



**Public Health**  
Prevent. Promote. Protect.

**Perry County**  
Health Department

# Perry County Health Department

409 Lincoln Park Dr. P.O. Box 230

New Lexington, Ohio 43764

Ph. 740-342-5179 Fax 740-342-5540

perrycountyhealthdepartment@gmail.com

## **Perry County Health Department Public Records Policy**

### **Purpose:**

Perry County Health Department acknowledges that it maintains many records that are used in the administration and operation of the agency. In accordance with state law, Perry County Health Department has adopted Schedules of Records Retention and Disposition that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of Perry County Health Department and document the organization, functions, policies, decisions, procedures, operations, or other activities of the agency. (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by Perry County Health Department and the ability to access them are a means to provide trust between the public and the agency.

### **Scope:**

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function. The record custodian of Perry County Health Department is the Health Commissioner.
- B. The Perry County Health Department public records policy, as well as the Perry County Health Department Schedules of Records Retention and Disposition are located at every location in which the public may access the agency's records.
- C. The Perry County Health Department public records policy is in the Perry County Health Department's Standard Operating Procedures.
- D. Perry County Health Department displays a poster which generally describes the agency's public records policy at every location in which the public may access the agency's records.

### **Fees:**

- A. Perry County Health Department, in accordance with Section 149.43 of the Revised Code, has established the following fees that may be charged for providing copies or reproductions of public records maintained by the agency:
  - 1. For photocopies of either letter or legal-size documents, the fees shall be 5¢ per black and white photocopy calculated from the first photocopy. Advance payment is required before any copies are prepared. Two-sided black and white photocopies shall be charged at a rate of 5¢ per photocopied side.
  - 2. The fee shall be \$1 per disc for downloading computer files to a compact disc.



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3. For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
4. Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

## Availability:

## Inspection

- A. All public records maintained by Perry County Health Department shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the agency's current records retention schedule(s). (R.C. 149.43(B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request.)
  - a. Regular business hours for Perry County Health Department are Monday through Friday (except holidays), from 8 am to 4 pm.
- B. For the purpose of enhancing the ability of Perry County Health Department to identify, provide for prompt inspection, as well as provide copies of the requested items in a reasonable period, Perry County Health Department shall provide a Public Records Request Form to the requestor for completion.
  1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
  2. Although Perry County Health Department may ask the requestor to make the request in writing, may ask for the requestor's identity, and may inquire about the intended use of the information requested, the requestor shall be advised that:
    - i. The requests are not mandatory; and
    - ii. The requestor's refusal to complete the Public Records Request Form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
    - iii. Any person, including corporations, individuals, and even governmental agencies, may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained Perry County Health Department whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to the legal counsel for Perry County Health Department for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by Perry County Health Department.



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- D. Records whose release is prohibited or exempted by either state or federal law or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection.

## Public Records Requests

### A. Mailed Requests for Public Records:

1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, Perry County Health Department shall promptly respond to the request.
2. An authorized employee of Perry County Health Department shall, by any means practical, contact the requestor and advise them if advance payment is required prior to providing copies of public records and, in addition, the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
3. When practical, Perry County Health Department may forward copied records by any other means reasonably acceptable to the requestor.
4. If a person requests a copy of a public record, Perry County Health Department shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the agency maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the agency or the responsible Perry County Health Department employee for the public record. (R.C. 149.43(B)(6)(7)).
5. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43(B)(6)).
6. In accordance with section 149.43(B)(7) of the Ohio Revised Code, Perry County Health Department limits the number of requested public records to be transmitted through the U.S. Mail to a maximum of ten records per month per requestor, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
7. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
8. Authorized Perry County Health Department employees shall comply with the following procedures upon receiving a valid public records request through the United States Postal System:
  - i. Perry County Health Department employees shall promptly process requests.



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- ii. Requestors may be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- B. Written or verbal requests for copies made by the public records requestor or their designee shall be processed in the same manner as mailed requests.

## Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by Perry County Health Department, shall be processed in the following manner:
  1. If Perry County Health Department receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing, utilizing the Public Records Request Response, that one of the following applies:
    - i. Their request involves records that have never been maintained by Perry County Health Department;
    - ii. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Perry County Health Department.
    - iii. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
    - iv. If the record that is requested is not a record used or maintained by Perry County Health Department, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that Perry County Health Department is under no obligation to create records to meet public record requests.
- B. Ambiguous or Overly Broad Requests for Public Records
  1. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that Perry County Health Department, the agency responsible for the requested public record, cannot reasonably identify what public records are being requested:
    - i. Perry County Health Department may deny the request.
    - ii. Perry County Health Department shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by Perry County Health Department in the ordinary course of business. (R.C. 149.43(B)(2)).
- C. Denial of a Record Maintained by Perry County Health Department
  1. Perry County Health Department may deny a request for a record maintained by the agency if:



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- i. The record that is requested is prohibited from release due to applicable state or federal law.
  - ii. Employees of Perry County Health Department shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
  - iii. Employees may check the appropriate box on the Public Records Request Response if they are simply applying the statutory exclusion.
  - iv. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, Perry County Health Department shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
3. If the initial request was provided in writing, then the explanation shall also be provided in writing.
4. The explanation shall not preclude Perry County Health Department from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

## D. Redacting Exempted Records/Procedure

1. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(11)).
2. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43 (B)(1)).
3. If a request is ultimately denied, in part or in whole, Perry County Health Department shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43 (B)(3)).
4. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, Perry County Health Department shall make available all of the information within the public record that is not exempt.
5. When making that public record available for public inspection or copying that public record, Perry County Health Department shall notify the requestor of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
6. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requestor.
7. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record and maintained in accordance with the retention period established for the original document.

## Remedy

12/30/2020



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## A. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may:
2. Contact the Health Commissioner of Perry County Health Department.
3. If the person is not satisfied after contacting the Health Commissioner, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1)(2)).

## Training and Education:

- A. Perry County Health Department continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).



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## Perry County Health Department Public Records Policy

### Employee Acknowledgement:

I, \_\_\_\_\_ acknowledge that I have reviewed the above policy. I have read, understand, and agree to abide by the rules, regulations, responsibilities, policies and procedures outlined in this document.

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Signature

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Date