

This SOP implements Section 2.13 of the Policy Manual.

- A. BOCC departments may seek assistance from the County Personnel Department (CPD) with their records management needs and public records requests. Departments may also seek assistance on public records requests from the County Prosecutor's office.
- B. The CPD will provide annual training on records management and the public records law as it relates to records requests. Attendance is mandatory for employee(s) in each department responsible for records management and records requests.
- C. Each BOCC department head must designate an employee as the Records Management Coordinator who will also serve as the point-of-contact for records requests.
- D. The Records Management Coordinator responsibilities, including point-of-contact duties, are:
 - 1. Maintain the departmental Records Retention Schedule;
 - 2. Prepare appropriate forms for disposal of records that have met their retention period and ensure proper procedures are followed in the destruction of those records;
 - 3. Respond to all public records requests submitted to the department;
 - 4. Assist the requestor, as appropriate, in specifying the request;
 - 5. Attend annual training held by the CPD;
 - 6. Attend Hamilton County Records Commission Meetings.

REQUESTS FOR PUBLIC RECORDS

- E. When a BOCC department receives a public records request, whether verbal or in writing, the Records Management Coordinator (point-of-contact) will ensure that the request is given prompt attention. Any questions should be directed to the Department Head who may also seek assistance from the County Prosecutor's office.
 - 1. The Records Request Form (CPD036) should be completed for all requests. If the original request is not submitted on that form, the Records Management Coordinator (point-of-contact) will complete the form with as much information as possible. If the request is made in writing, the response must be made in writing.

2. The person making the request does not have to provide any identification or the reason for the request.
3. It is the responsibility of the Records Management Coordinator (point-of-contact) to assist the requestor in specifying their request. Copies of Policy Section 2.13 and the departmental records retention schedule may be provided to assist in the process.
4. Any information that is exempted from disclosure must be redacted from the document and the reason for the redaction noted on the document. To redact information on paper documents:
 - a. Make a photocopy of the document.
 - b. Cover the exempt information with white out, marker, etc.
 - c. Make a second copy of the document.
 - d. Note on this copy what information was redacted and the reason for the redaction (site the applicable ORC code).
5. Any time a record request is denied, including when no records are provided, the Records Management Coordinator (point-of-contact) must complete Form CPD036 and provide the reason for the denial. The original form is given to the requestor and a copy is kept in the department.

Reasons a record request may be denied include, but are not limited to:

- a. Record is kept in a different county office;
 - b. Record has met its retention and has already been destroyed;
 - c. Record is exempt from disclosure under ORC 149.43 (see back of SOP for a partial list of exemptions);
 - d. A record does not exist (or does not exist in the format specified).
NOTE: Departments are not obligated under the Public Records Law to create new records to fulfill a request (this includes taking existing data and compiling in a different manner or format). BUT, the Records Management Coordinator is obligated to explain what records are available and help the requestor decide if those would fulfill the request.
6. Once the documents are compiled, the invoice is created (Form CPD028). Two sided copies are made whenever possible in order to save on resources (unless the requestor specifically requests single-sided copies). Each sheet of paper is counted as 1 copy (it does not matter if it is two-sided). First 10 copies are free, everything after that is \$.05 each. All postage or delivery fees are also included in the invoice. Payment is made to the Hamilton County Treasurer. Departments may request payment in advance.

7. The Records Management Coordinator (point of contact) must document on the Record Request Form any instances when assistance is offered, even if such assistance does not result in the release of records.
8. The original Record Request, along with a copy of the invoice, is kept on file in the department for two years.

RECORDS RETENTION GUIDELINES

- F. The Records Management Coordinator in each Board department must ensure that the department has a Records Retention Schedule specific to the department. The following steps should be followed when creating a Records Retention Schedule.
1. Take an inventory of all records maintained in the department and create a list. Consolidate similar records into single categories whenever possible. The list must include all the media types in which the record is stored (paper, electronic, microfilm, optical disk, etc.).
 2. Next, determine the retention period for each type of record. Some records may already be listed on the county-wide Records Retention Schedule, adopted in 1992. The Ohio Historical Society website (<http://www.ohiohistory.org/resource/lgr/publications.html>) includes other retention schedules that can be used as guides. Retention periods must adhere to any legal restrictions already established by law.
 3. Then list on the Form RC-2 "Schedule of Records Retention and Disposition" any records that are not already listed on an established Retention Schedule. Instructions on how to fill out the form are included on the back. The Hamilton County Records Commission assigns the schedule number, so that column is left blank. Once completed, the original form is submitted to the Hamilton County Records Commission. At the next Records Commission Meeting, the RC-2 will be presented for approval. Once the RC-2 has gone through the entire approval process, which includes the Ohio Historical Society and State Auditor, the department will receive a final signed document from the Hamilton County Records Commission.
 4. Any revisions and/or additions that need to be made to an approved Schedule of Records Retention and Disposition are submitted on a new RC-2 form, using the existing schedule number if one is already assigned. The revised RC-2 is forwarded to the Records Commission for processing.

G. Records may be disposed of under two circumstances. **AT NO TIME MAY RECORDS BE DESTROYED WITHOUT FOLLOWING ONE OF THESE TWO PROCESSES.**

1. **RETENTION PERIOD MET:** The records are listed on the Retention Schedule, have met their retention period and are ready for disposal. Form RC-3 "Certificate of Records to be Stored/Microfilmed/Disposed" is completed following the instructions listed on the back of the form. The form, plus two copies, a cover letter and self-addressed envelope are mailed to:

Pari Swift
Ohio Historical Society
Local Records Government Program
1982 Velma Avenue
Columbus, Ohio 43211-2497

Allow 25 business days from the date mailed as the date of disposal.

2. **ONE-TIME DISPOSAL:** The records are not required to be retained by any statute, are not listed on a Records Retention schedule, and are ready for one-time disposal. Form RC-1 "Application for One-Time Records Disposal" is completed and submitted to the Hamilton County Records Commission for approval at the next Records Commission Meeting. The Records Commission assigns the schedule number, so that column is left blank. The original form is sent to the secretary of the Records Commission, Clerk of Courts Office, Room B25, Hamilton County Court House. Once the RC-1 has gone through the entire approval process, which includes the Ohio Historical Society and State Auditor, the department will receive a final signed document from the Hamilton County Records Commission.
3. Once the approval process in both circumstances is complete, the records may be disposed of. Shredding service is available at the Records Center, managed by the Clerk of Courts' office. Departments may contact the Records Center to make arrangements for pick-up of documents that are ready for destruction (shredding). A copy of the approved RC-1 or RC-3 must accompany the records.

H. Listed below is a partial list of exemptions for a "Public Record," (from ORC 149.43 as well as other determinations made under the law):

- (1) Medical records;
- (2) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;
- (3) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;
- (4) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;
- (5) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;
- (6) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;
- (7) Trial preparation records;
- (8) Confidential law enforcement investigatory records;
- (9) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;
- (10) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;
- (11) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;
- (12) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;
- (13) Intellectual property records;
- (14) Donor profile records;

- (15) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;
- (16) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;
- (17) In the case of a county hospital operated pursuant to Chapter 339 of the Revised Code or a municipal hospital operated pursuant to Chapter 749 of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;
- (18) Information pertaining to the recreational activities of a person under the age of eighteen;
- (19) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;
- (20) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;
- (21) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;
- (22) Records the release of which is prohibited by state or federal law;
- (23) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;
- (24) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;
- (25) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency.
- (26) Social Security numbers and home addresses of county employees.