



# CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION

## PUBLIC RECORDS POLICY

### ***Introduction:***

The Cuyahoga County Land Reutilization Corporation (the "CCLRC") hereby acknowledges that it is subject to the provisions of Chapter 149 of the Ohio Revised Code (the "Revised Code" and Chapter 149 thereof, the "Public Records Law"). It is the policy of the CCLRC that transparency in conducting public business leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the CCLRC to strictly adhere to its obligations under the Public Records Law. It is also the policy of the CCLRC that exemptions from disclosure established by federal or State of Ohio (the "State") law must be applied when and where applicable, particularly where the laws are intended to protect the rights of third parties.

***Section 1. Public Records Defined.*** The CCLRC, in accordance with Sections 149.011(G) and 149.43 of the Ohio Revised Code, defines a "public record" for the purposes of this Policy as: any item that is kept by the CCLRC that: (1) is stored on a fixed medium; (2) created, received, or sent under the jurisdiction of a public office; and (3) documents the organization, functions, policies, decisions, procedures, operations, or other activities of the CCLRC. Public records under this Policy do not include any of the records described in: (i) items (a) through and including (z) of subdivision (A)(1) of Section 149.43 of the Revised Code and (ii) items (1) and (2) of division (A) of Section 1724.11 of the Revised Code.

***Section 1.1. Policy regarding Availability of Public Records.*** It is the policy of the CCLRC that, as required by Ohio law, public records will be organized and maintained so that they are available for inspection and copying in accordance with the Public Records Law. The CCLRC shall designate a public records manager to whom requests for public records of the CCLRC should be directed. The contact information of the CCLRC's public records manager shall be included on the publicly available website of the CCLRC.

***Section 1.2. Policy regarding Record Retention Schedules.*** The CCLRC shall cause to be prepared in accordance with the rules and regulations of the Cuyahoga County Records Commission record retention schedules and shall make such schedules available to the public in accordance with the policy set forth in Section 1.1 hereof.

***Section 2. Public Record Requests.*** Each request for public records should be evaluated for a response using the following guidelines:

***Section 2.1. Sufficiency of a Public Record Request; Clarification.*** Although no specific language is required to make a public record request, the requestor must at least identify the public records requested with sufficient clarity to allow the public office to identify, retrieve, and review the public records. If it is not clear what public records are being sought, the records custodian must contact the requestor for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its public records.

**Section 2.2. Form of Public Record Request.** The requestor of the public record does not have to make his/her public record request in writing and does not have to provide his or her identity or the intended use of the requested public record. It is the general policy of the CCLRC that the foregoing information may be requested only if: (a)(i) the written request or the disclosure of identity of the requestor or (ii) the intended use of the record would benefit the requestor by enhancing the ability of the CCLRC to identify, locate or deliver the requested public record and (b) the requestor is informed that the written request or disclosure of identity of the requestor or intended use of the record is not mandatory.

**Section 2.3 Availability of Public Records.** Public records are to be available for inspection during regular business hours. 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.

**Section 2.4. Routine and Non-routine Public Record Requests.** Each public records request should be evaluated for an estimated length of time required to gather the public records. Routine requests for public records should be satisfied immediately, if feasible to do so. Routine requests include meeting minutes, budgets, salary information, forms and applications, and such other public record requests that the CCLRC determine are "routine". If any of these records contain information exempt from disclosure under subdivision (A)(1) of Section 149.43 of the Revised Code or subdivisions (A)(1) or (A)(2) of Section 1724.11 of the Revised Code, such as social security numbers or other confidential information, a request for such information cannot be handled as a "routine request." If fewer than 20 pages of copies are requested or if the public records are readily available in an electronic format that can be e-mailed or downloaded easily, these public records should be made available as quickly as practicable, taking into account the time required for legal review or redaction of the public records requested, when applicable. The CCLRC will strive to acknowledge all requests for public records and provide an estimate of the number of business days it will take to satisfy the request within three business days following the records custodian's receipt of the request.

**Section 2.5. Explanation of Basis for Denial of a Public Record Request.** Any denial of a public record request must include an explanation, including legal authority, of the basis for the denial. If portions of a record are public and portions are exempt from being requested, the exempt portions are to be redacted and the rest of the public record released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, for the redaction. If the initial request was in writing, the explanation shall also be provided in writing.

**Section 3. Costs for Public Records.** Those seeking a copy of a public record will be charged only the actual out-of-pocket cost of making each of the copies.

**Section 3.1. Out-of-Pocket Cost of Paper Copies.** The charge per page for a paper copy is (a) five cents (\$0.05) per page (black and white) and (b) ten cents (\$0.10) per page (color).

**Section 3.2. Out-of-Pocket Cost of CD-ROM Copy.** The charge for downloading and burning computer files to a CD-ROM disc is \$0.36 per CD-ROM disc.

**Section 3.3. No Cost for Documents Directly Deliverable by E-Mail.** There is no charge for delivery of a copy of a document by e-mail if the document is held in the form of a downloadable computer file needing no additional formatting.

**Section 3.4. Delivery of Paper Copies by U.S. Mail or Private Delivery Service.** Requestors may ask that paper copies of public record documents be sent to them via U.S. Mail or private delivery service. Such persons will be charged, in addition to any cost for the paper copies, the actual cost of the U.S. postage or, if specifically requested, the actual cost of a private delivery service, plus the actual cost of any mailing supplies used in connection with the delivery.

**Section 3.5. Payment for Delivery in Advance.** The CCLRC may require the requestor of a copy of Public Records to pay in advance the actual cost involved in delivery of the copies, including postage, if any.

#### **Section 4. E-mail.**

Documents held by CCLRC in electronic mail format are public records when their content relates to the business of the CCLRC. E-mail documents are to be treated in the same fashion as records in other formats and should follow the same record retention schedules.

**Section 4.1. Use of Private E-Mail Accounts.** Directors, officers or employees of the CCLRC who use private e-mail accounts to conduct public business create records that may be subject to disclosure in accordance with the Public Records Law. All directors, officers and employees or representatives of the CCLRC shall be instructed to comply with the records retention policy of the CCLRC with regard to all e-mails in private accounts that document the organization, functions, policies, decisions, procedures, operations, or other activities of the CCLRC, and to make them available to the records' custodian of the CCLRC in a timely manner, if so requested.

**Section 4.2. Treatment of E-Mails from and in Private Accounts.** The records' custodian shall be instructed to treat the e-mails from private accounts that document the organization, functions, policies, decisions, procedures, operations, or other activities of the CCLRC as public records of the CCLRC, filing them in the appropriate way, retaining them in accordance with established records' retention schedules and making them available for inspection and copying in accordance with the Public Records Law.

**Section 5. Failure to Respond to a Public Records Request.** The CCLRC recognizes that the consequences of failing to properly respond to a public records request in accordance with State law may result in a court ordering the CCLRC to comply with the law and to pay the requestor attorney's fees and statutory damages.

Adopted: May 22, 2009  
Revised: