

REQUIRED POSTING

LORAIN METROPOLITAN HOUSING AUTHORITY PUBLIC RECORDS REQUESTS POLICY

It is the policy of Lorain Metropolitan Housing Authority (LMHA) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of LMHA to strictly 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 response to a valid request will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation will also be in writing.

LMHA, in accordance with the Ohio Revised Code, defines records as including the following: *Any document-paper, electronic (including, but not limited to, e-mail) or other format that is created or received by, or comes under the jurisdiction of LMHA that documents the organization, functions, policies, decision, procedures, operations, or other activities of LMHA.* All records of LMHA are public unless they specifically exempted from disclosure under the Ohio Revised Code (i.e. medical records, attorney-client privileged information, Social Security numbers, records of ongoing investigations, confidential law enforcement records, etc.)

LMHA public records shall be organized and maintained so that they are readily available for inspection and copying. The public may request to view all records deemed public records under Chapter 149 of the Ohio Revised Code at any time during normal business hours with the exception of published holidays. Regular business hours are Monday through Friday from 8:00 a.m. until 4:00 p.m. If duplication of the record or information cannot occur immediately due to the limited availability of staff, the requesting party will be advised when the information will be available for receipt upon return of the requesting party. Generally, the record or information will be available no longer than five (5) business days from the date of the request. The LMHA may seek legal review of any public request made.

The LMHA Public Records Policy is available for inspection during normal business hours, Monday through Friday from 8:00 a.m. through 4:00 p.m. The Records Retention schedule is available for inspection upon request and may assist the requesting party in ascertaining the documents desired.

Although the requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record, LMHA requests that public records requests be made in writing stating who is requesting the information and for what purpose it is needed to enhance LMHA's ability to identify, locate and deliver the public records to the requester. The requester may decline to make the request in writing or to reveal his or her identity or the intended use of the public records.

Request for records that are not defined as "public records" under Ohio law will be denied on that basis. The denial of the records requested will include a written explanation. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the remainder of the record released. If there are redactions, each redaction will be accompanied by a supporting explanation, including legal authority.

Those seeking public records will be charged only the actual cost of making copies. The current charge for paper copies is 5 cents per page. LMHA shall endeavor to limit the charge to its cost of copying, excluding administrative time and expense. There is no cost for requests for less than 20 pages provided such requests are not cumulative in nature. The charge for downloaded computer files to a compact disc is \$1.00 per disc. There is no charge for documents e-mailed.

Requesters may ask that documents be mailed to them. LMHA shall require payment, in advance, for the actual cost of postage or the cost of delivery and for the actual cost of supplies used in the mailing or delivery of public records if the requester has requested the public records be mailed or delivered.

Lorain Metropolitan Housing Authority
Public Records Policy
5-22-09

Introduction

It is the policy of Lorain Metropolitan Housing Authority (LMHA) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of LMHA to strictly 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 response to a valid request will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation will also be in writing.

Section 1. Public records

LMHA, in accordance with the Ohio Revised Code, defines records as including the following: *Any document—paper, electronic (including, but not limited to, e-mail) or other format that is created or received by, or comes under the jurisdiction of LMHA that documents the organization, functions, policies, decisions, procedures, operations, or other activities of LMHA.* All records of LMHA are public unless they are specifically exempted from disclosure under the Ohio Revised Code (i.e. medical records, attorney-client privileged information, Social Security numbers, records of ongoing investigations, confidential law enforcement records, etc.).

Section 1.1 Organization and Maintenance of Records.

LMHA public records shall be organized and maintained so that they are readily available for inspection and copying.

Section 1.2 The availability of the LMHA Public Records Policy; Creation and Posting of a Public Records Policy Poster.

LMHA shall keep its public records policy readily available for use and inspection. A "Public Records Policy Poster" shall be created and placed in a conspicuous place in LMHA reception areas or administrative offices where public record requests are made. The poster shall include the following information:

- a) The preamble of LMHA's public records policy as set forth above;
- b) The definition of a public record;
- c) The fact that the public may request these records for their review;
- d) Where and when the requests may be made;
- e) The existence of the complete public records policy which is available for inspection;
- f) The existence of a retention schedule which is available for inspection and that it may assist the requester in ascertaining the documents desired;
- g) The fact that a requester does not have to provide LMHA identifying information or the reason for their public records request but that this information may assist LMHA in processing the request;

- h) The fact that LMHA may deny a request for certain documents and will provide the legal reason for the denial. This shall include ‘redacting’ information from documents provided;
- i) That LMHA may seek legal review of the request made;
- j) Any copying cost associated with processing the request;

Section 1.3 Retention Schedules

In order to assist a requester of public records to efficiently identify and ascertain the records desired, LMHA shall have its Records Retention Schedule (RRS) posted prominently. The RRS shall be regularly updated as changes in the retention schedule have been properly processed and approved by the State Historical Society and the State of Ohio Auditor’s Office.

Section 2. Record Requests

Each request for public records shall be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow LMHA to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will contact the requester for clarification, and will assist the requestor in revising the request by informing the requestor of the manner in which the LMHA keeps its records.

LMHA does not have a duty to create or provide access to non-existent records.

Section 2.2

Although, the requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record, LMHA requests that public records request be made in writing stating who is requesting the information and for what purpose it is needed to enhance LMHA's ability to identify, locate and deliver the public records to the requester. The requester may decline to make the request in writing or to reveal his or her identity or the intended use of the public records.

Section 2.2a - Public Record Request Log

All public records requests shall be entered into a log to record the following: name (if provided) and address (mail or e-mail) or requester; date request received; records requested; redactions and/or exemptions asserted (if any); and date of response.

Section 2.3

Public records will be available for inspection during regular business hours, with the exception of published holidays. Regular business hours are Monday thru Friday, 8:00 a.m. to 4:00 p.m. Copies of public records will 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

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately, if feasible to do so. Routine requests include, but are not limited to, meeting minutes, budgets, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these will be made as quickly as the equipment allows.

All requests for public records will either be satisfied (see Section 2.4) or be acknowledged in writing by LMHA within five (5) business days following LMHA's 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 acknowledgement will include the following:

Section 2.4a - An estimated number of business days it will take to satisfy the request.

Section 2.4b - An estimated cost if copies are requested.

Section 2.4c - Any items within the request that may be exempt from disclosure and the legal reason for the exemption.

Section 2.5 Denial of Request

Under certain circumstances, records are not defined as "public records" under Ohio law. In these situations, the public record request will be denied on that basis. The denial of the records requested will include a written explanation. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the remainder of the record released. If there are redactions, each redaction will be accompanied by a supporting explanation, including legal authority.

LMHA may create a 'Records Request Denial Form' which will assist in providing the requester with the legal basis for the denial of records or the redaction of certain information.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1

The current charge for paper copies is 5 cents per page. LMHA shall endeavor to limit the charge to its cost of copying, excluding administrative time and expense. There is no cost for requests for less than 20 pages provided such requests are not cumulative in nature.

Section 3.2

The charge for downloaded computer files to a compact disc is \$1.00 per disc.

Section 3.3

There is no charge for documents e-mailed.

Section 3.4

Requesters may ask that documents be mailed to them. LMHA shall require payment in advance for the actual cost of postage or the cost of delivery and for the actual cost of supplies used in the mailing or delivery of public records if the requester has requested the public records be mailed or delivered.

Section 4. E-Mail

Documents in electronic mail format are records as defined by the Ohio 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.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representative of LMHA are instructed to retain their emails that relate to LMHA and to copy them to their business e-mail and or to LMHA's records custodian.

Section 4.2

The records custodian is to treat the e-mails from private accounts as records of LMHA when the e-mails pertain to LMHA business by filing them in the appropriate way, retaining them per the established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to respond to a public records request

LMHA recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, LMHA's failure to comply with a request may result in a Court ordering LMHA to comply with the law and to pay the requester attorney's fees and damages.

LMHA PUBLIC RECORDS REQUEST FORM

It is the policy of LMHA that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of LMHA to strictly adhere to the State of Ohio's Public Records Act.

Neither a written request nor provision of personal information is required to access public records, but completion of this form may expedite fulfillment of the request. Whether in writing or not, the requester must identify desired records with sufficient clarity to allow for identification, retrieval, and review by the custodian.

Requester Information (Not Required)

Name of Requester _____

Daytime Phone _____ E-mail _____

Address _____

City _____ State _____ Zip _____

Preferred Delivery Method { } Email (if practical) { } Pickup {} U.S. Mail {} On-site review

Records Request Information

Be specific when describing requested records. Inclusion of subject, date range, author, recipient, type of record, etc. expedites delivery of information. Requesters will be contacted to narrow overly broad requests.

For Official Use Only

Number of Copies _____
Charge per Copy _____
Extra(CD's) _____
Delivery Fees (postage) _____
Total Fees _____
Paid by: _____ Cash _____ Check

Tracking

Date Received _____
Date Delivered _____
Delivered by: _____
Employee Name