

**LAKE COUNTY BOARD OF DD/DEEPWOOD**

**BOARD POLICY**

Reviewed and Adopted by the Board:  
Date: October 21, 2019

Signature on File  
Elfriede Roman, Superintendent

**I. SUBJECT: INSPECTION OF PUBLIC RECORDS**

**II. PURPOSE:**

Pursuant to Section 149.43 of the Ohio Revised Code, the Lake County Board of Developmental Disabilities/Deepwood ("County Board") hereby adopts this public records policy. It is the policy of the County Board that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the County Board to adhere to the state's Public Records Act.

**III. REFERENCES:**

45 CFR §160 and 164 Health Insurance Portability and Accountability Act  
Ohio Revised Code Chapter 149 - Ohio Public Records Act  
LCBDD/Deepwood Board Policy A-5: Confidentiality of Persons Served Through Board Programs

**IV. DEFINITIONS:**

A. Public records. mean any record that is kept at any. . public office" except that 'public record' does not mean any of the following: (a) medical records;...(g) trial preparation records; (h) confidential law enforcement investigatory records; ... (p) records the release of which is prohibited by state or federal law ." "In addition, a record kept by a public office that is a security record or an infrastructure record, as those terms are defined in O.R.C. section 149.433, is not a public record. Records regarding individuals with developmental disabilities who are eligible for services from or who are served by the County Board are not public records and will be disclosed only in accordance with state and federal law.

- B. Record includes any document, device, or item, regardless of physical form or characteristics (including paper, electronic, or e-mail), created or received by or coming under the jurisdiction of the County Board, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the County Board.
- C. Public Office under O.R.C. 149.011(A) "includes any political subdivision established by the laws of this state for the exercise of any function of government."

**V. POLICY:**

**Section 1. Public records**

It is the policy of the County Board that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See also Section 4 for the e-mail record policy). Record retention schedules will be updated regularly and posted prominently at the County Board's administration office.

**Section 2. Record requests**

**Section 2.1**

A requester must at least identify the records requested with sufficient clarity to allow the County Board to identify, retrieve, and review the records. If it is not clear what records are being sought, the County Board may deny a request but will provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained by the County Board and accessed in the ordinary course of the County Board's business.

**Section 2.2**

The County Board may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the County Board to identify, locate, or deliver the public records sought by the requester.

**Section 2.3**

Public records will be available for inspection during regular business hours, with the exception of published holidays. The County Board's regular business hours at the Administration Building are 9:00 a.m. to 5:00 p.m. although these hours may change from time to time. 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, among other things, 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**

The Ohio Revised Code contains certain exemptions from disclosure. With respect to each request, the County Board will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. The County Board will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as required by the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Specific records prohibited from public release under federal or state law include but are not limited to:

- A. Reports by the Bureau of Criminal Identification and Investigation regarding criminal conviction history of any person who has applied for employment with the Board. (O.R.C.5126.28(H)(I))
- B. Reports and reviews by an agency providing protective services to a person with developmental disabilities.
- C. Disclosure of any protected health information in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996 by any means.
- D. Reports by a physician, teacher, social worker, attorney, nurse, dentist, police officer, coroner, or other persons as mandated by statute, of suspected abuse, neglect, and other major unusual incidents of mentally retarded or developmentally disabled persons. (O.R.C. 5123.61(M))
- E. Written reports of reviews pursuant to reports of abuse and neglect of mentally retarded or developmentally disabled persons. (O.R.C. 5126.31(E))

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- F. Disclosure of the identify of an individual requesting Board programs or services or release of a record or report regarding an eligible person that is maintained by the Board or an entity under contract with the Board unless otherwise authorized by O.R.C. 5126.044.
- G. Records of persons served is defined as confidential by O.R.C. 5123.62 and Board Policies **A-5: Confidentiality of Persons Served Through Board Programs**
- H. Employee social security numbers.

**Section 3. Costs for Public Records**

Those seeking public records will be charged only the actual cost of making copies. The County Board's current costs are as follows:

- 10 cents per page of paper copy
- \$2.50 per compact disc
- \$2.00 per audio tape
- \$2.50 per video tape
- \$1.00 per 5x7 photograph
- \$2.00 per 8x10 photograph

If an outside duplication service is requested, all charges from an outside duplication service are passed on to the requestor.

**Section 4. E-mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the County Board. E-mail is to be treated in the same fashion as records in other formats and will follow the same retention schedules.

**Section 4.1** - Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the County Board 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 the County Board's records custodian.

**Section 4.2** – The records custodian will treat the e-mails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

**Section 5. DISCLAIMER**

**Notwithstanding the existence of this policy, the County Board hereby informs the public that it shall comply with the requirements of the Ohio Public Records Act, including, but not limited to, Section 149.43 of the Ohio Revised Code, and that the provisions of the Ohio Public Records Act, and any amendments thereto, supercede**

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**and take precedence over this policy. The County Board retains the right to amend this policy at any time in accordance with the Ohio Public Records Act.**

**VI. DISTRIBUTION:**

Board Members  
All Management Staff  
All Staff (via Department Managers)  
LEADD President

**V. REVIEWED:**

10/19, 10/18, 10/17, 10/16, 10/15, 10/14, 10/13, 10/11, 10/09, 11/07, 4/05, 4/03, 8/02, 8/00,  
7/98, 6/91, 10/89