

**THE MAHONING SOIL & WATER CONSERVATION DISTRICT'S REQUEST FOR  
PUBLIC RECORDS**

*"To assist in fulfilling your request accurately, we ask that you fill out a RECORDS REQUEST FORM. Written requests that disclose your identity or intended use of the records are not mandatory and your request will not be denied if this information is not provided."*

**Introduction** - It is the policy of the Mahoning SWCD that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Mahoning SWCD 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 be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

**Section 1. Public Records** - The Mahoning SWCD, 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 a public office that documents the organizations, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Mahoning SWCD are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

**Section 1.1** - It is the policy of the Mahoning SWCD, that as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (see Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

**Section 2 Board Requests** - Each request for public records should 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 the public office to identify, retrieve, and review the records. If it is not clear what 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 records.

**Section 2.2** - The requestor 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. It is the Mahoning SWCD's general policy that this information is not to be requested.

**Section 2.3** - Public records are to be 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 of the records requested.

**Section 2.4** - 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. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, 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 should be made as quickly as the equipment allows. All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the Mahoning SWCD within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine", such as seeding a voluminous number of copies or requiring extensive research, the acknowledgement must 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.

**Section 2.5** – Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

**Section 3. Costs for Public Records** – Those seeking public records will be charged only the actual cost of making copies.

**Section 3.1** – The charge for paper copies is 5¢ per page.

**Section 3.2** – The charge for download computer files to a compact disc is \$1 per disc.

**Section 3.3** – There is no charge for documents e-mailed.

**Section 3.4** – Requestors may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

**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 Mahoning SWCD. 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 representatives of the Mahoning SWCD are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the Mahoning SWCD's records custodian.

**Section 4.2** – The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per 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** – The Mahoning SWCD 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, the Mahoning SWCD's failure to comply with a request may result in a court ordering the Mahoning SWCD to comply with the law and to pay the requestor attorney's fees and damages.

## **Mahoning SWCD Records Retention Policy**

In an effort to protect and preserve Mahoning SWCD Records, the Mahoning SWCD has adopted the State of Ohio's Approval Process for Retention Schedules (RC-2). The record retention schedule provides a retention period for files that have administrative, legal, fiscal, and historical value. It will be reviewed annually by the District's Records Committee. Records will be disposed of according to the time periods state on the Records Retention Schedule. Each December, the District Records Committee will meet to review and certify the list of records to be disposed and then forward the completed forms to the Ohio Historical Society Local Government Records for possible retention in the state archives.

### **Mahoning SWCD Records Committee**

The District Administrator will serve as the Designated Records Officer. This policy was adopted by the Board of Supervisors at the October 25, 2010 meeting

  
\_\_\_\_\_  
Signature of Chair

10.25-10  
\_\_\_\_\_  
Date

**Committee will meet in February at the monthly board meeting. Minutes will be taken. Committee members include the Chair, Fiscal Agent, and District Administrator.**

**A notice of the Records Committee meeting will be included in the legal notice of the dates and times of monthly board meetings.**

The Records Committee is responsible for formulating the District's overall records management program and policies, overseeing the quality and progress of the program, and making decisions that have cross-departmental impact regarding records. The Records Committee is also responsible for ensuring the Records Retention Schedules satisfy operational, historical, legal, tax and regulatory requirements.

The District Administrator (Records Manager) is responsible for the development, implementation and management of the Records Management Program.

The Records Manager:

- Develops, maintains and disseminates records management policies and procedures.
- Oversees the District-wide implementation of the records management policies and procedures, which includes applying the Records Retention Schedules.
- Oversees storage and destruction of off-site records.
- Coordinates submission of required forms and subsequent approval with the Auditor of State and the Ohio Historical Society Local Government Program.
- Under direction of the Legal Department, coordinates the process for applying Records Hold Orders and, thereby, suspending records destruction for records that are required to be held for litigation, government investigation or audit.
- Evaluates changes to the Records Retention Schedules that are requested by Records Coordinators. Updates the Records Retention Schedules as necessary and distributes the updated schedules for approval.