

<b>POLICY AND PROCEDURE</b>			
<b>SUBJECT/TITLE:</b>	FDH Public Records Policy		
<b>SCOPE:</b> Divisions <input type="checkbox"/> Agency (e.g. Personnel Policy) <input type="checkbox"/> Divisions (e.g. V.S.; WIC; Rabies; Imm.)	<table border="1"> <tr> <td> <b>Distribution</b>  <input type="checkbox"/> Orientation  <input type="checkbox"/> HR/ Fiscal Officer  <input type="checkbox"/> Director/ Supervisor  <input type="checkbox"/> Affected Staff  <input type="checkbox"/> Other _____ </td> <td> <b>Filed</b>  <input type="checkbox"/> Orientation  <input type="checkbox"/> HR/ Fiscal Officer  <input type="checkbox"/> Director/ Supervisor  <input type="checkbox"/> Other _____ </td> </tr> </table>	<b>Distribution</b> <input type="checkbox"/> Orientation <input type="checkbox"/> HR/ Fiscal Officer <input type="checkbox"/> Director/ Supervisor <input type="checkbox"/> Affected Staff <input type="checkbox"/> Other _____	<b>Filed</b> <input type="checkbox"/> Orientation <input type="checkbox"/> HR/ Fiscal Officer <input type="checkbox"/> Director/ Supervisor <input type="checkbox"/> Other _____
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<b>CONTACT PERSON &amp; DIVISION:</b>			
<b>ORIGINAL DATE ADOPTED:</b>	9/18/15		
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**PURPOSE**

The intent of this document is to follow the provisions of the Ohio Public Records Act. Adherence to this standard will:

1. Provide guidance to the Fairfield County General Health District, dba Fairfield Department of Health (FDH) employees when receiving Public Records Requests; and

**POLICY**

Ohio law has long provided for public scrutiny of state and local government records. Every public office must organize and maintain public records in a manner that they can be made available in response to public records requests.

**BACKGROUND/CITATIONS**

Openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of FDH to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

Modified from Ohio Attorney General's Office  
 Modified from Ohio Sunshine Laws

**GLOSSARY OF TERMS**

The following definitions are relevant to this document.

"Protected Health Information (PHI)" – Protected Health Information under US law is any information about health status, provision of health care, or payment for health care that is created or collected by a "Covered Entity" (or a business associate of a covered entity), and can be linked to a specific individual.

“Health Insurance Portability & Accountability Act (HIPAA)” – A 1996 Federal law that restricts access to individual’s private medical information.

“Ohio Revised Code” - All statutes of a permanent and general nature of the state as revised and consolidated into general provisions, titles, chapters, and sections shall be known as the “Revised Code”.

“Redacted” – To black-out or remove the non-public information – (example: person’s Social Security number; Protected Health Information under HIPAA)– from an otherwise public record, before disclosure of the record.

“Prompt” - Without delay and with reasonable speed, but this standard must be judged within the context of the circumstances in each individual case.

“Reasonable Period of Time” - This period of time must be judged within the context of the facts and circumstances in each individual case.

## PROCEDURES & STANDARD OPERATING GUIDELINES

### DEFINING PUBLIC RECORDS

All records kept by FDH are public unless they are exempt from disclosure under Ohio law and HIPAA regulations for PHI. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

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 FDH that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

### RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours, with the exception of published holidays. 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; and the necessity for any legal review and redaction of the records requested.

It is the goal of FDH that all requests for public records should be acknowledged in writing or, if possible, satisfied with 10 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. If it is not clear what records are being sought, the office must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

The requester does not have to put a 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 law does permit the office to ask for a written request, the requestor’s identity, and/or the intended use of the information requested but only (1) if a written request of disclosure of identity or intended use would benefit the requestor by enhancing the office’s ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor’s identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

### **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 (such as a Blackberry) 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 OR REDACTION OF RECORDS**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must 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.

Any denial of public records requested must include an explanation, including legal authority. 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 released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

### **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 file downloaded to a compact disc is the actual cost to replace the disc.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the office determines that the record can reasonable be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be mailed, he or she may be charged the actual cost of the postage and mailing supplies. There is no charge for documents e-mailed.

### **MANAGING RECORDS**

FDH records are subject to records retention schedules. The office's current schedules are available in the conference room in the conference room, a location readily available to the public as required by 149.43(B),(2), Ohio Revised Code.

### **APPENDICES**

N/A

## REFERENCE FORMS

Record Retention Policy  
Records Management Policy  
Ohio Sunshine Laws

**SIGNATURES**

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Mark Aebi, M.D.  
Health Commissioner

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry Hanna, R.S.  
Administrator

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
(Division) Director

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date