

GREENE SOIL AND WATER CONSERVATION DISTRICT

PUBLIC RECORDS POLICY

A. Purpose:

The Greene Soil and Water Conservation District (SWCD) maintains various records that are utilized to support the accountability of our Government. In accordance with Ohio Revised Code 149.38 and the Greene County Records Commission, the District has adopted Schedules of Records Retention and Disposition that identify these records. The Greene SWCD Board of Supervisors has adopted a Public Records Policy to ensure all Public Records responsive to the request are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.

B. Fees:

The District shall provide this service at no charge for a reasonable request.

C. Availability:

1. All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours. (O.R.C.149.43 (B)(1)). Promptness is determined by the facts and circumstances of each public records request.
2. The person requesting records must identify those records with sufficient clarity to allow us to identify, retrieve and review the records. For the purpose of enhancing our ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the District may ask for the request in writing. Staff will assist the requestor if necessary.
3. Although we may ask for the request in writing, for the requestor's identity and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. a request in writing is not mandatory; and
 - b. the requestor's refusal to make a request in writing or to identify themselves or the intended use of the information does not impair their right to inspect and/or receive copies of the public record (O.R.C.149.43 (B)(5)).
 - c. Any person, including corporations, individuals and 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.
4. In the event a request is made to inspect and/or obtain a copy of a record maintained by the District whose release may be prohibited or exempted by either State or Federal law, the District shall advise the person submitting the request that their request is being reviewed to ensure that protected and/or exempted information is not improperly released and provided an estimate of when the records will be available for release if they may be released in whole or in part.

D. Public Records Requests:

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, this public office shall promptly respond to the request.

1. A staff person will evaluate the request and estimate the length of time required to gather the records, taking into account the volume of records, the proximity of the record storage and the necessity for any legal review of the records requested. The requestor will be advised that advance payment may be required prior to providing copies of public records, and in addition, if mailed, the fee shall also include the cost of postage. (O.R.C. 149.43(B)(7)).
2. When practical, we may forward copies of records by any other means reasonably acceptable to the requestor.
3. If a request is voluminous, housed in an off-site location or will require legal review, an acknowledgment letter will be prepared. This letter will include: the estimated number of business days to satisfy the request, an estimated cost if copies are requested and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.
4. Persons seeking copies of public records are not permitted to make their own copies of the requested documents by any means. (O.R.C. 149.43(B)(6)).

E. Response and Denials:

1. Requests for inspection and/or copies of public records which are not maintained by the District shall be replied to in writing. The response shall include the information that these records are not kept by this office; the requested records have been disposed of according to the Schedules of Records Retention and Disposition or pursuant to Application of One Time Records Disposal; or that in accordance with O.R.C. 149.40, the Office is under no obligation to create records to meet the records request.
2. 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 staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requestor by informing them what records are retained by the agency and the manner in which they are retained.

F. Denial of a Record Maintained by the Greene County Board of Commissioners:

1. The Greene Soil & Water Conservation District may deny a request for a record maintained by the District if:
 - a. The record that is requested is prohibited from release due to applicable state or federal law, including but not limited to:
 - i. Attorney-client privileged information and trial preparation records.
 - ii. Social Security numbers.
 - iii. Records of ongoing investigations.
 - iv. Medical Records.
 - v. Bureau of Motor Vehicle records.
 - vi. Records that a judge ordered to be sealed per a statute.

- vii. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information (O.R.C. 149.43(A)(7)).
 - viii. We may limit to ten the number of public records mailed to you, unless you certify in writing that you do not intend to use the records for commercial purposes.
 - ix. We will not provide copies of public records that we create or receive after your original request is completed.
2. As governed by O.R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Greene Soil & Water Conservation District shall provide the requestor with an explanation including legal authority, setting forth why the request was denied.
- a. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - b. The explanation shall not preclude the District from relying upon additional reasons or legal authority in defending an action commenced pursuant to O.R.C. 149.43.

G. Redacting Exempted Records/Procedure:

1. "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 section 149.011 of the Ohio Revised Code. [O.R.C. 149.43) (A)(11)];
- a. A redaction shall 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).
 - b. If a request is ultimately denied, in part or in whole, the District shall provide the requester with an explanation, including legal authority, setting forth why the request was denied O.R.C. 149.43 (B)(3).
2. If a public record contains information that is exempt from the requirements for public disclosure or copying the public record, the Agency Director shall make available the information within the public record that is not exempt.
3. When making a redacted document available for public inspection or copying, the District shall notify the requester of any redaction or make the redaction plainly visible O.R.C.149.43(B)(1).
4. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
5. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

H. Remedy: Grievances:

1. If a person allegedly is aggrieved due to being denied access to inspect a public record or due to being denied a copy of the public record, the person shall be advised that they may contact the District Administrator at 937-372-4478 ext. 3.
2. If the person is not satisfied after contacting the District Administrator, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes O.R.C. 149.43 (C)(1)(2).

I. Training and Education:

The Greene Soil & Water Conservation District continues to update and address all education, training, disclosure, and policy requirements mandated by Ohio Laws.

J. Interpretation:

It is the intention of the Greene Soil & Water Conservation District to at all times comply in good faith with the requirements of the Ohio Records Law. This policy will be interpreted and applied to conform to Ohio law and all requirements thereunder.

This Public Records Policy was adopted by the Greene Soil and Water Conservation District and recorded in the district board minutes on Thursday, June 27, 2019.

Kim Snyder, Chair

Doug Anderson, Vice Chair

David Quallen, Fiscal Agent

Matthew Lawson, Secretary

Scott Harner, Member