



LUCAS COUNTY
Land Bank

Public Records Policy

Article I. Policy

Section 1.01 Purpose and Intent.

- (A) The Lucas County Land Reutilization Corporation (the "LCLRC") acknowledges that it is subject to the provisions of Chapter 149 of the Ohio Revised Code (the "Public Records Law"). It is the policy of the LCLRC that transparency in conducting public business leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the LCLRC to strictly adhere to its obligations under the Public Records Law. It is also the policy of the LCLRC that exemptions from disclosure established by federal or Ohio law must be applied when and where applicable, particularly where the laws are intended to protect the rights of third parties.

Section 1.02 Public Records Defined.

- (A) The LCLRC, in accordance with the Public Records Law, defines a "public record" for the purposes of this Policy as: any item that is kept by the LCLRC that: (1) is stored on a fixed medium; (2) created, received, or sent under the jurisdiction of a public office; and (3) documents the organization, functions, policies, decisions, procedures, operations, or other activities of the LCLRC.
- (B) Public records under this Policy do not include any of the records described in:
- (i) the Public Records Law as not a 'public record' as amended from time to time and
 - (ii) Section 1724.11 of the Revised Code.

Section 1.03 Policy regarding Availability of Public Records.

- (A) It is the policy of the LCLRC that, as required by Ohio law, public records will be organized and maintained so that they are available for inspection and copying in accordance with the Public Records Law.
- (B) The LCLRC shall designate a public records manager to whom requests for public records of the LCLRC should be directed. The contact information of the LCLRC's public records manager shall be included on the publicly available website of the LCLRC.

Section 1.04 Policy regarding Record Retention Schedules.

- (A) The LCLRC shall cause to be prepared in accordance with the rules and regulations of the Lucas County Records Commission and Ohio History Connection a records retention schedule and shall make such schedules available to the public upon request.

Section 1.05 Failure to Respond to a Public Records Request.

- (A) The LCLRC recognizes that the consequences of failing to properly respond to a public records request in accordance with Ohio law may result in a court ordering the LCLRC to comply with the law and to pay the requestor attorney's fees and statutory damages.

Article II. Public Records Requests

Section 2.01 Public Record Requests.

- (A) Each request for public records should be evaluated for a response using the following guidelines:
 - (i) Although no specific language is required to make a public record request, the requestor must at least identify the public records requested with sufficient clarity to allow the LCLRC to identify, retrieve, and review the public records.
 - (ii) If it is not clear what public records are being sought, the records custodian must contact the requestor for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its public records.
 - (iii) The requestor of the public record does not have to make a public record request in writing and does not have to provide their identity or the intended use of the requested public record. It is the general policy of the LCLRC that the foregoing information may be requested only if:
 - 1) the written request or the disclosure of identity of the requestor or the intended use of the record would benefit the requestor by enhancing the ability of the LCLRC to identify, locate or deliver the requested public record and
 - 2) the requestor is informed that the written request or disclosure of identity of the requestor or intended use of the record is not mandatory.

Section 2.02 Availability of Public Records.

- (A) Public records are to be available for inspection during regular business hours. 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 2.03 Routine and Non-routine Public Record Requests.

- (A) The LCLRC will strive to acknowledge all requests for public records and provide an estimate of the number of business days it will take to satisfy the request within three business days following the records custodian's receipt of the request.
- (B) Each public records request should be evaluated for an estimated length of time required to gather the public records. Routine requests for public records should be satisfied immediately, if feasible to do so, and taking into account the time required for legal review or redaction of the public records requested, when applicable. Routine requests include those requests for fewer than 20 pages of copies or if the public records are readily available in an electronic format that can be e-mailed or downloaded

easily.

- (C) If any of these records contain information exempt from disclosure under the Public Records Law or Section 1724.11 of the Revised Code, a request for such information cannot be handled as a "routine request."

Section 2.04 Explanation of Basis for Denial of a Public Record Request.

- (A) Any denial of a public record request must include an explanation, including legal authority, of the basis for the denial. If portions of a record are public and portions are exempt from being requested, the exempt portions are to be redacted and the rest of the public record released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, for the redaction. If the initial request was in writing, the explanation shall also be provided in writing.

Section 2.05 Costs for Public Records.

- (A) Those seeking a copy of a public record will be charged only the actual out-of-pocket cost of making each of the copies.
- (B) The charge per page for a paper copy is five cents (\$0.05) per page.
- (C) The charge for providing electronic files on a USB drive is the actual cost of the USB drive. A USB drive will be used to deliver copies of records in electronic format when it is impracticable or impossible to provide such records by e-mail or download.
- (D) There is no charge for delivery of a copy of a document by e-mail if the document is held in the form of a downloadable computer file needing no additional formatting, except as otherwise provided.

Section 2.06 Delivery of Paper Copies by U.S. Mail.

- (A) Requestors may ask that paper copies of public record documents be sent to them via U.S. Mail. Such persons will be charged, in addition to any cost for the paper copies, the actual cost of the U.S. postage plus the actual cost of any mailing supplies used in connection with the delivery.
- (B) The LCLRC may require the requestor of a copy of records to pay in advance the actual cost involved in delivery of the copies, including postage, if any.

Article III. Electronic Information

Section 3.01 E-mail.

- (A) Documents held by LCLRC in electronic mail format are public records when their content relates to the business of the LCLRC. Email records are in the custody of the Lucas County Automatic Data Processing Board by agreement and resolution with the LCLRC. Thus, those requesting e-mail records from the LCLRC shall also be subject to the public record policies of Lucas County.

Section 3.02 Records in Private Systems.

- (A) Directors, officers, or employees of the LCLRC who use private systems to conduct public business create records that may be subject to disclosure in accordance with the Public Records Law. All directors, officers and employees or representatives of the LCLRC shall be instructed to comply with the records retention policy of the LCLRC with regard to all records in private systems that document the organization, functions, policies, decisions, procedures, operations, or other activities of the LCLRC, and to make them available to the records' custodian of the LCLRC in a timely manner, if so requested.

- (B) The records' custodian shall be instructed to treat the records from private systems that document the organization, functions, policies, decisions, procedures, operations, or other activities of the LCLRC as public records of the LCLRC, filing them in the appropriate way, retaining them in accordance with established records' retention schedules and making them available for inspection and copying in accordance with the Public Records Law.