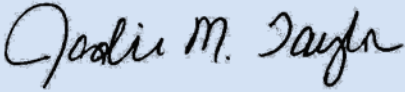


APPOINTING AUTHORITY APPROVAL: 	POLICY NUMBER: <b>ADM004</b>
	EFFECTIVE DATE: 11/17/08 REVIEWED: 06/30/11
AUTHORITY: OHIO PUBLIC RECORDS ACT	APPROVAL DATE: 11/12/08 REVIEWED: 06/30/11

**I. Purpose:**

The purpose of this Policy is to ensure compliance with the State of Ohio's Public Records Act and provide guidance to Industrial Commission of Ohio employees regarding the handling of Public Records Requests.

**II. Policy:**

It is the policy of the Industrial Commission that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the Industrial Commission to strictly adhere to the State of Ohio's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code.

**III. Applicability:**

This policy applies to all requests for information under the State of Ohio's Public Records Act.

**IV. Definition:**Public Records

Any document – paper, electronic (including, but not limited to, email), or other format – that is created or received by, or comes under the jurisdiction of the Industrial Commission that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Industrial Commission. All records of the Industrial Commission are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

**V. Private E-mail Accounts:**

- A. Any correspondence and/or documents created with or in private email accounts which are used to conduct Industrial Commission business are public records subject to disclosure. Because of this, the Industrial Commission discourages the use of private email accounts to conduct Industrial Commission business and mandates the following:
1. Industrial Commission employees are instructed to retain any private account emails that relate to Industrial Commission business and to copy them to their Industrial Commission email accounts.

2. In the event that such information is requested, the Public Records Coordinator is to treat the emails from private accounts which are used to conduct Industrial Commission business as records of the Industrial Commission and handle each in accordance with the procedures set forth herein.

## **VI. Procedures:**

### **A. Public Record Requests**

1. Any person may ask to inspect and/or receive copies of public records. "Any person" includes individuals or corporations.
2. Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the Industrial Commission to identify, retrieve, and review the records.
3. The requester 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.
  - a. In order that there is no misunderstanding between the Industrial Commission and the requester as to the scope of the request or the identity of the public records requested, the Industrial Commission may ask, but may not require, that the request be made in writing.
  - b. If the Industrial Commission asks that the request be placed in writing, the Industrial Commission will inform the requester that the written request is not mandatory but that it may enhance the ability of the Industrial Commission to identify, locate and deliver responsive public records.
4. Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records are to be made available for inspection promptly. Copies of public records are to 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 of the records requested.
5. Any denial of public records requested must include an explanation, including legal authority for said denial. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

### **B. Receipt of Requests for Public Records**

1. When a public records request is received by any Industrial Commission of Ohio employee, the following pertinent information regarding the request should be documented:

- a. When the request was received;
  - b. From whom it was received;
  - c. The description of the records being sought; or,
  - d. The requester may be directed to provide the above information online through the "Ask IC" email account ([AskIC@ic.state.oh.us](mailto:AskIC@ic.state.oh.us)).
2. Once the above information has been obtained, the Industrial Commission Public Records Coordinator should be immediately contacted regarding the records request.
  3. Upon receipt of a record(s) request, the Public Records Coordinator shall:
    - a. Enter all relevant information into the Industrial Commission's Public Records Request Tracking System.
    - b. Prepare and send Public Records Receipt Confirmation Letter to the requester. The Confirmation Letter shall provide the following information:
      1. Public Record Request Number;
      2. Fees associated with the fulfillment of the Public Record Request, if any;
      3. A copy of the Public Records Requests Policy; and,
      4. Contact information.
  4. If a request for records is not clear, the Public Records Coordinator shall provide written notification to the requester that clarification is needed.
  5. The Public Records Coordinator, in conjunction with the Industrial Commission Legal Counsel, shall make a determination as to whether the records requested are in fact public records and/or whether there is a need to redact certain information before disclosure.

#### C. Gathering of Records

1. The Industrial Commission Public Records Coordinator shall evaluate all requests and discuss how individual requests should be collected and processed with applicable employees.
2. The Industrial Commission Public Records Coordinator shall document information regarding the estimated length of time spent or required to gather the requested records.

**D. Delivery of Requests for Public Records**

1. For routine requests, if fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be emailed or downloaded easily, these should be made as quickly as possible.
2. When processing a request for inspection of an original public record, an Industrial Commission employee must accompany the requester during inspection.
3. Those seeking public records will be charged only the actual cost of making copies. The following fees apply to requests for public records through the Industrial Commission of Ohio:
  - a. The fee for paper copies is 5 cents per page;
  - b. The fee for downloaded computer files to a compact disc is \$1 per disc; and,
  - c. There is no fee for documents that are emailed.
4. When a requester asks that documents be mailed to them, they will be charged the actual cost of the postage and mailing supplies.
5. The Industrial Commission may choose to waive any and all costs associated with compliance with a public records request. Any waiver of costs should not be construed to waive, and does not in fact waive any right to the future assertion of the Industrial Commission to request and collect actual costs of compliance with a public records request.

**VII. Waiver of Exemption**

The Industrial Commission may choose to waive any and all available assertions of privilege or exemption when providing responsive materials to a public records request. Waiver of any privilege and/or exemption should not be construed to waive, and does not in fact waive, any right to the future assertion of privilege and/or exemption.