

LAKE COUNTY ENGINEER
RECORDS AND DOCUMENT MANAGEMENT
550 BLACKBROOK ROAD
PAINESVILLE, OHIO 44077

POLICY:

The Lake County Engineer's office acknowledges that it maintains many documents and records that may be subject to inspection and/or reproduction. In accordance with state law and the Lake County Records Commission, the Lake County Engineer has adopted a schedule of Records Retention and Disposition (RC-2). This schedule lists the records that are stored on a fixed medium that are created, received, or sent under the jurisdiction of this office and which documents the organization, functions, policies, decisions, procedures, operations, or other activities of this office. The records and documents maintained by the Lake County Engineer and the ability to access them are a means to provide trust between the citizens we serve and the Lake County Engineer.

The Departmental Administrator or their designee shall serve as the custodian of all records maintained by the Lake County Engineer.

The period of time for which the Lake County Engineer stores or maintains records was determined by assessing the administrative, legal, fiscal, and/or historical value of the records and by reviewing the guidelines published by the Ohio Historical Society - Local Government Records Program.

PROCEDURE:

1. Definitions:

- A. "Records" (as used in Section 149.011(G) of the Ohio Revised Code): Includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, function, policies, decisions, procedures, operations, or other activities of the office.
- B. "Public Record" (as used in Section 149.43(A) (1) of the Ohio Revised Code): Any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of the following:
 - (a) Medical Records;
 - (b) Records pertaining to probation, and parole proceedings;
 - (c) 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 that section;
 - (d) 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;

- (e) 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 human services or, pursuant to section 5101.313 of the Revised Code, the division of child support in the department or a child support enforcement agency;
 - (f) 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;
 - (g) Trial preparation records;
 - (h) Confidential law enforcement investigatory records;
 - (i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;
 - (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;
 - (k) 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;
 - (l) 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;
 - (m) Intellectual property records;
 - (n) Donor profile records;
 - (o) Records maintained by the department of human services pursuant to section 5101.312 of the Revised Code;
 - (p) Peace officer residential and familial information;
 - (q) Records the release of which is prohibited by state or federal law.
- C. As used in section 1347.01 of the Ohio Revised Code:
- (a) "Local agency" means any City corporation, school district, special purpose district, or township of the state or any elected officer or board, bureau, commission, department, division, institution, or instrumentality of a City,
 - (b) "Maintains" means state or local agency ownership of, control over, responsibility for, or accountability for systems and includes, but is not limited to, state or local agency depositing or information with a data processing center for storage, processing, or dissemination. An agency "maintains" all systems of records that are required by law to be kept by the agency.
 - (c) "Personal information" means any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person.

II. FEES

- A. Reproduction and copying fees associated with these guidelines shall be as follows:
1. For copies of letter (8 1/2 x 11) or legal size (8 1/2 x 14) documents, the fees shall be as follows:
 - a. For one to fifteen copies, there is no charge.
 - b. For sixteen or more copies, there is a fee of eight cents per page (\$.08) beginning with the sixteenth page.
 2. For copies of 11 x 17 sizes, the fee is twenty-five cents per page (\$.25) beginning with the first page.
 3. For copies of 18 x 30 or 24 x 30 the fee is one dollar and fifty cents per page (\$1.50) beginning with the first page.
 4. For video or cassette tapes, the fee shall be the replacement cost for the tapes and/or the reproduction (copying) cost for the tapes. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy. If the agency creates the copy, a reproduction fee may not be charged.
 5. For any other type of media, the fee shall be the replacement or reproduction cost for that particular media.
 6. The elected County Commissioners set the established fees associated with providing copies or reproductions of public records that are maintained by the Lake County Engineer.
 7. Established costs/fees under this policy shall be clearly posted and visible to the public.

III. Availability

- A. All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.
- B. Public record inspection requests for the Lake County Engineer shall be directed to the Lake County Engineer's office at 550 Blackbrook Road, Painesville, Ohio. Regular business hours for this office are 8:00 a.m. to 4:30 p.m., Monday through Friday.
- C. Mailed Requests for Public Records.
1. Upon receiving a request made in accordance with Ohio Revised Code Chapter 149.43, the Lake County Engineer's Office shall forward a copy of the record through the United States mail within a reasonable period of time.
 2. The Lake County Engineer's office limits the number of records requested to be transmitted through the U.S. Mail to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - a. "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.

3. This agency shall process all requests for public records received through the mail in accordance with the following procedures:
 - a. Employees will promptly process requests received by mail from those persons who are not delinquent in the payment for public record requests.
 - b. Public record requests for one to nineteen pages will be mailed to the requestor and no payment shall be required of the requestor.
 - c. Public record requests that exceed nineteen pages will require payment from the requestor. A payment request form shall be completed which indicates the number of pages and the fees. The payment statement shall then be mailed to the requestor.
 - d. Public record requests, which exceed fifty pages, shall require prepayment by the requestors. A prepayment request shall be prepared and provided to the requestor. Upon receipt of payment, the requested record shall be provided to the requestor.
 - e. Requestors shall be assessed the postage fees and the cost of the envelope required to properly send the requested records through the mail for all requests which exceed twenty copies.
4. Delinquent Accounts:
 - a. All accounts established in accordance with this procedure shall be paid within thirty days from the billing date.
 - b. Persons who fail to pay for public records received shall be classified as delinquent.
 - c. Delinquent Payment Notices shall be mailed to all accounts, which are past due in payment. These notices shall notify the account holders that until full payment is received, the agency will not respond or process any further mailed in requests.
5. Requests for records or documents, which are NOT maintained.
 - a. If the Lake County Engineer receives a request for a record or document that does not maintain or the request is for a document or record which is no longer maintained, the requestor shall be so notified that one of the following applies:
 - * Their request involved records or documents that have never been maintained by this office, or
 - * Their request involves records or documents that have been destroyed pursuant to the Schedule of Records Retention and Disposition, or

* Their request involves a record or document that has been destroyed pursuant to an application of the One-Time Records Disposal.

- b. The requestor shall be notified that in accordance with section 149.40 of the Ohio Revised Code that the Lake County Engineer is under no obligation to create records or documents to meet public record requests.

D. Media Types/Distribution of Records

1. If a person chooses to obtain a copy of a public record, the Lake County Engineer shall permit the requestor to have the public record duplicated on paper or upon the medium upon which the Lake County Engineer maintains the record or upon any other medium on which the record can reasonably be duplicated. The request shall be addressed and the record prepared within a reasonable period of time.

E. Grievances

1. If a citizen allegedly is aggrieved by the failure to obtain or view a public record maintained for the operator and administration of these offices, the citizens
 - a. May contact the Departmental Administrator. If the citizen is not satisfied with the results;
 - b. May contact the Lake County Engineer. If the citizen is not satisfied with the results;
 - c. Shall be advised that ORC 149.43 provides a legal means for addressing their complaint in these disputes.
 - d. Shall be advised that Chapter 1347 of the Ohio Revised Code provides a legal means for addressing their complaint concerning Personal Information maintained by the Lake County Engineer's office.
 1. Section 1347.08 - Rights of Subject of Personal Information
 2. Section 1347.09 - Disputed Information; Duties of Agency, and
 3. Section 1347.10 - Liability for wrongful disclosure; limitation of action.

F. Employee Personnel Files

1. The personnel management function for the Lake County Engineer is directed by the Departmental Administrator. All Employee Personnel Files are maintained within the office of the Departmental Administrator.

IV. Exempted and/or Restricted Information

- A. In accordance with the Federal Privacy Act, 5 D.S.C., 552a, and further addressed in State ex rel. Beacon Journal Publication Co. v. City of Akron, 70 Ohio St. 3d 605, 640 N.E. 2d 164 (1994) and State ex reI. Beacon Journal v. Kent State, 68 Ohio St. 3d 40, 623 N.E. 2d 51 (1993) no public record shall be released which contains a Federal Social Security number. Public records containing Federal Social Security numbers will have that information redacted prior to their release.

- B. Records, whose release is prohibited or exempted by either State or Federal Law, shall NOT be subject to public inspection. The following represents a partial list of records maintained by the Lake County Engineer's office that may not be inspected or copied:
 - 1. Information pertaining to medical treatment
 - 2. Trial preparation papers
 - 3. Tax payer record
 - 4. Economic Development - loans, financial statements and financial data.

- C. Information related to/and maintained in accordance with the Americans with Disability Act (ADA) and/or Family and Medical Leave Act (FMLA) requires that personnel medical information be kept separate from regular personnel information and maintained in a secured area. Such information may only be released to:
 - 1. Supervisors and managers in order to provide information regarding work restrictions.
 - 2. First aid or safety personnel if the disability would require treatment or procedures related to the disability.
 - 3. Government officials investigating compliance with ADA/FMLA provisions.
 - 4. With respect to Bureau of Worker's Compensation second injury funds as in compliance with worker's compensation laws.
 - 5. To insurance companies which require medical exams to provide health or life insurance for the employee.

- V. Redacting Exempted Records/Procedure
 - A. After reviewing the requested record and determining that it contains non-releasable information, the releasing EMPLOYEE shall make a copy of all pages containing the excluded information.
 - B. The releasing EMPLOYEE shall then place the date, initials, and the name of the requester (person seeking the information) on the reproduced page.
 - C. The releasing EMPLOYEE shall then color over the restricted information on the reproduced copy with a black marking pen in a neat manner.
 - D. The releasing EMPLOYEE shall then reproduce a copy of this page, which shall be the page that is released to the requester.
 - E. The first reproduction page, which is the worksheet, shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

VI. A.D.A. Compliance

- A. The Lake County Engineer's office and its employees shall facilitate all requests made by citizens, regardless of handicap or disabilities. Employees of the Lake County Engineer's office, authorized to release public records, shall take all reasonable steps to ensure that no one is denied access to public information based on a handicap or disability.

- B. The Lake County Engineer's office and its employees shall follow all standards and guidelines established by local, state and federal laws or mandates, as it pertains to the Americans with Disabilities Act and other applicable law.

Approved:

Department Head

Date