

LORAIN/MEDINA COMMUNITY BASED CORRECTIONAL FACILITY
Public Records & Personal Information Policy

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Public Records Policy

Purpose: The Lorain/Medina C.B.C.F. acknowledges that it maintains many records that are used in the administration and operation of the Lorain/Medina C.B.C.F. In accordance with state law and the Lorain/Medina C.B.C.F.'s Records Commission, the Lorain/Medina C.B.C.F. has adopted Schedules of Records Retention and Disposition (RC-2) 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 under jurisdiction of the Lorain/Medina C.B.C.F. and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Lorain/Medina C.B.C.F. (R.C. 149.011 (G); R.C. 149.43 (A)(1)). The records maintained by the Lorain/Medina C.B.C.F. and the ability to access them are a means to provide trust between the public and the Lorain/Medina C.B.C.F.

Scope:

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
 - 1. Each record custodian has a copy of the Lorain/Medina C.B.C.F. public records policy (R.C. 149.43 (E)(2)).
- B. The Lorain/Medina C.B.C.F.'s public record policy, as well as, the Lorain/Medina C.B.C.F.'s Schedules of Records Retention and Disposition (RC-2) are located at every location in which the public may access the Lorain/Medina C.B.C.F.'s records.
- C. The Lorain/Medina C.B.C.F.'s public records policy is located in the Lorain/Medina C.B.C.F.'s policies and procedures manual.
- D. The Lorain/Medina C.B.C.F. makes available its public records policy at several locations throughout the facility which includes the main lobby area and residential day room areas.

Fees:

- A. The Lorain/Medina C.B.C.F., in accordance with Section 149.43 of the Revised Code, has established the following fees for providing copies or reproductions of public records maintained by the Lorain/Medina C.B.C.F.
 - 1. For photocopies of either letter or legal size documents, the fees shall be \$0.10 per photocopy calculated from the first photocopy. Advance payment is required before any copies are prepared. Two sided photocopies shall be charged at a rate of \$0.10 per sheet.
 - 2. For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
 - 3. Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

Availability:

Inspection-

- A. All public records maintained by the Lorain/Medina C.B.C.F. shall be promptly prepared and made available for inspection to any person during regular business hours, as well as a copy of the Lorain/Medina C.B.C.F.'s current records retention schedule (s) (R.C. 149.43 (B) (1)). (Promptness is to be determined by the facts and circumstances of each public records request). Regular business hours for the Lorain/Medina C.B.C.F. are Monday through Friday (except holidays) from 9:00 a.m.- 4:00 p.m.
- B. For the purpose of enhancing the ability of the Lorain/Medina C.B.C.F. to identify, provide prompt inspection, as well as provide copies of the requested items in a reasonable period of time, the Lorain/Medina C.B.C.F. shall provide to the requester a form for the requester to complete.
 1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 2. Although the Lorain/Medina C.B.C.F. may ask the requester to make the request in writing for the requester's identity, and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. The requests are not mandatory and the requester may decline;
 - b. The requester's refusal to complete the required form does not impair the requester's right to inspect and/or receive copies of the public record (R.C. 149.43 (B)(5)).
 3. Any person, including corporations, individuals, and even 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.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the Lorain/Medina C.B.C.F. whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the Lorain/Medina C.B.C.F. for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the Lorain/Medina C.B.C.F.
- D. Records whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43 (A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by the Lorain/Medina C.B.C.F., that may not be inspected or copied.
 1. Records of the Lorain/Medina C.B.C.F. that are NOT public include:
 - a. Resident's file (containing the court's Pre-Sentence Investigation reports, medical/psychological reports, or other information per #9 community control sanction R.C. 149.43.
 - b. Employee's file material excludes #1 (p) correctional employees residential/familial information; #7 (a) address of correctional employee, (b) information

compiled from EAP program, c) social security number, telephone number, emergency telephone numbers, medical information pertaining to correctional employees, d) name of beneficiary/employee benefits, e) identity and amount of any voluntary charitable/benefit deduction, unless the amount of the deduction is required by State or Federal law, f) bank account numbers or debit/charge/credit card numbers, and g) family information.

2. Resident case file records of the Lorain/Medina C.B.C.F. that ARE public includes:
 - a. Date of admission to the Lorain/Medina C.B.C.F.
 - b. Current status.
 - c. Case manager assignment.
 - d. Court information concerning their placement (i.e. judge, docket number, offense, and probation officer).
 - e. Phase of program.
 - f. Any program material available through the facility website lmcbcf.com .
3. Employee information that can be considered public includes:
 - a. Name of employee.
 - b. Date of hire/termination.
 - c. Training records.
 - d. Disciplinary matters.

Public Records Request:

- A. Mailed requests for public records:
 1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the Lorain/Medina C.B.C.F. shall promptly respond to the request.
 2. An authorized employee of the Lorain/Medina C.B.C.F. shall, by any means practical, contact the requester and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope. (R.C. 149.43 (B)(7)).
 3. When practical, the Lorain/Medina C.B.C.F. may forward copied records by any other means reasonably acceptable to the requester.
 - a. If a person requests a copy of a public record, the Lorain/Medina C.B.C.F. shall permit the requester to choose to have the public record duplicated on paper or upon the same medium upon which the Lorain/Medina C.B.C.F. 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 the Lorain/Medina C.B.C.F., or the responsible Lorain/Medina C.B.C.F. employee for the public record. (R.C. 149.43 (B)(6)(7)).

- b. Persons seeking copies of public records are NOT permitted to make their own copies of the requested records by any means. (R.C. 149.43 (B)(6)).
4. In accordance with section 149.43 (B)(7) of the Ohio Revised Code, the Lorain/ Medina C.B.C.F. limits the number of requested public records to be transmitted through the U.S. mail to a maximum of ten (10) records per month, unless the requester certifies that the records or information in them will not be used for commercial purposes.
 - a. "Commercial purposes" shall 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.
 5. Authorized Lorain/Medina C.B.C.F. employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
 - a. Lorain/Medina C.B.C.F. employees shall promptly process requests.
 - b. Requesters shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.

Response & Denials:

- A. Requests for inspection and/or copies of public records, which are not maintained by the Lorain/Medina C.B.C.F. shall be processed in the following manner:
 1. If the Lorain/Medina C.B.C.F. receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be so notified in writing utilizing the appropriate form.
 - a. Their request involves records that have never been maintained by the Lorain/Medina C.B.C.F.;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to Lorain/Medina C.B.C.F. Schedules of Record Retention and Disposition (RC-2);
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
 - d. If the record that is requested is not a record used or maintained by the Lorain/Medina C.B.C.F., the requester shall be notified that in accordance with Ohio Revised Code Section 149.40, that the Lorain/Medina C.B.C.F. is under no obligation to create records to meet public record requests.
- B. Ambiguous or Overly Broad Requests for Public Records

If a requester makes an ambiguous or overly broad request or has difficulty in making a

request for copies or inspection of public records such that the Lorain/Medina C.B.C.F.'s designated staff person responsible for the requested public record cannot reasonably identify what public records are being requested:

1. The Lorain/Medina C.B.C.F. may deny the request.
2. However, the Lorain/Medina C.B.C.F. shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Lorain/Medina C.B.C.F. in the ordinary course of business. (R.C. 149.43 (13)(2)).

C. Denial of a Record Maintained by the Lorain/Medina C.B.C.F.

The Lorain/Medina C.B.C.F. may deny a request for a record maintained if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of the Lorain/Medina C.B.C.F. shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on the required form if they are simply applying the statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43 (B)(3), if a request is ultimately denied, in part or in whole, the Lorain/Medina C.B.C.F. shall provide the requester 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 Lorain/Medina C.B.C.F. from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

D. Redacting Exempted Records Procedures

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. (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 (R.C. 149.43 (B)(1)).
 - b. If a request is ultimately denied, in part or in whole, the Lorain/Medina C.B.C.F. shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43 (B)(3)).
2. If a public record contains certain information that is exempt from the duty to

permit public inspection or to copy the public record, the Lorain/Medina C.B.C.F. shall make available of the information within the public record that is not exempt.

3. When making the public record available for public inspection or copying that public record, the Lorain/Medina C.B.C.F. shall notify the requester of any redaction or make the redaction plainly visible. (R.C. 149.43 (B)(1)).
4. The releasing employee shall then produce 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.

Grievances:

- A. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
 1. Contact the Executive Director.
 2. If the person is not satisfied after contacting the Executive Director they shall be advised that the Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes (R.C. 149.43 (C)(1)(2)).

Training & Education:

- A. The Lorain/Medina C.B.C.F. continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43 (E)(1)(2).

Personal Information Policy (Effective 2/23/11- Resolution passed by Lorain County Commissioners):

Resolution # 11-111-

- B.12 In the matter of approving a Personal Information Policy in accordance with ORC 1347.05.

Be it resolved by the Lorain County Board of Commissioners that we hereby approve a Personal Information Policy in accordance with ORC 1347.05.

- 1.0 Purpose- This policy is adopted pursuant to Section 1347.05 (B) of the Ohio Revised Code, and is intended to establish rules and procedures for use and maintenance of personal information systems.
- 2.0 Definitions-
- 2.1 "Personal Information" means any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possess certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol or other identifier assigned to a person. [R.C. 1347.01 (E)].

2.2 "System" means any collection or group of related records that are kept in an organized manner and that are maintained by a state or local agency, and from which personal information is retrieved by the name of a person or by some identifying number, symbol or other identifier assigned to the person. "System" includes both records that are manually stored and records that are stored using electronic data processing equipment. "System" does not include collected archival records in the custody or administered under authority of the Ohio Historical Society, published directories, reference materials or newsletters, or routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person [1347.01 (F)].

2.3 "Local agency" means any municipal corporation, school district, special purpose district, or township of the state or any elected officer or board, bureau, commission, department, division, institution, or instrumentality of a county. [R.C. 1347.01(B)]

2.4 Exempted from Chapter 1347 regulations regarding personal information systems are:

Any agency that performs as its principal function any activity relating to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals; criminal courts; prosecutors; any agency that is a correction, probation, pardon or parole authority; or system comprised of investigatory material compiled for law enforcement purposes.

3.0 Operating Procedures-

3.1 The Lorain County Board of Commissioners, annually, shall designate a personal information designee ("P.I.D.") to be responsible for maintaining any personal information system kept by the Lorain County Board of Commissioners, its employees, departments or agencies.

Normally, this person will be the same person designated to respond to public records' requests pursuant to Section 149.43 of the Ohio Revised Code. In the event that different persons perform these functions, the public records custodian will consult with the P.I.D. under this policy before releasing personal information.

3.2 The P.I.D. shall be responsible for compliance with the duties of Lorain County Board of Commissioners as set forth hereafter and in Section 1347.05 of the Revised Code.

3.3 This policy will be kept with the public records policy required by Section 149.43 of the Revised Code and be made readily available to members of the public and employees. This policy will be posted with the public records policy.

3.4 No employee shall release or distribute personal information without consultation with the P.I.D. Any questions regarding propriety of release of information should be directed to the Office of the Prosecuting Attorney of Lorain County.

3.5 The P.I.D. shall, on an annual basis, review and update information contained in a personal information system and eliminate any information no longer necessary or relevant in accordance with the Lorain County Board of

Commissioners Retention Policy.

- 3.6 Upon request and proper identification, the P.I.D. shall inform any person or authorized representative of the existence of personal information concerning that person and allow inspection of such personal information in accordance with Section 1347.08 (A) of the Revised Code.
- 3.7 Any disputes regarding personal information coming with the purview of Section 1347.09 of the Revised Code shall be referred to Lorain County Board of Commissioners which shall investigate the matter as set forth in Section 1347.09.
- 3.8 The P.I.D. shall notify Lorain County Board of Commissioners of any breach of security in the computerized storage of personal information as defined in Section 1347.12 of Revised Code and Lorain County Board of Commissioners shall promptly provide notification as provided in Divisions (B) and (C) of that Section.
- 3.9 Violation of this policy shall be deemed as grounds for disciplinary action pursuant to Lorain County Board of Commissioners personnel policy, or under any other provisions of law providing for the discipline or removal of personnel.

Motion by Commissioner Kalo. Seconded by Commissioner Kokoski to adopt Resolution 11-111. Ayes:
All Motion carried.