

### **3354:1-11-06.1 Public records procedure.**

- (A) Key principles of the Public Records Act.
- (1) Public records must be available for inspection during regular business hours of the College. 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” are to be interpreted in light of 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.
  - (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 public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request or has difficulty making a request such that the College cannot reasonably identify what public records are being requested, the Office of Legal Services may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed in the ordinary course of business.
  - (3) Written requests can be encouraged, but cannot be required. A requester is not required to put a public records request in writing, and does not have to provide his or her identity, or the intended use of the requested public record. However, the College may ask for a request to be in writing, for the requester’s identity, and/or for the intended use of the records if (1) the requester is first notified that he or she is not required to disclose the information and (2) that disclosing this information would benefit the requester by enhancing the College’s ability to identify, locate or deliver the requested records.
  - (4) The Public Records Act does not require that a new public record be created or that the College perform analysis of existing information in response to a public records request.
  - (5) The College’s records are subject to the College’s records retention schedule. The current schedule is available at [www.tri-c.edu/legal](http://www.tri-c.edu/legal), a location readily available to the public as required by the Public Records Act.
  - (6) Electronic Records.

- (a) An electronic record is deemed to exist so long as a computer or existing software program currently in use at the College is already programmed to produce the record through simple sorting, filtering or querying.
  - (b) Content that is transmitted to or from private email accounts (accounts not issued and maintained by the College) or personal devices and that meets the definition of a public record can be subject to disclosure upon request.
  - (c) All employees of the College are required to retain their email and other electronic records in accordance with the College's records retention schedule and email policies and procedures.
- (7) Costs for public records.
  - (a) Those seeking public records will be charged only the actual cost of making copies, in whatever format. (There will be no charge for employee time.) The fees received should be remitted to the College's Office of Legal Services.
  - (b) There will be no charge for documents e-mailed or produced electronically on a compact disc.
  - (c) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies and reasonable copying costs.
- (B) Preparing a Public Records Act response.
  - (1) For every public records request, the College personnel receiving the request for public records must promptly notify the Office of Legal Services, and provide a copy of the request, if available. The Office of Legal Services shall track such requests, including name of requester if provided; a summary description of records being sought; date request received; date request completed; and what records were provided or denied.
  - (2) The Office of Legal Services, in collaboration with the records owner(s), should evaluate each request to determine an estimated length of time required to gather the records. All requests for public records shall either be satisfied or be acknowledged within three

business days following 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 should include a statement regarding the extended period to respond with an estimated length of time that it will take to satisfy the request.

- (3) The Office of Legal Services must comply with the request for public records by collecting the requested public records as promptly as possible.
- (4) All persons collecting records in response to a public records request must promptly deliver all requested records to the Office of Legal Services.
- (5) Exemptions to the Public Records Act must be considered when responding to a public records request.
  - (a) The Public Records Act specifically exempts certain classifications of records from disclosure. Records that might be protected from disclosure include, without limitation, medical records, trial preparation records, law enforcement investigatory records, student education records, intellectual property records, trade secret information, social security numbers, police officer residential and family information, and College security and infrastructure records. A more complete list of exceptions can be found at Section 149.43 and other sections of the Revised Code.
  - (b) The College complies with the Family Educational Rights and Privacy Act of 1974, as amended (FERPA), regarding the release of a student’s education records.
- (6) Any denial of public records requested must include a supporting 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. Redactions must be plainly visible. If there are redactions, they must be accompanied by a supporting explanation, including legal authority.

- (C) Responding.
  - (1) The records that have been collected to fulfill a public records request must be reviewed by the Office of Legal Services prior to their release to ensure fulfillment of the public records request and compliance with the Public Records Act.
  - (2) Following this review, the Office of Legal Services will respond directly to the requester within a reasonable period of time.
  - (3) In most cases, if the request is to inspect the public records, the inspection will take place at the location where the records have been collected, during regular business hours, and under the supervision of a member of the Office of Legal Services, the records administrator or a designee.
  - (4) If the request is for copies, the Office of Legal Services shall make arrangements for any copying of the requested public records, and, following legal review, shall arrange for delivery of the records.
- (D) The President or the President's designee is hereby directed to take all steps necessary and appropriate for the effective implementation of this policy.

Effective date: August 26, 2011

Procedure amplifies: 3354:1-11-06

Prior effective date: December 17, 2007, February 21, 2008