



Lake County Prosecutor's Office

Charles E. Coulson, Prosecuting Attorney

PUBLIC RECORDS POLICY

Pursuant to Ohio Revised Code 149.43 (The State's Public Records Act)

Introduction It is the policy of the Lake County Prosecutor's Office that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this Office to adhere to the state's Public Records Act. Any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code.

Section 1. Public records This Office, in accordance with the Ohio Revised Code, defines records as including the following: Any document that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this Office are public unless they are exempt from disclosure under the Ohio Revised Code.

Section 1.1 It is the policy of this Office that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and a copy shall be kept at a location readily available to the public.

Section 2. Record requests Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 Unless otherwise required by law, no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must use reasonable effort to contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the Office keeps its records.

Section 2.2 Unless otherwise required by law, the requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. Unless specifically required or authorized by state or federal law, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request. A public office or person responsible for public records 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 and 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 public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

Section 2.3 Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account 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 Any denial of public records requested must include an explanation, including legal authority. If the request is in writing, the explanation for denial of the request will be provided to the requester in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Costs for Public Records Unless otherwise required by law, those seeking public records will be charged only the actual cost of making copies. Payment for all public records shall be preferably by personal check or money order made payable to the Lake County Treasurer. Any requester wanting to pay cash for public records shall be informed of the amount owing and be sent to the Lake County Treasurer's Office to pay in cash. The requester must show a receipt for cash payment to the staff member turning over the records, at the time the records are picked up. Requests that require substantial copying time and/or wear and tear on equipment may be sent to a third party vendor for photocopying, and the actual costs will be paid by the requester prior to the photocopying being performed by the third-party vendor.

Section 3.1 The charge for paper copies is 8 cents per page.

Section 3.2 The charge for downloaded computer files to a compact disc is the cost of the disc.

Section 3.3 There is no charge for documents e-mailed.

Section 3.4 Requesters may ask that documents be mailed to them. They will be charged 8 cents per page, or the cost of the computer disc, as well as, the actual cost of the postage and mailing supplies.

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 office.

Section 4.1 Records in individual e-mail folders used to conduct public business are subject to disclosure, and all employees or representatives of this Office 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 folders and/or to the Office's records custodian.

Section 4.2 The records custodian is to treat the e-mails from private folders as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to respond to a public records request

This Office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, this Office's failure to comply with a request may result in a court ordering this Office to comply with the law and to pay the requester's attorney fees and damages and court costs.