

Policy Title: Public Records Request, Response Policy

Policy Number: I-A.3

Effective Date: February 18, 2025

PURPOSE

In compliance with the Ohio Revised Code (ORC) Section 149.43, the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Erie County will ensure that all public records are available for inspection and copying, except those exempt by law. The Board will establish procedures to respond to public records requests promptly and efficiently, maintaining transparency and accountability.

POLICY

It is the policy of the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Erie County to maintain public records as defined by Revised Code Sections 149.011 and 149.43, in a manner as required by State and Federal law.

PROCEDURES

1. Maintenance of Public Records

- Public records, as defined by Revised Code Sections 149.011 and 149.43 but subject to exemptions under R.C. 149.43 and 149.433, are to be available for inspection during regular business hours. Public records are made available for inspection or copying or shall be found on the ADAMHS Board website.
- The ADAMHS Board shall have available on its website and at its office location in a conspicuous place, a Public Records Request Policy Poster, a copy of the Public Records Policy, a copy of the Records Retention Schedule, and a copy of the Public Records Request Form.
- Public Record content transmitted to or from private accounts or personal devices is subject to disclosure. All ADAMHS Board employees and board members are required to retain their e-mail records and other electronic records in accordance with the ADAMHS Board's Record Retention Schedule.
- The Executive Director as acting Records Manager shall keep track of the following through the ADAMHS Board's Public Records Request Log.
 - a. Date of Request
 - b. Requester name, if applicable
 - c. Address (required for mail)
 - d. E-mail (for electronic response)
 - e. Description of records requested.

- f. Date received by the Records Manager
- g. Copy of released records: Yes or No
- h. Any redactions: Yes or No
- i. Legal authority for redactions, if applicable

2. Requests for Public Records

- Unless specifically required or authorized by state or federal law, the ADAMHS Board may not limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record.
- 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 ADAMHS Board to identify, retrieve, and review the records. In processing the request, the ADAMHS Board does not have an obligation to create new records or perform a search or research for information in the ADAMHS Board records.
- The ADAMHS Board may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the ADAMHS Board to identify, locate or deliver the public records sought.
- The ADAMHS Board may not limit the number of public records that it will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records.

3. Response to Public Records Requests

- The Records Manager shall be responsible to promptly answer (within three business days) to all Public Record Requests by informing the requester that their request was received, providing an approximate timeframe for preparing the request, and asking for any necessary clarification.
- If the public record contains information exempt from public inspection or copying, the ADAMHS Board shall make available all non-exempt information within the public record.
- When making the public record available for public inspection or copying the public record, the ADAMHS Board shall notify the requester of any redaction or make the redaction plainly visible.
- If the requester makes an ambiguous or overly broad request, or has difficulty making a request such that the ADAMHS Board cannot reasonably identify the

public records being requested, the request may be denied. However, the ADAMHS Board must provide the requester an opportunity to revise the request by informing them of how records are maintained and accessed by the ADAMHS Board.

- If the ADAMHS Board 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 some portions of a record are public and other 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 ADAMHS Board shall notify the requester of any redaction or make the redaction plainly visible.
- The ADAMHS Board has no duty to furnish records that are not in its possession or control. If the ADAMHS Board kept a record in the past, but has properly disposed of it, then it is no longer a record. However, as long as a public record is kept by the ADAMHS Board, it retains its status as a public record.
- The ADAMHS Board can properly deny a request if:
 - a. The office no longer keeps the records pursuant to the ADAMHS Board Records Retention Schedule.
 - b. The request is for documents that are not records of the ADAMHS Board.
 - c. The requester does not revise an ambiguous or overly broad request. The ADAMHS Board has no duty to fulfill requests that do not specifically and particularly describe the records the requester is seeking.

4. Inspection of Public Records

- Requests to review public records should be made to the Records Manager or forwarded to the Records Manager by other employees.
- Upon request by any person, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. The term "promptly" shall take into account the volume of records requested; the proximity of the location where the records are stored, the necessity of any legal review and redaction, and other relevant facts and circumstances.

5. Copies and Payment of Public Record

- Upon request by any person, the ADAMHS Board through its Records Manager shall make copies of the requested public records at cost and within a reasonable period of time. "Reasonable" shall take into account the volume of records requested; the proximity of the location where the records are stored; the necessity of any legal review and redaction; and other facts and circumstances of the records requested.

- Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is ten (10) cents per page (black and white) and twenty (20) cents per color page, to be paid by either cash, money order, or cashier's check. Payment must be paid prior to the release of public records. Checks are to be made payable to the Alcohol, Drug Addiction and Mental Health Services Board of Erie County. There is no charge for e-mailed documents.

6. *Public Notice*

The public office shall post its Public Records Policy, the Records Retention Schedule, and the Public Records Request Form on its website and in a conspicuous place within the public office.

7. *Distribution and Training*

- The ADAMHS Board shall distribute the Public Records Policy to the employees and board members. The ADAMHS Board shall require all employees and board members to acknowledge receipt of the ADAMHS Board Public Records Policy.
- The Records Manager shall attend (in-person or virtually) a public records training approved by the Ohio Attorney General, at minimum once a year.
- The ADAMHS Board employees and members shall attend (in-person or virtually) a public records training approved by the Ohio Attorney General, at minimum once every four years.
- The Records Manager shall acknowledge and sign his/her responsibility as a "Records Manager" for the Alcohol, Drug Addiction and Mental Health Services Board of Erie County.
- A copy of the Ohio Sunshine Laws manual shall be posted on the ADAMHS Board's website yearly for the purpose of keeping employees, board members, and the public educated as to the ADAMHS Board's obligations under the Ohio Public Records Act, Open Meetings Act, and records retention laws.

8. *Appendixes*

- A. Public Records Request Form (for all requesters – optional)
- B. Public Records Request Log (sample)
- C. Public Records Policy Acknowledgement Form
- D. Records Manager Acknowledgement Receipt Form (for Records Manager)
- E. Public Records Request Acknowledgement Response

APPROVED



Board Chair

2-18-2025

Date



Executive Director

2-19-2025

Date

**RESOLUTION of the
ALCOHOL, DRUG ADDICTION AND MENTAL SERVICES BOARD ERIE COUNTY**

February 18, 2025

RESOLUTION NO. 02-2025-02

A RESOLUTION to APPROVE the PUBLIC RECORDS REQUEST, RESPONSE POLICY, No. I-A.3

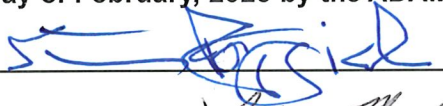
WHEREAS, the Alcohol, Drug Addiction, and Mental Health Services (ADAMHS) Board of Erie County (herein referred to as "Board") recognizes the importance of transparency and public participation in its meetings;

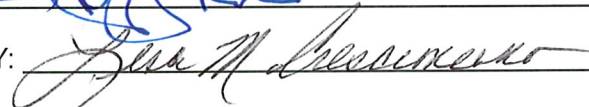
WHEREAS, the ADAMHS Board of Erie County has reviewed and discussed the proposed Public Records Request, Response Policy, No. I-A.3 to ensure compliance with the Ohio Revised Code Section 149.43 and 149.011.

NOW, THEREFORE, BE IT RESOLVED, that the ADAMHS Board of Erie County hereby approves the Public Records Request, Response Policy, No. I-A.3 as presented;

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to implement the Public Records Request, Response Policy, No. I-A.3 in accordance with the terms set forth in the policy document.

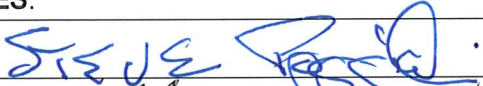
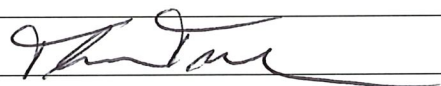
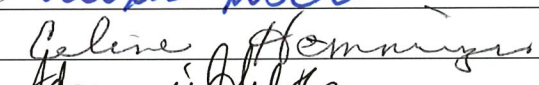
Adopted this 18th day of February, 2025 by the ADAMHS Board of Erie County.

RESOLVED BY: 

SECOND TO RESOLUTION BY: 

RESOLUTION Approved ROLL CALL Vote of the Board Members Present:

YES:

NO:

ABSTAIN:

--	--