

The Cooperative Council of Governments

Public Records Policy

PURPOSE

The Cooperative Council of Governments (“**CCOG**”) acknowledges that it maintains records (“**Records**” or “**Public Records**”) that are used in the administration and operation of CCOG. In accordance with state law, CCOG has adopted Schedules of Records Retention and Disposition that identify these Records. These schedules identify Records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent on behalf of CCOG and document the organizations, functions, policies, decisions, procedures, operations, or other activities of CCOG. The Records maintained by CCOG and the ability to access them are a means to provide trust between the public and CCOG.

SCOPE

- CCOG has designated an independent contractor who serves as custodian of all Records maintained by CCOG. The custodian has a copy of CCOG’s public records policy.
- This public record policy (the “**Public Record Policy**” or “**Policy**”), as well as CCOG’s Schedules of Records Retention and Disposition are located at the business premises at which the public may access CCOG’s records.
- CCOG’s Public Records Policy is incorporated in CCOG’s policies and procedures manual.

FEES

CCOG, in accordance with the Ohio Revised Code, has established the following fees for providing copies or reproductions of Public Records maintained by the CCOG:

- For photocopies of either letter or legal-size documents, the fees will be \$.10 per photocopy calculated from the first page photocopied. Advance payment is required before any copies are prepared.
- For video tapes, cassette tapes, or for any other type of media, the fee will be the replacement cost or the reproduction (copying) costs. Reproduction costs may only be charged if a commercial or professional service is contracted to produce the copy(ies).
- Established costs/fees under this Policy must be clearly posted and visible to the public at all locations authorized to provide copies of Public Records.

AVAILABILITY

Inspection

CCOG’s current records retention schedule(s) and all Public Records maintained by CCOG will be promptly prepared and made available for inspection to any person during regular business hours (promptness is to be

determined by the facts and circumstances of each public records request). Regular business hours for CCOG are Monday through Friday (except federal holidays), from 8:30 A.M to 5:00 P.M.

For the purpose of enhancing the ability of CCOG to identify, provide for prompt inspection, and provide copies of the requested items in a reasonable period of time, CCOG will provide to the requestor the attached **Form 100** for the requestor to complete.

- Prompt inspection and copies of Records within a reasonable amount of time contemplates the opportunity for legal review by CCOG prior to provision to the requestor.
- Although CCOG may ask the requestor to make the request in writing, may ask for the requestor's identity, and may inquire about the intended use of the information requested, the requestor will be advised that a) responding to such requests from CCOG the requests is not mandatory; and b) the requestor's refusal to complete **Form 100** does not impair the requestor's right to inspect and/or receive copies of the Public Records.
- Any person, including corporations, individuals, and other 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.

In the event a request is made to inspect and/or obtain a copy of a Record maintained by the CCOG whose release may be prohibited or exempted by either state or federal law, the request will be forwarded to legal counsel for CCOG for research and/or review. The person submitting the request will be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by CCOG.

Records whose release is prohibited or exempted by either state or federal law, or not considered Public Records as defined by [O.R.C. § 149.43\(A\)\(1\)](#), will NOT be subject to public inspection.

Public Records Requests

Mailed Requests for Public Records

Upon receiving a written request in accordance with [O.R.C. § 149.43](#) via the United States Postal Service for copies for a Public Record, CCOG will promptly respond to the request.

An authorized representative of CCOG will, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of Public Records, and in addition, the fee will also include the costs of postage and the shipping container (e.g., envelope, box, etc.).

When practical, CCOG may forward copied Records by any other means reasonable acceptable to the requestor.

- If a person requests a copy of a public record, CCOG will permit the requestor to choose to have the Public Record duplicated on paper or upon the same medium upon which CCOG maintains the Public Record or upon any other medium on which the Record can reasonably be duplicated as an integral part of the normal operations of CCOG, or the responsible party for the Public Record.
- Persons seeking copies of Public Records are not permitted to make their own copies of the requested Records by any means.

In accordance with [O.R.C. § 149.43\(b\)\(7\)](#), CCOG limits the number of requested Public Records to be transmitted through the U.S. Mail to a maximum of ten records per month per requestor unless the requestor certifies that the Records or information in them will not be used for commercial purposes. “**Commercial purposes**” will be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Authorized CCOG representatives will comply with the following procedures upon receiving a valid public record request through the United States Postal System.

Written or verbal requests for copies made by the Public Records requestor or their designee will be processed in the same manner as mailed requests.

Response and Denials

Requestors submitting requests for inspection and/or copies of Public Records which are not maintained by CCOG or for a Record which is no longer maintained will be notified in writing utilizing the attached **Form 101** that one of the following applies:

1. Their request involves Records that have never been maintained by CCOG; or
2. Their request involves Records that are no longer maintained or have been disposed of or transferred pursuant to applicable CCOG Schedules of Record Retention and disposition; or
3. Their request involves a Record that has been disposed of pursuant to an Application of the One-Time Records Disposal procedures; or
4. If the Record that is requested is not a Record used or maintained by the CCOG, the requestor will be notified that in accordance with [O.R.C. § 149.40](#), that CCOG is under no obligation to create Records to meet the Public Records Request.

Ambiguous or Overly Broad Request for Public Records

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 the CCOG representative responsible for the requested Public Record cannot reasonably identify what Public Records are being requested, CCOG may deny the request. However, CCOG will provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which Records are maintained by the CCOG in the ordinary course of business.

Denial of Record Maintained by CCOG

CCOG may deny request for a Record maintained by CCOG if:

- The Record that is requested is prohibited from release due to applicable state or federal law. Representatives of CCOG will consult legal counsel if they are unsure of whether the Record requested should be withheld from disclosure.
 - a. Representatives of CCOG may check the appropriate box on **Form 101** if they are simply applying the statutory exclusion.
 - b. Otherwise, legal counsel will respond with the legal authority for a denial.

- As governed by [O.R.C. § 149.43\(B\)\(3\)](#), if a request is ultimately denied, in part or in whole, CCOG will provide the requestor with an explanation utilizing **Form 101**, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing, then the explanation will also be provided in writing.
 - b. The explanation will not preclude CCOG from relying upon additional reasons or legal authority in defending an action commenced pursuant to [O.R.C. § 149.43](#).

Redacting Exempted Records/Procedure

“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 [O.R.C. § 149.011](#) (O.R.C. 149.43(A)(11)):

1. A redaction will 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. ([O.R.C. § 149.43\(B\)\(1\)](#)).
2. If a request is ultimately denied, in part or in whole, CCOG will provide the requestor with an explanation, including legal authority setting forth why the request was denied. ([O.R.C. § 149.43\(B\)\(3\)](#)).
3. If a Public Record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the CCOG will make available the information within the Public Record that is not exempt. When making that Public Record available for public inspection or copying that Public Record, CCOG will notify the requestor of any redaction or make redaction plainly visible ([O.R.C. § 149.43\(B\)\(1\)](#)).

The releasing party will then reproduce a copy of the page with the redactions; the resulting copy will be the page that is released to the requestor.

The first reproduction page with the original redactions made by CCOG party is the worksheet. It will be attached to the original Record and maintained in accordance with the retention period established for the original document.

Remedy for Grievances

If a person allegedly is aggrieved due to the inability to inspect a Public Record, the person will be advised that they may a) contact CCOG office and b) if the person is not satisfied after contacting CCOG’s senior representative, they will be advised that [O.R.C. § 149.43](#) provides a legal means for addressing their complaint in these disputes ([O.R.C. § 149.43\(C\)\(1\)\(2\)](#)).

TRAINING AND EDUCATION

CCOG continues to update and address education, training, disclosure, and policy requirements mandated by [O.R.C. § 109.43](#) and [O.R.C. § 149.43\(E\)\(1\)\(2\)](#). CCOG’s board of directors is designated for proper training and is responsible that they are knowledgeable of the Public Records Policy mandates.

CCOG Public Records Request Form RC 100

While not mandatory, if you fill out this form, it will help us provide the Public Records you are requesting in a more timely fashion.

Name of Requester: _____

Street Address: _____

City/State/Zip: _____

Phone Number: _____

Email Address: _____

Today's Date: _____

With as much specificity as possible, please describe what Records you want to review and why you want to review them. (Please print)

CCOG provides photocopies of public records for \$.10 per page. All requests require advance payment. Mailing charges are assessed at actual costs. There is no charge to inspect records while on the CCOG premises. Please check your preference below.

I would like to inspect these records on your premises when they are ready.

I would like these records copied, and I will pick them up when they are ready.

I would like these records copied and mailed to me at the address on this form.

CCOG Representative Handling Request: _____

Date Request Was Completed: _____

CCOG Public Records Request Form RC 101

Persons requesting photocopies of Public Records will be required to pay a fee of \$.10 per page. Prepayment is required.

Name of Requestor (see RC100): _____

Number of Photocopy Pages Requested: _____ @ \$.10 per page Total Fee: \$_____

Number of Copies of Other Materials (video tape, cassette, etc.): _____ Total Fee: \$_____

Receipt number: _____

Total Paid: \$_____

Record(s) not available (cite applicable situation):

_____ Record has never been maintained by the CCOG.

_____ Record is no longer maintained or has been disposed of or transferred pursuant to RC-2.

_____ Record has been disposed of pursuant to an application of One-Time Records Disposal RC-1.

_____ Record is prohibited from release due to an applicable state or federal law.

Cite the applicable state or federal law: _____

Record is/is not provided in the form of a proper document

_____ Cassette tape _____ Video tape _____ Other (specify) _____

Record is prohibited or exempted by law:

_____ Record has been forwarded to legal counsel for research/review.

_____ Record has been reviewed and release has been denied by legal counsel.

_____ Record has been reviewed by legal counsel and records are to be released.

Record has been reviewed and contained non-releasable material.

_____ Upon review, non-releasable material has been redacted.

_____ Releasing CCOG representative has noted date, initials, and name of requestor on a copy of the reproduced page.

CCOG Representative Handling Request: _____

Date Request Was Completed: _____