

# Public Records Policy

## Introduction

It is the policy of the Hardin County Clerk of Courts office that openness leads to a better informed citizenry which leads to better government and better public policy. It is the policy of the Hardin County Clerk of Courts office to adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in a response to a valid request will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code, Ohio Rules of Superintendence, Ohio Rule of Procedure, and the Local Rules of the Hardin County Common Pleas Court General Division and the Third District Court of Appeals. If the request is in writing, said explanation must also be in writing.

## Section 1: Public Records

This office in accordance with the Ohio Revised Code defines records as including the following: any document – paper, electronic, (including but not limited to email) 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 Hardin County Clerk of Courts office are public unless they are specifically ordered sealed by the Court or exempt from disclosure under the Ohio Revised Code, the Ohio Rules of Superintendence, or the Local Rules of the Hardin County Common Pleas Court General Division and Third District Court of Appeals.

- A. It is the policy of the Hardin County Clerk of Courts office that, as required by Ohio law, court records will be organized and maintained so that they are readily available for inspection and/or copying. Records Retention Schedules are to be updated regularly as needed.
- B. Under Ohio law, some records will be withheld from release because state or federal law makes the record confidential. Some commonly-requested records that are confidential under ORC 143.43 include but are not limited to the following:
  - 1. Attorney-client privileged information and trial preparation records
  - 2. Social Security number
  - 3. Records of ongoing investigations
  - 4. Medical Records
  - 5. BMV Records

6. Records that a judge ordered to be sealed per statute
  7. Grand Jury Records
  8. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services workers, or corrections officers, Residential and Familial Information
- C. In processing a request for inspecting of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered.

**Section 2: Records Requests :** 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 identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester and opportunity to revise the request by informing the requester of the matter in which records are maintained and accessed by the office.
- B. The requester does not have to provide his or her identity or the intended use of the requested public record. Providing such information to the Clerk's office is entirely voluntary, although it can often clarify and expedite the release of information. Public records requests can be made in person, online or by email [clerkofcourts@hardincourts.com](mailto:clerkofcourts@hardincourts.com)
- C. Public records are 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 prior to the release of the records requested.
- D. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. If records are readily available in an electronic format that can be emailed or downloaded easily, they should be made as quickly as the equipment allows. All requests for public records must either be satisfied (as stated above) or be acknowledged in writing by the Hardin County Clerk of Courts Office as promptly as possible following the receipt of the request. If a request is deemed significantly beyond "routine" such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:

1. An estimated number of business days it will take to satisfy the request
  2. An estimated cost (if copies are requested) and
  3. Any times within the request that may be exempt from disclosure
- E. Any denial of public records must include an explanation with legal authority for the denial. If portions of a record are public and portions are exempt, then the exempt portions are to be redacted and the rest released.

### **Section 3: Copying and Mailing Costs:**

The requester may choose whether to have public records duplicated upon paper, upon the same medium of which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations. When the requester makes a choice the Hardin County Clerk of Courts office shall provide a copy of the public record in accordance with the choice made by the requester

- A. The charge for paper photocopies is \$.25 per page for 1-49 copies and \$.10 per page thereafter, certified copies \$1.00 per page, and \$3.00 per page for authenticated copies.
- B. If the requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs for delivery. There is no charge for emailed documents.
- C. The Clerks office may ask for prepayment before a request is processed. Payment may be made online, over the phone, by mail or in person payable to *Hardin County Clerk of Courts* and sent to One Courthouse Square Suite 310 Kenton, OH 43326. Acceptable forms of payment are cash, certified/cashier's check, money order, or credit/debit card – personal checks are not accepted.

### **Section 4: Email**

Documents in electronic mail format are records as defined by the Ohio Revised Code *when their content relates to the business of the office*. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

### **Section 5: Failure to Respond to a Public Records Request**

The Hardin County Clerk of Courts office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. Therefore, the office will do all that it can to comply with public records requests in a timely and efficient matter.