFINING PUBLIC RECORDS:

All records kept by the Board are public unless they are exempt from disclosure under state or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

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 Board that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

RESPONSE TIMEFRAME:

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.

HANDLING REQUESTS:

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 office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office 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 office keeps its public records.

In processing the request, the office does not have an obligation to create new records or perform new analyses 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. In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.

ELECTRONIC RECORDS:

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the Board are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

DENIAL OR REDACTION OF RECORDS

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 office.

Any denial of a public records request 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 office 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.

COPYING AND MAILING COSTS:

Procedure:

1. Request to review public records may be made to any GCBMHRS staff member, which in turn will be forwarded to the Public Records Custodian. All requests will be documented, cleared through the Prosecutor's office when appropriate, and kept in the records review log. The Public Records Custodian will respond to the request within a reasonable amount of time.
2. On-site review of public records, if requested will be made in the presence of the Public Records Custodian or designee during normal business hours.
3. Copies of public records may be requested. Copies will be made by GCBMHRS staff and will be provided to the requestor at a duplication cost of .10 cents per page. The GCBMHRS will not charge for employee time in gathering or reviewing

the records. Full payment must be received before copies are given to the requestor.

4. Mail requests to review public records will be forwarded to the Public Records Custodian, who will respond to the request in a reasonable amount of time.
5. All records will be stamped with GCBMHRS on each page to ensure authenticity.
6. The requestor does not need to identify him or herself or explain the intended use of any requested public document. The Public Records Custodian cannot deny access due to a requestor's refusal to answer these questions.
7. Personnel files are considered public records and, as such, are subject to the public records statutes of the State of Ohio. When personnel files are requested in this manner, the Public Records Custodian will inform staff whose file(s) were included in the request and contact the Prosecutor's office for direction on the request/release. Personal information regarding the employee or their family that is not a public record will not be released.
8. Questions or complaints about public access to records can be made to the Ohio Auditor of State's Office at (800) 282-0370 or the Open Government Unit Director at (800) 345-2519.
9. The GCBMHRS will post the Board's Public Records Policy and all required postings in a conspicuous place.

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 office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be mailed, they may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

MANAGING RECORDS:

The Board records are subject to records retention schedules. The Board's current schedules are available at 13244 Ravenna Road, Chardon, a location readily available to the public as required by 149.43(B)(2), Ohio Revised Code.