

**MARY K. WARD
SENECA COUNTY CLERK OF COURTS
117 E. MARKET STREET, SUITE 4101
TIFFIN, OHIO 44883**

PUBLIC RECORDS POLICY

INTRODUCTION

It is the policy of the Seneca County Clerk of Courts office that openness leads to a better informed citizenry which leads to better government and public policy. It is the policy of the Seneca County Clerk of Courts office to strictly adhere to the state'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. If the request is in writing, the explanation must also be in writing.

DEFINITION OF PUBLIC RECORDS

Under Ohio law, public records are those items that meet all of the following elements:

1. any document-paper, electronic (including, but not limited to e-mail), or other format
2. that is created or received by, or coming under the jurisdiction of a public office; and
3. that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this office are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

It is the policy of this office, that as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (see section for the e-mail policy). Record retention schedules are to be updated regularly and posted prominently.

Under Ohio law, some records that meet the above three elements will still be withheld for release because state or federal law makes the record confidential. Some commonly requested records that are confidential include:

1. Social Security numbers
2. Records that a judge ordered to be sealed per a statute
3. Peace Officer, firefighter, Residential and Familial Information (R. C. 149.43(A) (7)).

HOW TO MAKE A PUBLIC RECORDS REQUEST

This office will provide prompt inspection of public records. Copies of public records must 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.

When you make a request, we will ask you to complete a “Public Records Request Form,” which will help us locate the records and expedite your request. You are not legally required to fill out the form, identify yourself, or give the purpose of your request.

If the records cannot be provided while you wait, we will contact you when the records are available. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. If fewer than 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 should be made as quickly as the equipment allows.

All requests for public records must either be satisfied or be acknowledged in writing by the public office within three business days following the office’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 acknowledgment must include the following:

1. An estimated number of business days it will take to satisfy the request.
2. An estimated cost if copies are requested.
3. Any items within the request that may be exempt for disclosure.

Any denial of public records requested must include an explanation, including legal authority. 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.

HOURS AND COSTS **FOR PUBLIC RECORDS**

You may make public records requests at the Seneca County Clerk of Courts Office located at 117 E. Market Street, Suite 4101, 1st Floor Annex, Tiffin, Ohio between the hours of 8:30 a.m. and 4:30 p.m. on weekdays, excluding government holidays.

Those seeking public records will be charged the cost of making and transmitting information:

1. The charge for paper copies is \$.10 per page.
2. The charge for downloaded computer files to a compact disc is \$1.00 per disk.
3. The requester can provide this office with the disk, envelope with postage and there would not be a charge for the downloading.
4. The charge for faxing is \$2.00.
5. There is no charge for documents e-mailed.
6. Requesters may ask that documents be mailed to them.
7. This office will charge the actual cost of the copies and postage.
8. May require a requester to pay in advance the cost involved in providing the copy of the public record, as requested.

E-mail

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

The records in private e-mail accounts used to conduct public business are subject to disclosure and all employees or representatives of this office are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and /or to the office's records custodian.

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The Clerk of Courts office recognizes the legal and non-legal consequences of the failure to properly respond to a public records request. In addition to the distrust in government, that failure to comply may cause the Clerk of Courts' office being court ordered to comply with the law, and to pay the requesters attorneys' fees and damages.

QUESTIONS OR CONCERNS

If you have questions or concerns about Ohio Public Records law, please contact your state legislator. You can find contact information at www.Ohio.gov.

This public records policy is effective the 29th day of September, 2007 in accordance with H.B.9 and is subject to amendment at the discretion of the Seneca County Clerk of Courts.

Mary K. Ward
Seneca County Clerk of Courts