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Public Records Request Policy of the Ohio State Dental Board

I. Purpose:

The purpose of this policy is to establish office procedures for responding to requests for public records made pursuant to Ohio Revised Code (ORC) Section 149.43, Availability of public records. This policy supersedes all previous public records policies.

II. Defining 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.

These records must be organized and maintained so that they are readily available for inspection and copying.

There are certain exceptions to disclosure under R.C. Section 149.43 which include, but are not limited to, medical records, trial preparation records, attorney client work product of communications, confidential law enforcement investigatory record, and more specific to the Ohio State Dental Board is R.C. 4715.03D), which states in pertinent part:

"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."

III. Response Timeframe

Public Records are available for inspection during regular business hours (Monday through Friday, 8am to 5pm), with the exception of State of Ohio government holidays. Public records are made available for inspection within those time frames. If the requestor does not want to inspect the records at Board offices, but would rather receive copies of records, they will be made available within a reasonable period of time. What is a reasonable period of time is determined by the number/volume of records requested, whether the records are on site or in off-site storage, and whether a legal review is required.

Each request is sent to the Deputy Director for review and evaluation of the estimated length of time required to gather the records. The Deputy Director can approve the immediate release of routine requests. Routine requests include, but are not limited to, notices of opportunity for hearing, consent agreements, copies of board meeting materials, etc. These requests are satisfied within three business days and then logged by the Board's Enforcement Secretary in the Board's official log.

Non-routine requests are reviewed by the Deputy Director, who consults with the Executive Director prior to releasing the records.

IV. Handling Requests

While requests do not need to be in writing and there is not specific language required, the requestor must at least identify with sufficient clarity to allow the office to identify, retrieve and review the records. If it is not clear what records are being sought, the Deputy Director will contact the requestor for clarification and, if needed, can assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

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 (if that information is provided), 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 Board employee(s) completing the request. The Board also maintains a copy of what was provided to the requestor(s).

The Board is not under any obligation to create records or provide information to the requestor. A record must exist on the date it is requested. An electronic record is deemed to exist on the date of the request if a Board computer or program is able to produce the record through simple sorting, filtering or querying. Although the Board is not required to do so by law, the Board will attempt to accommodate requestors by generating these records when it makes sense and is practical under the circumstances.

The Board will provide the records in the manner requested (ie paper, electronic, flash drive, etc.).

V. Confidential or Privileged Records

Records which are deemed confidential attorney client communications and/or created in preparation for trial will be redacted or withheld in their entirety. These records will be reviewed by the Deputy Director and/or the Board's Assistant Attorney General, both of whom are able to make the determination that the records are not subject to release under the public records act.

VI. Denial or Redaction of a Request

If the requestor makes an ambiguous or overly broad request for public records, the request may be denied by the Board, but the denial letter will provide the requestor the opportunity to submit a revised request and will inform the requestor of the manner in which records are maintained and accessible by the office.

When the Board denies a request and/or redacts or withholds records, the Board will provide an explanation, in writing, including the legal authority to do so. If redactions are necessary to only certain information in a document, the remainder of the information will be provided and will not be redacted.

VII. Costs

While the Board has the ability to charge the requestor with the actual cost of paper, flash drives and mailing costs, the Board does not require the requestor to pay these costs.

(effective March 24, 2017)