

# UNION COUNTY CLERK OF COURTS PUBLIC RECORD POLICY

The Union County Clerk of Courts will make public records available in accordance with this Public Records policy which has been developed in accordance with Ohio's Public Records laws

## **Section 1. Public Records**

In accordance with the Ohio Revised Code and applicable judicial decisions, records are defined as any item that:

contains information stored on a fixed medium  
is created or received by, or sent under the jurisdiction of a public office, and  
documents the organization, functions, policies, decisions, procedures, operations or other activities of the office.

Public records are to be open to the public at all reasonable times with exceptions only as provided for in the law.

### **Section 1.1**

As required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying at all reasonable times during regular business hours

## **Section 2. Record 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 requester must at least identify the records requested with sufficient clarity to allow the Clerk or her designee to identify, retrieve, and review the records.

The Clerk's staff will assist the requester by informing him or her of the manner in which records are kept and accessed in the ordinary course of business. The requester shall be allowed to revise the request to clarify it as necessary.

## **RECORDS THAT WILL NOT BE RELEASED**

Under Ohio law, some records that meet the above three elements will still be withheld from release because state or federal law makes the record confidential. Some commonly-requested records that are confidential include:

- Attorney-client privileged information and trial preparation records
- Social Security numbers
- Records of ongoing investigations
- Medical records
- BMV records
- Records that a judge ordered to be sealed per a statute
- Grand Jury Records
- Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services workers, or corrections officer, Residential and Familial Information (R.C. 149.43 (A)(7));

## **LIMITATIONS**

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.

## **QUESTIONS OR CONCERNS**

If you have questions or concerns about Ohio Public Records law, please contact your state legislator. You can find contact information at [www.Ohio.gov](http://www.Ohio.gov).

### **Section 2.2**

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. However, if the Clerk of her designee may ask for the requester's identity and ask for the intended use of the information 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.

### **Section 2.5**

Any denial of public records requested must include an explanation. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Each redaction must be accompanied by a supporting explanation.

### **Section 3. Costs for Public Records**

Those seeking public records will be charged only the actual cost of making or transmitting copies. The cost of record reproduction will vary upon the size, type and format of the items to be reproduced. The requester may choose to have the public record duplicated

- Upon paper,
- Upon the same medium which the record is kept, or
- Upon any other medium which the record can be reasonably duplicated, as long as the requested method and medium are an integral part of the normal operations of the Clerk's Office.
- Cost is ten cents per page plus mailing costs.
- The Clerk will require the requester to pay in advance the cost involved in reproducing or generating copies of public records.

#### **Section 3.1**

Requesters may ask that documents be mailed to them by US mail or by any other means of delivery or transmission. They will be charged the actual cost of the postage, mailing supplies, delivery or transmission. The Clerk will require the requester to pay in advance the cost for postage, mailing supplies, delivery or transmission fees.

### **Section 4 Electronic-Mail (E-mail)**

Electronic 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 employees and public officials private e-mail accounts used to conduct public business are subject to disclosure and must be retained per established schedules and made available for public inspection and copying in accordance with the Public Records Act.

Adopted this 1st day of December, 2020.

Danielle N. Sullivan  
Union County Clerk of Courts