

INTRODUCTION TO PUBLIC RECORDS

OKI is a council of local governments, business organizations and community groups committed to developing collaborative strategies to improve the quality of life and the economic vitality of the region. OKI is a private entity that receives government funding and was created by an interstate compact among Ohio, Kentucky and Indiana that was ratified by the United States Congress. As such, there is no clear authority that subjects OKI to the open records acts of any of the three states nor those of the federal government, all of which are different from one another. As a matter of internal policy, however OKI follows the spirit of the Ohio Open Records Act, R.C. 149.43, in responding to third party requests for its records.

PUBLIC RECORDS

Section 1 Definition

OKI defines public 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 OKI that documents the organization, functions, policies, decisions, procedures, operations, or other activities of its office. Records specifically exempt from disclosure under the Ohio Revised Code or case law thereunder are not “public records” subject to OKI’s disclosure. Requests that are overbroad, ambiguous, seek complete duplication of voluminous files, or seek records that are not kept by OKI in a fashion permitting their ready retrieval, will not be produced, but OKI’s policy is to work with the requester to clarify such requests to comport with the manner in which OKI retains records on the subject(s) of the request.

Section 1.1 Organization and Maintenance

Records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy).

PUBLIC RECORDS REQUESTS & RESPONSES

Section 2 Evaluation of a Public Records Request

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 Identification of Public Records Requested

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 OKI records custodian to identify, retrieve, and review the records. If it is not clear what records are being sought, the OKI records custodian must contact the requester for clarification.

Section 2.2 Method of Public Records Request and Identity of Requestor

Requests may be made in person, by telephone, or in writing. Convenient public access to most records for OKI already exists by visiting our website: <http://www.oki.org>. The requestor does not have to provide his or her identity or the intended use of the requested public record.

Section 2.3 Availability of Public Records for Inspection and Production of Copies

Public records are to be available for inspection during regular business hours (8 a.m. to 4:30 p.m.), with the exception of days when the OKI office is closed to the public. Public records will be made available for inspection promptly. Copies of public records will 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 and the need to review and redact records that are wholly or partially exempt from disclosure.

Section 2.4 Time Constraints for Satisfying Public Records Requests

Records must often be reviewed and non-public information redacted before inspection can be permitted. Records will be made available for inspection within a reasonable period of time following the request. The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact nonpublic information.

All requests for public records must either be satisfied or be acknowledged in writing by OKI within a reasonable time following OKI’s receipt of the request. If a request will not be satisfied within seven business days, the acknowledgement must include at least the following:

- A request for clarification (if necessary)
- An estimated cost if copies are requested or retrieval of documents is necessary.
- An offer to estimate the number of days it will take to satisfy the request upon receipt of any requested clarification of the records requested

Section 2.5 Denial of Public Records Requests

Any denial of public records requested will 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 will be accompanied by a supporting explanation, including legal authority.

COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS

Section 3 Charges for Copies and Postage

Those seeking public records will be charged only the actual cost of making copies, as follows:

- The charge for black and white copies is 10 cents per page
- The charge for color copies is 25 cents per page.

- There is no charge for documents e-mailed.
- The charge for mailed documents is the actual cost of the postage and mailing supplies.
- In the unlikely event that third party computer or IT entities or personnel must be engaged to assist in the retrieval of requested information, the requester will be charged at cost for those services.
- The charge for offsite document retrieval

E-MAIL AS PUBLIC RECORDS

Section 4 Definition of E-mail as Public Records

Documents in electronic mail format are records when their content relates to the business of a public office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 Private E-mail Accounts Holding Public Records

Records in private e-mail accounts used to conduct public business may be subject to disclosure, and all employees or representatives of OKI are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to OKI's records custodian.

Section 4.2 Duties of the Records Custodian in Managing Private Account E-mails

The records custodian is to treat the e-mails from private accounts as records of OKI, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with this policy.

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

Section 5 Legal and Non-Legal Consequences

OKI recognizes the legal and non-legal consequences of failure to properly respond to a public records request. Failure to comply may result in a court ordering a public office to comply with the law and to pay the requester's attorney's fees and damages.

Section 6 Records Custodian Contact

Public records requests can be made to: OKI, Regional Council of Governments 720 East Pete Rose Way Cincinnati, Ohio 45202. Attention Jessica Ondrovic, Records Custodian. Phone: 1-513-619-7660. Email: jondrovic@oki.org