

## POLICY REGARDING ADMINISTRATION OF PUBLIC RECORDS REQUESTS

Preamble: The purpose of this policy is to provide guidelines for responding to records inspection requests from the public in accordance with Ohio Revised Code (ORC) Section 149.43, Availability of public records.

Ohio Revised Code (ORC) Section 149.43, Availability of public records, states:

"All public records shall be promptly prepared and made available for inspection to any member of the general public at all reasonable times during regular business hours. Upon request, a person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, governmental units shall maintain public records in such a manner that they can be made available for inspection."

The Public Records Act is to be interpreted liberally to facilitate broader access to public records.

A "public record" is defined as any document, device, or item, regardless of physical form or characteristic (i.e. paper, documents, photocopies, maps, drawings, photographs, e-mail, computer disks, audio, and video tape recordings) that is created by a public office, received by a public office, or coming under the jurisdiction of a public office which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. This definition is broad enough to encompass almost anything a governmental unit utilizes to carry out its duties and responsibilities.

This definition has been construed to include any material on which a public office can and does rely. The form in which a public office keeps a record is within the discretion of that office and ORC Section 149.43 does not require that a public office create new records to meet a public records request.

There are certain exceptions to disclosure under ORC Section 149.43 which include, but are not limited to, medical records, trial preparation records, confidential law enforcement investigatory record, and more specific to our

office is ORC Section 4715.03, Organization; rules; investigations; examinations, specifically paragraph D, which states in pertinent part:

"The hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of this chapter has occurred are confidential and are not subject to discovery in any civil action."

Additionally, ORC Section 4715.08, Official seal and records, states:

"The state dental board shall have an official seal and shall keep a record of its proceedings, a register of persons licensed as dentists, and a register of licenses by it revoked. At reasonable times, its records shall be open to public inspection, and it shall keep on file all examination papers for a period of ninety days after each examination. A transcript of an entry in such records, certified by the secretary under the seal of the board, shall be evidence of the facts therein stated."

We cannot require that a public record request be placed in writing; however, an attempt should be made to obtain it in writing. Regardless, the request should be processed promptly and according to public record law. The executive director and/or the assistant director will be notified and review ALL public record requests immediately upon receipt. The executive director and /or assistant director will review and approve ANY records prior to their release.

The security of public records is the responsibility of each employee. All public records shall be protected from unapproved disclosure to, or destruction by, employees and the public who have not submitted an appropriate public records request.

A log of all public records requests will be maintained in the office. The log will consist of the name of the individual/group making the request, the date of the request and the date the items were sent, what specific items were released (i.e. number of pages, case number, copies, etc.) and the name of the individual completing the request.

(June 13, 2002)