

MCJAS SYSTEM DIRECTIVES
OFFICE OF THE SUPERINTENDENT

SYSTEM DIRECTIVE: P-49
SUBJECT: PUBLIC RECORDS POLICY
REFERENCES: OHIO REVISED CODE 149.43
ODYS POLICY #101.11
EFFECTIVE DATE: 8-26-14
UPDATE: 2-24-15, 2-23-16, 4-25-17, 2-27-18, 3-26-19, 5-19-20, 3-30-21

Authorized By: _____ Superintendent

I. Policy:

It is the policy of MCJAS to provide timely response to inquiries from the public and other agencies seeking the release of public information. The Superintendent maintains and has custody of all property, files, and records of MCJAS as designated in ORC 2151.70, subject to the MCJAS Records Retention policy (A-8) which is maintained in accordance with the Ohio Historical Society.

A copy of this policy shall be posted in each facility and on the MCJAS website.

The Board of Trustees recognizes the following definitions & procedures:

II. Definitions

- (A) **Prompt and/or Reasonable**: For purposes of this policy, the terms prompt and/or reasonable take into account the volume of records requested; the form of the requested records; the proximity of the location where the records are stored; and the necessity for any pre-release review and redaction of the records requested.
- (B) **Public Record**: Any item (1) that is stored on a fixed medium (2) that is created, received or sent by a public office; and (3) that documents the organization, function, policies, decisions, procedures, operations or other activities of MCJAS. Information in an employee's personnel file is considered public record except for the following: Social Security Number, Home Address, Date of Birth, Telephone Numbers, Personal email information, tax information, medical/ psychological information, and familial information.

III. Procedures

(A) Identification of Requested Records

1. When a request for a public record is made, the requester shall identify the information requested with enough clarity to allow MCJAS staff to identify, retrieve and review the records.
2. If the request is not clear, the Superintendent shall contact the requester for clarification and shall assist the requester in revising the request.

(B) Form of Request

1. Requester shall make records request in writing in order to allow records to be clearly identified, responses to be expeditious & accurate, and to allow maintenance of a public records request log.
2. The identification of the requester and the intended use of the records shall not be required. However, when necessary to identify responsive documents or to respond to a record request, staff receiving a request may ask the requester to:
 - a. Put the request in writing
 - b. Prove a name and address
 - c. Explain the purpose of the request or the intended use provided that the requester is informed that this is not mandatory.
3. Although a requester may choose to remain anonymous, he/she must provide a means for MCJAS to communicate with them about the request, and must provide a means by which responsive documents may be provided. This may consist of an email address, mailing address, telephone number, etc.
4. The Superintendent or designee shall enter all request for public records into a log to record the following:
 - a. Requester Name (if provided)
 - b. Address (mail or email) of requester
 - c. Date request received
 - d. The records that were requested
 - e. Redactions and/or exemptions asserted if any
 - f. Date of Response
 - g. MCJAS Staff Assigned to gathering information

(C) Availability of Records

1. Public Records shall be available for inspection by contacting the Superintendent, generally 9:00 AM to 3:00 PM, excluding weekends & holidays.
2. Public Records shall be made available as stated in subsection D below.
3. Copies of public records shall be made available within a reasonable period of time.

(D) **Response within a Reasonable Time**

1. Routine Requests: Request for materials that do not require an extensive search or detailed pre-release review which might include by are not limited to press releases, forms, applications, current policy, etc shall be satisfied promptly. If more than 50 pages of copies are requested, it may be necessary for the designated staff to schedule an appointment with the requester.
2. Non-Routine Requests: When an excessive number of copies and/or fulfilling the request requires an extensive search or pre-release review, the Superintendent shall promptly acknowledge receipt of the request in writing stating the request for clarification if any, and a statement of estimated cost to be borne by the requester. Non Routine Requests shall then be referred to MCJAS General Counsel within three (3) working days for action. The MCJAS General Counsel shall coordinate the gathering of potentially responsive documents and initiate an opinion.
3. Pre-Release Review: MCJAS has an affirmative duty to review any and all records deemed initially responsive to a public records request. Pre-Release review is required to prevent disclosure of:
 - a. Personal information that may be protected by state and federal privacy laws
 - b. Confidential Records that must not be disclosed under penalty of law to include certain investigatory, criminal, education, medical, mental health, and substance abuse records.
 - c. Material protected by attorney-client privilege
 - d. Material requiring redaction to protect critical security and infrastructure records which may be exempt from public disclosure under the Ohio Public Records Act.
 - e. Information which identifies youth currently or formerly in the custody of or under the supervision of MCJAS.

4. **Waiver of Exemption:** The Superintendent shall consult legal counsel prior to denying any request or waiving a privilege of exemption. Waiver of any privilege and/or exemption when providing responsive materials to a public records request is on a case by case basis and does not waive any right to the future assertion of privilege and/or exemption.
5. **Denial or Public Records Request:** Any denial shall include an explanation which includes legal authority. If portions of a record are public and portions are exempt, the exempt portions shall be redacted and the remainder released. Redactions shall be accompanied by a written explanation which includes legal authority.

(E) Calculation of Costs for Public Records

1. **Actual Costs:** Those seeking public records shall be charged on the actual cost of making copies, including charges for the following:
 - a. Charge for paper copies is 5 cents per copy, two sided copies shall be charged 10 cents.
 - b. Charge for downloaded computer files to a disc is \$1.00 per disc.
 - c. No charge for documents emailed, except where a third party service may be required to transit large files.
 - d. Requesters may ask that documents be mailed to them. They will be charged for actual cost of postage and mailing supplies.
2. **Pre-payment of costs:** Advance payment is required for actual costs which are anticipated to exceed ten dollars (\$10.00).
3. **Waiver of costs:** Costs which total less that \$3.00 shall be waived. All other waivers must be waived with prior approval from either the Superintendent or Legal Counsel. A waiver of fees shall not imply a waiver of fees for future requests.

