

## **PUBLIC RECORDS POLICY**

The Board of Directors recognizes that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of the School, as a public office, to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

### **Definition**

A "record" is defined to include the following: A document in any format (paper or electronic) that is created, received by, or comes under the jurisdiction of the School that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the School as a public office.

A "public record" is a "record" that is being kept by the School at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. The School's public records will be organized and maintained in such a way that they can be made available for inspection and copying.

### **Public Records Requests**

Public records will be available for inspection during regular business hours. Public records will be made available for inspection promptly. Copies of public records will 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of School that all requests for public records will be acknowledged or documented in writing.

### **Responding to Requests**

Although no specific language is required to make a request for public records, the requester must at least identify the records requested with sufficient clarity to allow the School to identify, retrieve, and review the records.

Requesters shall not be required to make a request in writing. Requesters shall not be required to provide his or her identity or the intended use of the requested public record(s). However, in accordance with Ohio law the School may ask for a written request, the requester's identity, and/or the intended use of the information requested, if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the School's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the School does not have an obligation to create new records or perform a search or research for information in the School's records. An electronic record is deemed to

exist so long as a computer is already programmed to produce the record through the School's standard use of sorting, filtering, or querying features.

In processing a request for inspection of a public record, an agent of the School may accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website ([www.ohioattorneygeneral.gov/YellowBook](http://www.ohioattorneygeneral.gov/YellowBook)) for the purpose of educating those involved with the School as to the obligations under Ohio's Public Records Act, Ohio's 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, 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 the School are required to retain e-mail records and other electronic records in accordance with applicable records retention schedules.

### **Denial and Redaction of Records**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the School cannot reasonably identify what public records are being requested, the School may deny the request. Upon such denial, the School must then 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 School.

If the School withholds, redacts, or otherwise denies requested records, the School shall provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation shall also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest shall be released. When making public records available for public inspection or copying, the School shall notify the requester of any redaction or make the redaction plainly visible.

### **Delinquent Child Policy - Sealed Records**

**Purpose:** To preserve, protect and maintain confidential records that have been sealed in accordance with Sections 2151.356 and 2151.357 of the Ohio Revised Code.

**Policy:** In the event that the school board receives notice that the ODLS is in possession of records that have been ordered sealed pursuant to Section 2151.356 of the Revised Code from (i) a court of competent jurisdiction (ii) the person whose record has been sealed, or (iii) any other source sufficient to impute knowledge thereof, then the Head of School shall abide by the following:

#### **Maintenance, Submission and Non-Disclosure of Sealed Records**

- Records custodian shall place all records that have been ordered sealed pursuant to Section 2151.356 of the Ohio Revised Code in a separate file in which only sealed records are maintained. The sealed records shall, as soon as practicable, be provided to the Court ordering the records sealed consistent with ORC 2151.357. The Head of School or authorized designee/records custodian shall implement administrative policies and procedures for the protection, maintenance and preservation of all sealed records consistent with this Policy.
- No employee of ODLS or Board member shall knowingly release, disseminate, or make available for any purpose involving employment, bonding, licensing, or education to any person or to any department, agency, or other instrumentality of the state or of any of its political subdivisions any information or other data concerning any arrest, taking into custody, complaint, indictment, information, trial, hearing, adjudication, or correctional supervision, the records of which have been sealed pursuant to section 2151.356 of the Ohio Revised Code and the release, dissemination, or making available of which is not expressly permitted by Ohio law.
- Nothing contained in this Policy shall prohibit ODLS from retaining records regarding an adjudication that a student is a delinquent child that was used as the basis for the student's permanent exclusion under sections 3301.121 and 3313.662 of the Revised Code.

#### Permitted Inspections of Sealed Records

- ODLS may permit the inspection of records that have been sealed under Section 2151.356 of the Ohio Revised Code but only if in compliance with ORC 2151.357(E).

#### Copying and Mailing Costs

The School may charge those seeking public records the actual cost of making copies, not including labor. The charge for paper copies is 10 cents per page. The charge for electronic files downloaded to a compact disc is \$3 per disc. For purposes of cybersecurity the School will not transmit records by transfer to a requestor's provided device, such as flash or jump drive, external hard drive, or any other device required to be connected to the School's computers or technological devices.

The School may require that a requester pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper or in electronic format.

If a requester asks that documents be delivered, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. The School shall not charge for e-mailed records.

#### Records Custodian

The Board may by resolution designate a records custodian. If no designation is made by resolution, by adoption of this policy the School's Operator/Educational Management Organization, if any, is designated as the Records Custodian. The School's designated fiscal officer shall be the Records Custodian for all financial records.

**Records Retention**

The School's records shall be maintained in accordance with the attached Records Retention Schedule. The Retention Schedule does not imply that all records listed have been or should be created by the School. The Retention Schedule only applies to records belonging to the School/Board as a public office. The records that are the property of an operator or vendor, if any, shall be maintained in accordance with the operator or vendor's retention policy.

This policy and accompanying Records Retention Schedule shall be available at the School facility.