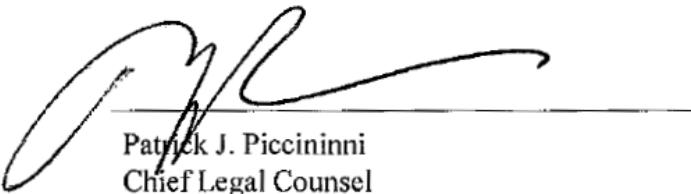


Approved:

Standard Procedures No. 150-001(SP)
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Responsible Division: Chief Legal Counsel
Supercedes: WR303
Supercedes: 150-001(SP) dated 09/29/2007



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PROCEDURE FOR THE HANDLING OF PUBLIC RECORD REQUESTS

PROCEDURAL STATEMENT:

This policy is designed to assist those individuals responsible for handling public record requests. The purpose of this policy is to ensure that those individuals are complying with the law regarding public records.

AUTHORITY:

Ohio Revised Code § 149.43

SCOPE:

All districts, divisions and offices of the Ohio Department of Transportation (ODOT).

BACKGROUND AND PURPOSE:

The purpose of this policy is to ensure that all public record requests are handled in a timely and uniform manner at ODOT. This policy supersedes all previous policies concerning public record requests.

DEFINITIONS:

Public Record: Any document, device, or item, regardless of physical form or characteristic that is also created by a public office, received by a public office, or coming under the jurisdiction of any public office and which serves to document the organization, functions, policies, decisions, procedures, operations, and other activities of the office.

Exception: Certain documents, or portions of documents, in the possession of ODOT are exempt from disclosure under state or federal law.

Requestor: Person who makes a public records request.

TRAINING:

R.C. 149.43(E)(I) requires that all elected officials or their appropriate designees shall attend training approved by the attorney general.

FISCAL ANALYSIS:

Implementation of this policy will have no fiscal impact upon the Department.

IDENTIFICATION OF A PUBLIC RECORD:

A. A public record is any record stored on a fixed medium such as paper, computer, or film. In order to constitute a "public record" the record must serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of ODOT. The following are examples of records exempt from disclosure under the public records act:

1. Cost estimates of projects until all bids received, R.C. 5525.15.
2. Information relative to bidder qualifications, R. C. 5525.04.
3. Sealed bids for construction projects, R.C. 5525.10.
4. Trade secrets, R.C. 1333.61(D).
5. Employee medical records, R.C. 149.43 (A).
6. Social Security numbers, R.C. 149.43 (A).
7. Certain selection devices used in making hiring and promotional decisions, R.C. 124.09(B).
8. Certain communications between ODOT employees and an attorney within the staff of ODOT's Office of Chief Legal Counsel, the Attorney General, or special counsel appointed by the Attorney General, R.C. 149.43(A).
9. Files on current administrative investigations, R.C. 149.43 (A)(2).

10. Home addresses and home telephone numbers of state employees per *State ex rel. Dispatch Printing Co. v. Johnson* (2005) 106 Ohio St.3d 160.
11. Any records created or maintained by the ODOT for security purposes and infrastructure records that disclose the configuration of the Department's critical systems, including but not limited to, communication, computer, electrical, mechanical, ventilation, water, plumbing systems or security codes. This does not mean a simple floor plan that discloses the physical location of the components of the office, R.C. 149.433.

PROCEDURES:

- A. Public records requests may be written or oral. If the public record request is a routine request and you have received similar requests in the past, you may respond to the request without contacting the Office of Chief Legal Counsel. If the request is unusual or you suspect the records request may be related to litigation involving ODOT, contact the Office of Chief Legal Counsel for direction.
 1. ODOT must designate a records custodian or records manager for each district and central office. The records custodian must acknowledge receipt of a copy of the public records policy.
 2. ODOT must have a copy of its current retention schedule available to the public at a location readily available to the public. The Office of Chief Legal Counsel recommends keeping a copy of the retention schedule at the front desk of each district as well as central office.
- B. Acknowledge receipt of the request verbally or in writing. You can ask the requestor to put the request in writing, however, if they decline, you must honor the verbal request.
 1. If you believe it would help ensure the accuracy of your response, you may ask for the requestor's identification and intended use but only after you inform the requestor that they are not obligated to give you this information.
 2. If a request is ambiguous or overly broad, you must give the requestor an opportunity to revise the request and explain how the records are maintained and accessed at ODOT. The Office of Chief Legal Counsel recommends asking what type of information is being sought if you need clarification on a request.

3. If the requested record contains information that is exempt (as listed above), the Department must make available to the requestor the portion of the record that is not exempt and clearly redact the exempt portion of the record.
4. A redaction of any portion of the record is considered a denial of the request.
5. If a request is denied in whole or in part (by redaction), the Department must provide the requestor with an explanation of the denial, which includes the legal authority for the denial. If the original request was in writing, the explanation of the denial must also be in writing.

C. Documents must be promptly prepared and made available for inspection. If the requestor wants copies of the documents, you may respond by electronic mail or other means if the requestor has no objection. If the requestor wants hard copies, the standard charge is 5 cents per page. You may charge 50 cents per page if the copies are larger than 8 1/2 x 11. Postage may be included in the charges. The copying fee may be waived for requests under 10 pages.

1. You may require prepayment of the cost involved in providing the copy of the public record.
2. The requestor is permitted to choose to have the public record copied on paper or upon any other medium in which it can reasonably be duplicated.

D. Public records requests must be responded to within a reasonable amount of time. What is a reasonable amount of time depends upon such factors as the extent of the request and physical location of the documents.

E. Each district, department, or division within ODOT should keep a record of when the request was received and when the requested documents were provided to the requestor.