



Public Records Policy

Mission Statement. It is the policy of the Ohio Department of Agriculture (ODA) that openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of ODA to at all times fully comply with and abide by the spirit of Ohio's Public Records Act.

Public Records Defined. All records kept by ODA are public unless they are exempt from disclosure under Ohio law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying after appropriate legal review. ODA, in accordance with the Public Records Act (Section 149.43 of the Ohio Revised Code), defines a "public record" as including the following:

A document in any format such as paper or electronic (including but not limited to business e-mail) –that is created, received by, or comes under the jurisdiction of ODA which documents the organization, functions, policies, decisions, procedures, operations or other activities of ODA.

Response Timeframe. Public records are to be available for inspection during regular business hours, with the exception of holidays. ODA strongly encourages anyone who desires to inspect records in person to call and make an appointment so that adequate preparations can be made to accommodate the requester's visit. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the order in which public records are received ODA, the volume of records requested, including the time and resources needed to make them available; the proximity of the location where the records are stored; and the necessity for legal review of the records requested.

It is the goal of ODA that all requests for public records be acknowledged in writing promptly and responded to within a reasonable period of time.

Evaluating the Request. Although no specific language is required to make a request for public records, the requester must at least identify the records requested with sufficient clarity to allow ODA to identify, retrieve, and review the records. If a request is not clear what records are being sought, ODA may contact the requester for clarification and assist the requester in revising the request by informing the requester of the manner in which ODA maintains its public records.

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 record. It is ODA's general policy that this information is not to be requested. However, a discussion about the requester's purposes or interest in seeking certain information can aid ODA in locating and producing the desired records more efficiently. Accordingly, while the requester does not have to put a records request in writing, a written request enables ODA to identify responsive records with greater accuracy and creates a record of the request to ensure a reasonable response time.

Although the requester may designate the format in which documents are to be placed for inspection, ODA is not required to put the requested documents into a format that is not within the ordinary scope of its normal record-keeping function or normal capacity. Additionally, ODA is not required to create records that otherwise did not exist, or to create, for example, a computer program simply in order to respond to a public records request.



ODA's Legal Division has an affirmative duty to review all public records requests.

Electronic Mail. Electronic mail ("e-mail") is simply one format for the creation and storage of a document. Documents in electronic-mail format are records as defined by the Ohio Revised Code when their content relates to the business of ODA. It is, therefore, content, rather than the format that defines whether a document is a public record. E-mail documents are treated in the same manner as records in other formats.

Denial or Redaction of Records. Ohio Public Records Law requires a requester to describe what he or she is seeking "specifically and particularly" in order for ODA to identify responsive records based on the manner in which the records are ordinarily maintained. ODA may deny a request if it is ambiguous or overly broad. If a denial is made, ODA must provide the requester an opportunity to revise the request by informing the requester of how ODA ordinarily maintains and accesses records.

Any denial of a public records request must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions must be redacted and the rest released. When making public records available for public inspection or copying, ODA shall notify the requester of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority for its exclusion as a public record.

Copying and Mailing Costs for Public Records. Those seeking public records may be charged only the actual cost of making the copies and not for labor. The cost for making the copies is as follows:

- a) **Paper Copies.** The charge for paper copies is 5 cents (\$.05) per page. Two-sided photocopies shall be charged at the rate of 10 cents (\$.10) per page. There will be no charge for requests of 100 pages or less.
- b) **Compact Disc.** The charge for downloaded computer files to a compact disc is 1 dollar (\$1.00) per disc.
- c) **Electronic Transmittal of Records.** There is no charge for documents that are sent via electronic mail or fax.
- d) **Mailing Costs.** Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage.

A requester may be required to pay in advance for costs involved in providing the copies at the sole discretion of ODA. Additionally, ODA may choose to waive any and all costs associated with compliance with a public records request. Any waiver of costs should not be construed to waive, and does not in fact waive any right to the future assertion of ODA to request and collect actual costs of compliance with a public records request.

ODA's records are subject to records retention schedules. ODA's current schedules are available at the Department of Administrative Services (DAS) website, <http://apps.das.ohio.gov/rims/General/General.asp>, which is readily available to the public as required by §149.43(B) (2), Ohio Revised Code.

Revision History

Date	Description of Change
7/2015	Initial Policy Issued

