



Procedures Manual

Public Records Procedures

Number: BO-250

Policy Number (if applicable): (no policy # referenced on approved policy from 11/2011) Office of Primary Responsibility: Office of Marketing, Public and Community Relations Effective Date: October 12, 2017

Purpose:

The purpose of this procedure is to provide guidance to process public records requests in accordance with the Ohio Public Records Act (Section 149.43), other applicable Ohio Revised provisions and case law.

Definitions:

1. A “public record” is a Record as defined in Section 149.011(G) of the Ohio Revised Code, held by the College, and governed by Ohio Revised Code 149.43, known as the Public Records Law.
2. A “record” is (1) any document, device, or item, regardless of physical form or characteristic, including an electronic record, (2) created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, (3) which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.” If a document or other item does not meet all three parts of the definition of a “record,” then it is a non-record and is not subject to the Public Records Act.

Procedures:

1. Record Requests
 - a) Requests for public records are not required to be submitted in writing. However, to ensure an efficient response to a request the request should be sent to an email address designated by the President, which will be managed by the Office of Marketing, Public and Community Relations or as directed by the President. Public records requests will be researched and responded to within a reasonable amount of time. The following factors are taken into consideration when determining “reasonable” in a given circumstance:
 - (1) Identification of Responsive Records,
 - (2) Location and Retrieval (retrieve from storage location, e.g., file cabinet, branch office, off-site storage facility),
 - (3) Review, analysis, and redaction examine all materials for possible release; perform necessary legal review or consult with knowledgeable parties; redact exempt materials; and provide explanation and legal authority for redactions and/or denials)
 - (4) Preparation (make copies, etc.) and
 - (5) Delivery (wait for advance payment of costs; deliver copies or schedule inspection.
 - b) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow Hocking College to identify, retrieve, and review responsive records. If the request lacks reasonable clarity and is overly

broad, the requestor shall be provided an opportunity to revise the request.

- c) To ensure the efficient processing of requests, Hocking College requests that all public records requests be submitted in writing.
 - d) If the College denies a request in part or in whole, it should provide the requester with an explanation, including legal authority, setting forth why the request was denied.
 - e) Exemptions to the Public Records Act must be considered when responding to a public records request.
 - i. The Public Records Act, and other applicable Ohio law, specifically define documents or other items that are “non-records” including, but not limited to, medical records, personally identifiable information, trial preparation records, law enforcement investigatory records, intellectual property records, trade secret information, social security numbers, police officer residential and family information, attorney/client communications, ongoing investigations and College security and student education records (the College complies with the Family Educational Rights and Privacy Act (FERPA), regarding the release of a student’s education records).
 - ii. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the College should redact all exempt portions and make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the College should notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires the College to make the redaction.
 - iii. Hocking College does not have to create a non-existent record.
2. Access of Public Records
- a) If Hocking College locates records it believes are responsive to a public records request, the requestor should be given prompt access to review these records.
 - b) Public records are available for inspection and review during regular business hours, with the exception of published holidays of the College. Records will be made available for inspection within a reasonable period of time following the request and payment may be required before copies of requested documents are produced. The reasonable amount of time will depend upon the volume of records requested, the proximity of the location where records are stored, and the necessity for any legal review of the records requested.
 - c) An employee of Hocking College must be present, in person, at all times during public review of records. This is to ensure that materials produced for review are kept intact, in order and are not otherwise altered, damaged or removed without permission.
3. Cost for Public Records
- a) Hocking College may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.
4. Responding to Public Records Request
- a. The records that have been collected to fulfill a public records request must be reviewed by the President’s designee prior to their release to ensure fulfillment of the public records request and compliance with the Public Records Act.
 - b. Following this review, the Office of Marketing, Public and Community Relations or designee will respond directly to the requester within a reasonable period of time.
 - c. 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 Marketing, Public and Community Relations, the records administrator or a designee.