

**3356-9-07      Public records.**

- (A) Policy statement. It is the policy of the university that openness leads to a better informed citizenry, which leads to better government and better public policy. In accordance with this policy, the university strictly adheres to the state's public records act (see section 149.43 of the Revised Code).
- (B) Purpose. To define the procedures that the university will follow in administering the public records law.
- (C) Definition. A "public record" is defined as any document, device or item, regardless of physical form or characteristic, including paper, electronic (including but not limited to e-mail), or other format, that is created or received by or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the university are public unless they are specifically exempt from disclosure under section 149.43 of the Revised Code.
- (D) Procedures for requesting non-law enforcement records.
  - (1) It is the policy of the university that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.
  - (2) Each request for public records should be evaluated for a response using the following guidelines:
    - (a) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification.
    - (b) The requester does not have to put a records request in writing and does not have to provide their identity or the intended use of the requested public record.

- (c) 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 of the records requested.

- (d) Public records requests ~~should~~ can be made by completing the form on the office of general counsel webpage or can be directed to the “Office of the General Counsel, Tod Hall, Suite 314, Youngstown State University, One University Plaza, Youngstown, Ohio 44555,” or call (330) 941-2340.”

“Routine requests” are those that certain departments receive on a consistent basis and that request basic information. These routine requests do not need to go to the office of the general counsel but may be processed by the office that retains the information after having first discussed the process with the office of the general counsel. “Non-routine requests,” or requests that produce voluminous documents, must be processed through the general counsel’s office.

- (e) Routine requests for information that are easily accessed will be processed as quickly as is reasonable. Non-routine or voluminous requests that require extensive copying or research will be accompanied by an acknowledgment including:
  - (i) An estimated number of business days it will take to satisfy the request.
  - (ii) An estimated cost, if copies are requested.
  - (iii) Any items within the request that may be exempt from disclosure, if known at the time of the acknowledgment.

- (f) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
- (g) Those seeking public records will be charged only the actual cost of making copies. The university is permitted to request payment in advance.
  - (i) The charge for paper copies is five cents per page.
  - (ii) The charge for downloaded computer files to a compact disc is one dollar per disc.
  - (iii) There is no charge for documents e-mailed.
  - (iv) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- (h) Documents in electronic mail format are records as defined in section 149.43 of the Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules; however, e-mails are considered to be “general files,” including correspondence, reports, and files of executive and administrative officers are coded in the records retention schedule under ADM9910 and for all other employees are coded as ADM9900.

Records in private e-mail accounts used to conduct public business are subject to disclosure and all employees or representatives of the university are instructed to retain their e-mails that relate to public business.

- (i) The university recognizes the legal and civic consequences of a failure to properly respond to a public records request. In addition to the distrust in government, such a failure may

result in a court ordering the university to comply with the law and to pay the requester attorney's fees and damages.

(E) Specific procedures for requesting law enforcement records and video records are as follows:

- (1) Requests for law enforcement records can be made by completing the request for university police public records form found on the police webpage. Responses must be made within a reasonable amount of time, which includes preparing the records and seeking any necessary legal advice. The university may charge for the cost of the records, including a charge of five cents per page for copies, a charge for the actual cost of storage medium, and the actual cost of postage.
- (2) Requests for law enforcement video records, such as footage from dash cameras, body cameras, and surveillance cameras may also be made by completing the request for university police public records form found on the police webpage.
  - (a) The university may charge the requestor for the actual cost of reviewing, preparing, producing, blurring, and otherwise obscuring and redacting portions that are not available for public inspection, including the staff time, storage medium on which the record is produced and any other relevant overhead necessary to produce the video record.
  - (b) The actual cost may not exceed seven hundred fifty dollars in total. The university shall charge sixty dollars per hour of video produced. Within five business days of receipt of a request for video records, the university will provide the requestor an estimate of the actual cost of production. The university is not required to begin to prepare the video record until the estimated actual cost is paid in full. Payment must be made either by cashier's check, money order, or cash. No personal checks will be accepted.
  - (c) All requestors are notified that the actual cost may exceed the estimated cost by up to twenty per cent and, as such, that additional amount may be charged when the request is filled. If the actual charge is less than twenty per cent of the estimate, the requestor is entitled to refund of the

difference. The additional charge is not required to be paid prior to fulfilling the video records request.