

TUSCARAWAS COUNTY JOB AND FAMILY SERVICES PUBLIC RECORDS POLICY

Definition of a Public Record

In accordance with the Ohio Revised Code, Tuscarawas County Job & Family Services (TCJFS) 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 a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of TCJFS are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Request of Public 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. However, TCJFS will ask that the request be put in writing, to include the requestor's identity and the intended use of the information.

The requester must at least identify the records requested with sufficient clarity to allow the agency to identify, retrieve, and review the records. If it is not clear what records are being sought, the Director's office will contact the requestor for clarification and will assist the requestor in revising the request by informing the requestor of the manner in which the agency keeps its records.

If a citizen requests more than ten (10) public records in a month, the citizen shall submit a written letter to the Director that she/he does not intend to use or forward this information for commercial purposes. Otherwise, that citizen will be limited to ten (10) public records per month.

Availability of Public Records

Public records are available for inspection during regular business hours with the exception of published holidays. Public records are made available for inspection promptly. Copies of public records are 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 of the records requested.

Process for Releasing Public Records

Each request is evaluated for an estimated length of time required to gather the records. Routine requests for records are satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty (20) pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these will be made as quickly as the equipment allows. If more copies are requested, an appointment will be made with the requestor to pick up the copies of computer files.

All requests for public records will be satisfied or acknowledged in writing by TCJFS within three (3) business days following the agency's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement will include the following:

- A. An estimated number of business days it will take to satisfy the request.
- B. An estimated cost if copies are requested.
- C. Any items within the request that may be exempt from disclosure.

Any denial of public records requested will include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. If there are redactions, each redaction will be accompanied by a supporting explanation, including legal authority.

Costs of Releasing Public Documents

- A. The first ten (10) single or double sided pages of a copy request are provided free of charge.
- B. Copies beyond the first ten (10) pages are provided at five cents (\$.05) per sheet.
- C. There is no charge for documents e-mailed.
- D. There is no charge for documents faxed.
- E. Downloaded computer files to a compact disc are \$1.00 per disc.
- F. Public records in any type of medium (i.e. paper, digital photo, etc.) are provided to other governmental agencies (including law enforcement, Fire and EMS) free of charge.
- G. Copies of TCJFS' Public Records Policy in paper or compact disc format are provided free of charge.
- H. Requestors may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Maintenance of Public Records

As required by Ohio law records are organized and maintained so that they are readily available for inspection and copying.

- A. All public records are maintained according to public records law and approved retention schedules.
- B. Section 149.43 of the Ohio Revised Code states which records are not subject to public disclosure.
- C. Original copies of public documents are not given to the public except:
 - 1. By court order;
 - 2. By an investigator, or
 - 3. By the Board of Commissioners or their designee.

Media Relations Regarding Public Records

TCJFS responds to the media in a prompt and respectful manner. If the media requests a public record, this policy shall apply.


E-Mails as Public Records

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the agency. Email is to be treated in the same fashion as records in other formats and follows the same retention schedules.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this agency are instructed to retain their e-mails that relate to public business and to copy them to their appropriate business e-mail accounts and/or case files.

General Exemptions from Public Record Law

TCJFS adheres to the general exemptions from the Public Records Law in accordance to House Bill 9 (as signed by the Governor) listing the exemptions stated under O.R.C. 149.43 (see Attachment A) and under 2923.129.



Lynn Angelezzi, Director

September 29, 2007
Effective Date

Sec. 149.43. (A) As used in this section:

- (1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio this state kept by a the nonprofit or for profit entity operating such the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:
 - (a) Medical records;
 - (b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;
 - (c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;
 - (d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;
 - (e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;
 - (f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;
 - (g) Trial preparation records;
 - (h) Confidential law enforcement investigatory records;
 - (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;
 - (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;
 - (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of

section 5120.21 of the Revised Code;

- (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;
- (m) Intellectual property records;
- (n) Donor profile records;
- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;
- (p) Peace officer, firefighter, or EMT residential and familial information;
- (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;
- (r) Information pertaining to the recreational activities of a person under the age of eighteen;
- (s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;
- (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;
- (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;
- (v) Records the release of which is prohibited by state or federal law;
- (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

- (x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;
 - (y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency.
- (2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:
- (a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
 - (b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;
 - (c) Specific confidential investigatory techniques or procedures or specific investigatory work product;
 - (d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.
- (3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.
- (4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.
- (5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

- (6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.
- (7) "Peace officer, firefighter, or EMT residential and familial information" means either of the following:
- (a) Any information maintained in a personnel record of a peace officer, firefighter, or EMT that discloses any of the following:
 - (i) The address of the actual personal residence of a peace officer, firefighter, or EMT, except for the state or political subdivision in which the peace officer, firefighter, or EMT resides;
 - (ii) Information compiled from referral to or participation in an employee assistance program;
 - (iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, firefighter, or EMT;
 - (iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, firefighter, or EMT by the peace officer's, firefighter's, or EMT's employer;
 - (v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, firefighter's, or EMT's employer from the peace officer's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;
 - (vi) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, firefighter, or EMT.
 - (b) Any record that identifies a person's occupation as a peace officer, firefighter, or EMT other than statements required to include the disclosure of that fact under the campaign finance law.

As used in divisions (A)(7) and (B)(5)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(5)(9) of this section, "EMT" means EMTs-

basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

- (8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:
- (a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;
 - (b) The social security number, birth date, or photographic image of a person under the age of eighteen;
 - (c) Any medical record, history, or information pertaining to a person under the age of eighteen;
 - (d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.
- (9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.
- (10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.
- (11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.
- (12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.