

## LEGAL DIVISION PUBLIC RECORDS REQUEST POLICY

### PUBLIC RECORDS MISSION STATEMENT:

Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Summit County Clerk of Courts to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

### DEFINING PUBLIC RECORDS:

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 Summit County Clerk of Courts that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

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 exemptions 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.

Court Records are presumed to be available for public access so long as it falls under the definition of a "court record." The Public Access Rules in Supreme Court Rules 44-47 separate "court records" into two distinct and defined categories: (1) "case documents" and (2) "administrative documents."

A "case document" is defined as any document (as well as information in a document) submitted to a court or filed with a clerk in a judicial action or proceeding. Specific examples include exhibits, pleadings, motions, orders, judgments, journals, dockets, and indices. Certain records are excluded from the definition of "case document" in the Public Access Rules.

An "administrative document" is any document (as well as information in a document) created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organizations, or other activities of the court. Certain records are excluded from the definition of "administrative document" in the Public Access Rules.

### BULK DISTRIBUTION:

A request may be made for a "bulk distribution" of court records defined as a compilation of information from more than one court record. The bulk distribution will include a time or date stamp indicating the compilation date. A requestor who receives a bulk distribution must keep the information current and delete inaccurate, sealed, or expunged information in accordance with Sup.R. 26. A requestor must indicate the medium they desire the bulk distribution be provided in and it must be able to be determined by the Clerk that the information can be reasonably duplicated as an integral part of its normal operations.

### REMOTE ACCESS:

The Summit County Clerk of Courts provides remote access to those case documents available on its website.

#### RESPONSE TIMEFRAME:

Public records are to be available for inspection during regular business hours and this meets the responsibility for direct access. Public records must be made available for inspection promptly. 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 for any legal review and redaction, and other facts and circumstances of the records requested. It is the goal of the Summit County Clerk of Courts that all requests for public records should be acknowledged in writing and, if feasible, satisfied within three business days following the office's receipt of the request.

#### HANDLING REQUESTS:

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 the office to identify, retrieve, and review the records. The requester does not have to put a records request in writing, and does not have to provide their identity or the intended use of the requested public record(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances. In processing a request for inspection of a public record, an office employee shall accompany the requester during inspection to make certain original records are not taken or altered. A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website ([www.OhioAttorneyGeneral.gov/YellowBook](http://www.OhioAttorneyGeneral.gov/YellowBook)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act. All employees who regularly handle requests shall be annually expected to attend Public Records Trainings and it shall be the responsibility of the Office Services Manager to maintain a log to verify this.

#### ELECTRONIC RECORDS:

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

#### DENIAL AND REDACTION OF RECORDS:

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office 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 the office. If the office withholds, redacts, 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 portions of a record are public and 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, the office shall notify the requester of any redaction or make the redaction plainly visible.

#### COPYING AND MAILING COSTS:

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is 10 cents per page. The charge for electronic files downloaded to a compact disc is 2 dollars per disc. Certified copies are one dollar per page. Authentication of certified copies shall be 5 dollars per page. A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

#### MANAGING RECORDS:

The Summit County Clerk of Courts records are subject to records retention schedules. The office's current schedules are available at 205 S Main St Akron, OH 44038, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

The Summit County Clerk of Courts is dedicated to openness and will strive to meet all categories of the Ohio Auditor of State's StaRS system.

The following forms are specific to this policy:

1. Public Records Request form