

**Erie County Common Pleas Court, Probate Division
Clerk of Courts
Public Records Request Policy**

This Public Record Policy is adopted by the Erie County Clerk of Court, Probate Division, in accordance with Ohio Revised Code Chapter 149. This imposes the obligation to provide prompt inspection of public records and to provide copies of public records within a reasonable period of time.

1. A record is defined as any item maintained by a public office that meets all of the following. If any of these three requirements is absent, the item is not a record and, therefore, not a public record.
 - a. Is stored on a fixed medium, such as paper, or electronic format;
 - b. Is created or received by, or sent under, the jurisdiction of a public office;
 - c. Documents the organization, functions, policies, decision, procedures, operations or other activities of the office.

2. In order to ensure that accurate information is provided when responding to requests, it is recommended, but not required, that requests be submitted in writing on the form herein attached. However, the requester is advised that a written request is not mandatory and the requester may decline to reveal his identity or intended use of the records. This Clerk's Office may deny an ambiguous or overly broad request. However, the requester shall be provided an opportunity to revise the request.

3. Public records must be available for inspection during regular business hours and made available for inspection promptly. Copies of records must be made available within a reasonable period of time. Under current Ohio law, there is no defined period of time in which a public records request must be completed. Appropriate, prompt and reasonable response times will vary depending on different factors, including, but not limited to, all of the following:
 - a. The circumstances of this public office at the time of the request;
 - b. The breadth of the request;
 - c. Whether legal evaluation of the records is required before release.

4. Records will be provided in the medium they are retained, i.e., paper, disk or electronic format. However, if the person responsible for the public record determines that it can be duplicated upon another medium, a request can be made to have the record duplicated upon another medium, per ORC 149.43(B)(2). There will be a charge for the cost of materials only.

5. A fee of \$.10 per copied page will be collected for the actual cost of paper copies. Unusual copies may cost more than \$.10 per page (i.e., maps, large prints). Costs shall not include the cost of labor. If the services of an outside contractor are used to produce copies, the cost of the service shall be recovered directly from the requester.

6. The total costs for copies and mailing shall be collected in advance.
7. In order to protect the integrity of the original documents, requesters are not permitted to make their own copies of the requested records.
8. In the event a request is made to inspect or obtain a copy of a record maintained by this public office whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to the County Prosecutor for research and/or review. The requester shall be advised that the request is being reviewed by the County Prosecutor to ensure that protected exempted information is not improperly released. If a request is ultimately denied, in part or in whole, this Clerk's Office or County Prosecutor's Office will provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request for submitted in writing, the explanation shall be provided to the requester in writing.
9. This Clerk's Office may limit the number of records requested, that are transmitted by U.S. Mail, to ten per month, unless the requester certifies to this Clerk's Office in writing that he/she does not intend to use or forward the records, or the information contained in them, for commercial purposes.
10. Under Ohio law, an incarcerated person may receive public records, but only if the records concern a criminal investigation. The incarcerated person must follow very strict guidelines:
 - a. The records must be "public records" which are not subject to an exemption from disclosure;
 - b. The incarcerated person must have secured a finding from a judge, who imposed the sentence of incarceration (or that judge's successor) that the information sought in the public record is necessary to support a justifiable claim of the person.
11. If a requester believes he/she has been improperly denied public records due to the inability to inspect or receive a copy of a record, he/she shall be advised that he/she may contact this Court's Staff Attorney/Court Administrator and/or request a meeting with the County Prosecutor. If the requester is still not satisfied, he/she shall be advised that the Ohio Revised Code provides legal means for addressing the complaint.