



DIVISION OF SENIOR & ADULT SERVICES (DSAS)

PUBLIC RECORDS REQUEST POLICY

Policy- Administrator's Office 025
Effective date – 05/20/13
Revised date - 07/22/13
Revised 01/10/2020

PURPOSE & SCOPE

It is the policy of Cuyahoga County Division of Senior and Adult Services (DSAS) that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of DSAS office to strictly adhere to the state's Public Records Law. It is also the policy of the DSAS office that exemptions from disclosure established by federal or state law must be applied, particularly where the laws are intended to protect the rights of third parties.

POLICY

I. Defining Public Records

- A. DSAS 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 organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of DSAS meeting this definition are public unless they are specifically exempt from disclosure under Ohio law or federal law.
- B. Clients' medical records are exempt from Public Records disclosure. However, in accordance with the Ohio Revised Code, clients served by DSAS may request copies of case information maintained in their individual files. Requests made by clients will be reviewed by the Cuyahoga County Prosecutor's Office before case file information is released.
- C. It is the policy of DSAS, as required by Ohio law, that records will be organized and maintained so that they are readily available for inspection and copying in accordance with the Ohio Public Records Law. Record retention schedules shall also be made readily available to the public. Requests will also be entered into the Cuyahoga County Public Request Portal at: <http://publicrecords.dev.web.isc.cuyahoga.cc/Login/Login.aspx>
- D. DSAS designates Kit Newell, 13815 Kinsman Rd., Cleveland, Ohio, 44120, kit.newell@jfs.ohio.gov 216-698-6672.

II. Handling Requests

- A. Although no specific language is required to make a request, the requester 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 manager must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.
- B. 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. It is this office's general policy that this information is only requested if the written request or disclosure of identity of the requester or the intended use of the record would benefit the requestor by enhancing the

ability DSAS to identify, locate or deliver the requested public records, and if the requester is informed that the written request or disclosure of identity of the requester or intended use of the record is not mandatory.

- C. 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.
- D. 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 meeting minutes, budgets, salary information, forms and applications, and such other requests that DSAS determines are "routine". If any of these records contain exempt material such as social security numbers or other confidential information, they cannot be handled as "routine" requests. DSAS 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 manager's receipt of the request.
- E. 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. If the initial request was in writing, the explanation shall also be provided in writing.

III. Cost

- A. The charge for paper copies is three cents per page. The charge will be waived when the total cost is less than \$1.00.
- B. The charge for downloaded computer files to a compact disc is the actual cost of the disc, not to exceed \$1.26. The charge will be waived when there is only one disc required to fulfill the request.
- C. Requesters may ask that documents be mailed to them. They may be charged the actual cost of the postage and mailing supplies.
- D. DSAS may require the requestor to pay in advance the cost involved in providing the copies, including postage.
- E. DSAS has the discretion to waive copying costs of \$10.00 or less if it determined that it is practical and cost-effective to do so.
- F. Requesters may request files be emailed to them. Paper copies will be scanned as pdf files and emailed to the requester. If materials are only scanned and not emailed, there will be no cost.

IV. Electronic Records

- A. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a Blackberry) are to be treated in the same fashion as records in other formats, such as paper or audiotape.
- B. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.