

## CLERMONT SOIL & WATER CONSERVATION DISTRICT Public Records Policy

### I. Purpose

The Clermont Soil & Water Conservation District (SWCD) maintains various records that support the accountability of our Government. In accordance with Ohio Revised Code 149.38 and the Clermont County Records Commission, the District has adopted Records Retention Schedules (RC-2) that identify these records. The Schedules identify records that are stored on a fixed medium (paper, computer, storage disks/drives, film, etc.), are created, received, or sent under the jurisdiction of the Clermont SWCD Board of Supervisors, and which document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. The Clermont SWCD Board of Supervisors have adopted a Public Records Policy to ensure all public records responsive to a public records request are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.

### II. Scope

- A. Clermont SWCD has a designated employee who serves as the custodian of all records maintained by the district.
- B. Clermont SWCD has a copy of the public records policy. R.C. 149.43(E)(2)
- C. This Public Records Policy, as well as the Records Retention Schedules (RC-2) for Clermont SWCD is available at their office where the public may access public records. Copies of all RC-2's and the Public Records Policy are available on the Clermont SWCD website; [clermontswcd.org](http://clermontswcd.org). Please see our financial records page at <https://www.clermontswcd.org/financial-reporting/>.
- D. Clermont SWCD displays a poster which describes the availability of public records at their location.

### III. Fees

The Clermont SWCD Board of Supervisors, in accordance with Section 149.43(B)(6) of the Revised Code, has established the following fees for providing copies of public records maintained by the Offices/Agencies.

Media	Cost
Paper (8.5 x 11 through 11 x 17)	\$0.05 per page for black and white copies
	\$0.10 per page for color copies
Standard Paper Map (E size)	\$10.00 for black and white
	\$15.00 for color, or photo + aerial map
DVD	\$2.00 per DVD
CD-R	\$1.00 per CD
Other Media (Flash Drives, etc.)	At cost
Postage	At cost, including packaging
GIS storm sewer data	\$1.00 per CD

#### **IV. Availability**

- A. All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours. (R.C. 149.43 (B)(I)). Promptness is determined by the facts and circumstances of each public records request.
- B. The person requesting records must identify those records with sufficient clarity to allow us to identify, retrieve and review the records. For the purpose of enhancing our ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the District may ask for the request in writing. Staff will assist the requestor if necessary.
  - 1. Although we may ask for the request in writing, for the requestor's identity and/or the intended use of the information requested to help clarify the request, the requester shall be advised that:
    - a. A request in writing is not mandatory; and
    - b. The requestor's refusal to make a request in writing or to identify themselves or the intended use of the information does not impair their right to inspect and/or receive copies of the public record. RC.149.43 (B)(5)
    - c. Any person, including corporations, individuals and governmental agencies may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the District whose release may be prohibited or exempted by either State or Federal law, the person submitting the request shall be advised that their request is being reviewed to ensure that protected and/or exempted information is not improperly released and provided an estimate of when the records will be available for release and if they may be released in whole or in part.

#### **V. Public Records Requests:**

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, this public office shall promptly respond to the request.

- A. A staff person will evaluate the request and estimate the length of time required to gather the records, taking into account the volume of records, the proximity of the records and the necessity for any legal review of the records requested. The requestor will be advised that advance payment may be required prior to providing copies of public records, and in addition, if mailed, the fee shall include the cost of postage. R.C. 149.43 (B)(7).
- B. When practical, we may forward copies of records by any other means reasonably acceptable to the requestor. The requestor may choose to have the public records duplicated on paper, upon the same medium on which the Office/Agency keeps it, or upon any other medium the Office/Agency determines it can be reasonably duplicated as part of normal operations. R.C. 149.43 (B)(6).

- C. If a request is voluminous, housed in an offsite location or will require legal review, an acknowledgement letter will be prepared. This letter will include: the estimated number of business days to satisfy the request, an estimated cost if copies are requested and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.
- D. Persons seeking copies of public records may be permitted to make their own copies of the requested documents by means of using a camera or hand-held scanner to photograph the record in place. Any required redactions or other non-disclosures still apply. R.C. 149.43 (B)(6)

**VI. Response and Denials:**

- A. Written requests for inspection and/or copies of public records which are not maintained by the District shall be replied to in writing. The response shall include the information that these records are not kept by this office, for reasons including, but not limited to:
  - 1. The requested records have been disposed of according to the Records Retention Schedules (RC-2) or pursuant to an Application of One Time Records Disposal (RC-1); or
  - 2. The requested records are not created or maintained by the Office/Agency and in accordance with R.C. 149.40, the Office/Agency is under no obligation to create records to meet the records request; or
- B. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requestor by informing them, via the Office's RC-2, what records are retained by the Office and the manner in which they are retained.

**VII. Denial of a Record Maintained by the Clermont SWCD**

The District may deny a request for a record maintained by the District if:

- A. The record that is requested is prohibited from release due to applicable state or federal law, including but not limited to:
  - 1. Attorney-client privileged information and trial preparation records
  - 2. Social Security numbers
  - 3. Records of ongoing investigations
  - 4. Medical Records
  - 5. Bureau of Motor Vehicle records
  - 6. Records that a judge ordered to be sealed per a statute
  - 7. Residential and Familial information of District employees (or contractor employees) that is retained for payroll or Human Resources purposes.
  - 8. We may limit the number of public records mailed to you to ten per month, unless you certify in writing that you do not intend to use the records for commercial purposes. (R.C. 149.43(B)(7)(c)(i)).
  - 9. In response to a request, we will provide only responsive records which exist at the time that the request is made.

- B. As governed by R.C. 149.43 (B)(3), if a request is ultimately denied, in part or in whole, the District shall provide the requestor with an explanation including legal authority, setting forth why the request was denied.
  - 1. If the initial request was provided in writing then the explanation shall also be provided in writing.
  - 2. The explanation shall not preclude the Clermont SWCD Board of Supervisors from relying upon additional reasons or legal authority in defending an action commenced pursuant to RC. 149.43.

### **VIII. Redacting Exempted Records / Procedures**

- A. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. [R.C. 149.43 (A)(11)];
  - 1. 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 a public office to make the redaction R.C. 149.43 (B)(l).
  - 2. If a request is ultimately denied, in part or in whole, the District shall provide the requester with an explanation, including legal authority, setting forth why the request was denied R.C. 149.43 (B)(3).
- B. If a public record contains information that is exempt from the requirements for public disclosure or copying the public record, the District shall make available the information within the public record that is not exempt, unless the District determines that the non-exempt portion of the record is so inextricably intertwined with the exempt material that redaction would be impractical. State ex rel. Gambill v. Opperman, 135 Ohio St. 3d 298 (2013).
- C. When making a redacted document available for public inspection or copying, the District shall notify the requester of any redaction or make the redaction plainly visible R.C. 149.43 (B)(l).
- D. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
- E. The redacted document shall be maintained per General Schedule retention requirements for Public Records Requests.

**IX. Remedy: Grievances**

- A. If a person allegedly is aggrieved due to being denied access to inspect a public record or due to being denied a copy of the public record, the person shall be advised that they may contact the Clermont SWCD District Administrator at 513-732-7075, Ext: 3.
- B. If the person is not satisfied after contacting the Clermont SWCD District Administrator, they shall be advised that Ohio Revised Code section 2743.75 provides a legal means for addressing their complaint in these disputes. R.C. 2743.75

**X. Training and Education**

The Clermont Soil & Water Conservation District continues to update and address all education, training, disclosure, and policy requirements mandated by Ohio Laws.

**XI. Interpretation:**

It is the intention of Clermont Soil & Water Conservation District, its elected officials and employees to comply at all times in good faith with the requirements of the Ohio Records Law. This policy will be interpreted and applied to conform to Ohio law and all requirements thereunder.

This revised Public Records Policy was adopted by the Clermont Soil & Water Conservation District & recorded in the district board minutes on Tuesday, November 10, 2020.

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Steve Phillips, Chairman

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Todd Winemiller, Vice-Chair

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Joe Glassmeyer, Fiscal Agent

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Connie O'Connor, Member

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David Anspach, Member

The public records custodian acknowledges the receipt of the Public Records Policy.

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