



## Ohio Administrative Code Rule 3337-40-07 Public records requests.

Effective: December 27, 2022

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The version of this rule that includes live links to associated resources is online at

<https://www.ohio.edu/policy/40-007.html>

### (A) Scope and overview

This policy serves to ensure compliance with the Ohio Public Records Act, section 149.43 of the Revised Code, and to facilitate the public's access to the university's public records.

University records are organized and maintained in accordance with the university's records retention schedules.

All university employees have a duty to assist with the university's public records process to ensure timely production of public records. Any university employee who receives a public records request is required to immediately notify the public records compliance coordinator and, if the request is in writing, forward the request to the public records compliance coordinator.

### (B) Definitions

(1) "Record": A document in any format- paper, electronic (including university e-mail), created, received by, or coming under the jurisdiction of the university that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the university. Electronic records include emails, texts, voicemails, social media, and other forms of communication technology.

(2) "Public record": A "record" kept by the university at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. Public records do not include, student education records, attorney-client privileged records, an individual's personal notes,



confidential law enforcement and investigatory records, intellectual property records, donor profile records, and other record exceptions described in division (A)(1) of section 149.32 of the Revised Code.

(C) Responsible university office and public records compliance coordinator

The office of legal affairs is the designated university office to receive and review all requests for Ohio university's public records and public records of the Ohio university foundation. An employee within the office of legal affairs will serve as the university's public records compliance coordinator, whose responsibilities include coordinating and tracking the university's response.

(D) Public records request process

Public records requests may be made in person, by phone, or in writing. The most expedient method is to submit a public records request in writing via e-mail to the public records compliance coordinator at [legallaffairs@ohio.edu](mailto:legallaffairs@ohio.edu).

Requests may also be made to the office of university communications and marketing [media@ohio.edu](mailto:media@ohio.edu).

Information for making a request by other means, including phone and in person, is available on the university's public records web page at <https://www.ohio.edu/legal>.

(1) Responsive timeframe

The university strives, as directed by Ohio law, to promptly produce public records for the inspection and, within a reasonable period of time, provide copies of requested public records to the requester. "Prompt" and "reasonable" take into account the breadth and clarity of the request, volume of records requested, location of the records, medium in which the records are stored, and necessity of a legal review and redaction. In cases where responsive records are voluminous and production would take a substantial amount of time, the production would take a substantial amount of of time, the production may take place in stages until the response is complete.



## (2) Records request content

A public records request may only be for existing records. Although no particular language is required, the request must also be specific enough for the university to reasonably identify the records being sought.

Requesters are encouraged, although not obligated, to make public records requests in writing. Requesters are also not required to reveal their identity or the purpose of their request, although the university may ask to do so if such information could be helpful in identifying the records being sought.

## (3) Denial and redaction of records

A request for information is not considered a proper public records request and may be denied. The university is under no obligation to create a record if no responsive record exists or cannot be reasonably identified. In some circumstances, the university may, at its discretion, respond by compiling and providing information in writing (creating a record) when deemed practical.

The university may also deny requests that are ambiguous or overly broad or otherwise lack sufficient clarity to be able to reasonably identify the public records being sought. In such cases, the requester will be afforded an opportunity to revise the request. Providing the purpose of the request, which, as noted, is not required, may be helpful for the university to identify the records being sought.

All records retrieved in response to a public records request are subject to legal review. If the university withholds, redacts, or otherwise denies requested records, in whole or in part, an explanation that includes legal authority will be provided. Any redaction will be made visible to the requester. If the requester disagrees or is dissatisfied with the university's response, the requester is encouraged to contact the office of legal affairs.

Redacting information within a record is permissible if required or authorized by law. Examples of a permissible redaction include, social security numbers, student education records, intellectual property records, donor profile records and confidential law enforcement records.



(4)

(E) Charge for copies and mailing costs

Under Ohio law, the university may charge for the actual costs associated with producing copies and delivery. There is no charge for university employee time to process the request. Nor is there a charge for an electronic copy of records created and maintained in electronic form. The university may require charges to be paid in advance.

(F) Personnel files

When a public records request is made for an employee's personnel file, the university will, to the extent practicable, notify the employee that her or his personnel records have been requested and, if known, the identity of the requester.

(G) Related policies and other resources

The following resources should be consulted as appropriate:

(1) Policy 12.020

(2) Policy 93.002

(3) The public may access the Ohio attorney general's website and look under the publications section for a complete manual on "Ohio's Sunshine Laws."

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