

LORAIN COUNTY PUBLIC HEALTH
PUBLIC RECORDS REQUEST POLICY

INTRODUCTION

Lorain County Public Health (here-after the Health District) is a local government agency serving the public health needs of the citizens of Lorain County. It is our intent to be compliant with the Ohio Public Records Act, as outlined in the Ohio Revised Code and expanded upon in the Ohio Attorney General’s book of Sunshine Laws. It is our goal to, when possible, provide immediate assistance to anyone making a public records request of our health district.

DEFINING PUBLIC RECORDS

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 by, received by, or comes under the jurisdiction of the health district that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the health district.

A “public record” is a “record” that is being kept by this office at the time of the public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records are to be organized and maintained in such a way that they can be made available for inspection and copying.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours and should be available within a prompt and reasonable amount of time. “Prompt” and “reasonable” take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requestor must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

The requestor 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(s). The law does permit the health district to ask for a written request, the requester’s identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office’s ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester’s identity or intended use.

The health district does not have an obligation to create new records or perform a search or research for information in the agency’s records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the health district’s standard use of sorting, filtering, or querying features.

The requestor may simply wish to see a single document or a few documents, and in such a case health district personnel may provide them with the original document/documents to view on-site; an appointment should be scheduled. In that event, a health district employee must remain with the requester to ensure that the original document/documents are not taken or altered.

COST

If a small number of pages are requested, 20 pages or less, the health district will provide copies at no charge. However, if more than 20 pages are requested, the requestor will be charged for the cost of making the copies at \$.05 per page. If the records are to be mailed, the health district may also charge the cost of postage to the person making the request. Pre-payment for copies and for mailing may be required by the health district.

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 may be subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the health district cannot reasonably identify what records are being requested, the request may be denied, but the office must then 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.

If the health district withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). 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 must be released. When making public records available for public inspection or copying, the health district shall notify the requestor of any redaction or make the redaction plainly visible.

EXCEPTIONS

The following records are protected and do not fall under the heading of public records pursuant to law.

- Medical records are covered under HIPAA and are not public records.
- Child Fatality Review Board records.
- Records that may contain personal information about minor children.
- Attorney-client privileged information.
- Records of public accountant in the performance of an audit of the health district.
- Employee's records and those of their family members that were created in association with the Family Medical Leave Act.
- Emergency Response Plans

MANAGING RECORDS

The Account Specialist is in charge of tracking public records requests and distributions. A LCPH Record Request Form will be completed for each request noting date the request is received, requester's name, information requested, and date and method of distribution. A summary will be maintained for each year.

The health district's records are subject to records retention schedules. Current schedules are available at Lorain County Public Health, 9880 S. Murray Ridge Rd., Elyria, OH 44035, a location readily available to the public as required by Ohio Revised Code 149.43(B)(2).

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the health district and the public educated as to the health district's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.