OHIO GENERAL ASSEMBLY
JOINT LEGISLATIVE ETHICS COMMITTEE
OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL
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THE OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL PUBLIC RECORDS POLICY

[This policy is effective the 28 day of September, 2007]

The Office of the Legislative Inspector General (OLIG) recognizes that the public has two primary rights under the Ohio Public Records Act:

1. The right to prompt inspection of public records; and
2. The right to copies of public records within a reasonable period of time[i].

To protect these rights, the OLIG will interpret the Ohio Public Records Act liberally in favor of disclosure. Public records will be organized and maintained so that they are readily available for inspection and copying. Any denial of public records in response to a valid request shall be accompanied by an explanation, including legal authority, as outlined in Ohio law. Improper denials may result in the payment of damages, attorneys' fees and court costs.

The Ohio Public Records Act imposes two primary obligations upon public offices.

1. A public office must provide prompt inspection of public records; and
2. A public office must provide copies of all public records within a reasonable period of time.[ii]

Generally, unless otherwise exempt, a public record is a "record" kept by a public office.[iii] A "record" is defined by Ohio Revised Code Section 149.011 as "any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions procedures, operations, or other activities of the office." This definition includes paper and electronic records, including but not limited to e-mails. E-mails or other communications conducting state business sent or received via personal accounts may also be subject to disclosure as a public record.

Whether or not a record is a "public record" depends upon the type of record and whether there is an exception in the law authorizing nondisclosure, preventing its release or exempting it from the definition of a public record. Any questions as to whether or not a record is a "public record" should be directed to OLIG legal counsel.

All public records created or maintained by this office are organized so that they are readily available for inspection and copying in accordance with the Ohio Public Records Act. Most public records maintained by this office may be accessed, viewed and printed at the office home page on the World Wide Web.[iv] A copy of this office's records retention schedule, governing the time for which a record is maintained, is readily available to the public.

Any person, including businesses, individuals, and other government agencies may make a request for public records.[v] A request does not have to be in writing. In addition, a requestor does not have to provide his or her identity or the intended use of a public record. Although specific language is not required to make a public records request, a requestor must identify records requested with sufficient clarity to allow

this office to identify, retrieve and review the records. If it is not clear which records are being sought, the OLIG staff will ask for clarification and explain how records in this office are organized and maintained.

All public records responsive to a request will be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. In addition, all public records responsive to a request will be copied and provided to the requestor within a reasonable period of time. "Promptly" and "reasonable" take into account the facts and circumstances related to each request, including the volume of records requested, the proximity of the location where records are stored, and the necessity for legal review.

Those seeking public records may be charged in advance for the actual costs of making copies (5 cents per page for paper records, $1 per disc for downloaded computer files). Requestors may ask that the documents be mailed to them. If copies are mailed, actual cost of postage and mailing supplies may be charged in advance.

If a public record contains information that is exempt from the duty to permit public inspection or copying, the OLIG will notify the requestor of any redaction or make the redaction plainly visible on the face of the record. Any denial of public records requests shall include an explanation, including legal authority, in accordance with Ohio law. This explanation will be in writing if the request is made in writing. Improper denials of public record requests may result in the payment of damages, attorneys' fees and court costs.

This public records policy is adopted pursuant to Ohio Revised Code Section 149.43 (C).[vi]

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[i] *See generally* OHIO REV.CODE ANN. §149.43 (2007) and 2006 Ohio Sunshine Laws Update (Ohio Attorney General).
[ii] *Id.*
[iii] *Id.*
[iv] www.jlec-olig.state.oh.us
[v] "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association. O.R.C. §1.59 (2007).
[vi] This public records policy is not adopted in accordance with Ohio Revised Code Section 149.43(B)(7).