

Availability of Public Records Policy

I. POLICY

It is the policy of the Board to maintain public records as defined by Revised Code, Sections 149.011 and 149.43 in such a manner as required by State and Federal law. The Board will make available to any member of the general public all public records except those determined to be exempt under, R.C. 149.43 and 149.433 pursuant to State and Federal law.

II. DEFINITIONS

A “record” is defined to include the following: a document in any format – paper, electronic (including but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the Huron County Board of Mental Health and Addiction Services that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Huron County Board of Mental Health and Addiction Services (MHAS).

A “public record” is a “record” that is being kept by this office at the time a public records request is made, subject to applicable exceptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

III. PROCEDURE

1. 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 must be made available for inspection promptly.
2. Requests to review public records are made to the Executive Director or shall be forwarded to the Executive Director by other Board staff.
3. 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; the necessity of any legal review and redaction; and other facts and circumstances of the records requested.
4. Generally, all requests for public records should be acknowledged in writing or, if feasible, satisfied within ten business days following the office’s receipt of the request.
5. 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, to be paid by either cash, money order, or cashier’s check. For information to be mailed, MHAS will charge at the current postage rate set by the United States Postal Service for all costs incurred, i.e., certified-return receipt requested, certificate of mailing, etc., if deemed necessary or requested. Payment must be paid prior to the release of public records. Checks are to be made payable to Huron County Board of Mental Health and Addiction Services. If electronic documents are requested, the requester must provide MHAS with a new, unopened flash drive and there is no charge for electronic documents provided in this manner, except for postage if the flash drive is to be mailed back to the requester. There is no charge for e-mailed documents.
6. The requester does not need to identify him/herself or to explain the intended use of any requested public document. MHAS cannot deny access due to a requester’s refusal to answer these questions.
7. 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 MHAS to identify, retrieve, and

review the records. In processing the request, MHAS does not have an obligation to create new records or perform a search or research for information in MHAS's records.

8. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through MHAS's standard use of sorting, filtering, or querying features.
9. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communication device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.
10. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that MHAS cannot reasonably identify what public records are being requested, the request may be denied, but MHAS must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by MHAS.
11. If MHAS withholds, redacts a portion of, 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, MHAS shall notify the requester of the reason for any redaction or make the redaction plainly visible.
12. The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy.
13. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices.
14. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site.
15. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.