

Applies to: Faculty, staff, student employees, students and volunteers

Responsible Office

Office of the President

POLICY STATEMENT

It is the policy of Central Ohio Technical College to comply fully with the letter and the spirit of the Ohio Public Records Act. In accordance with this policy, the college shall release a public record to a requestor unless that record meets an exception listed in the Act that would prevent the college from making the record publicly available.

Purpose of the Policy

To facilitate prompt access to public records and to ensure compliance with the Ohio Public Records Act (Ohio Revised Code 149.43), all employees responsible for making college records available to the public are expected to comply with the college's Public Records Policy. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

Definitions

Term	Definition
Actual cost	Includes the cost of supplies such as toner, paper and packaging. It may not include employee time or labor.
Electronic record	A record created, generated, sent, communicated, received or stored by electronic means (ORC 1306.01).
Record	A document in any format— paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of Central Ohio Technical College that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the college or office.
Redaction	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” (ORC 149.43(A)(11)).
Requestor	Any person or entity, anonymous or otherwise, who wishes to make a request to inspect or obtain a copy of a public record.

PROCEDURE

- I. Making a Request
 - A. Requests for information that does not exist on a fixed medium (paper, electronic, audio or video tape, etc.) are not subject to Ohio's Public Records Act. An individual who seeks only information is encouraged to direct his or her inquiry to the college office that maintains that information.
 - B. To facilitate a timely response, members of the media seeking records should submit requests to the Office of Marketing and Public Relations, Hopewell Hall Room 148, 1179 University Drive, Newark, Ohio, 43055. See <https://www.cotc.edu/marketing-public-relations>
Any other member of the public should submit requests to the college office having custody or control of the records.
 - C. All public records requests must be reported to the appropriate cabinet member. If a college office receives a records request that is other than routine (e.g., the request is from an attorney and/or involves legal issues; appears to be ambiguous or overly broad; or is worded in a manner such that the office cannot identify the public records being requested), the office shall immediately contact the Office of the President for guidance.

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- D. Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity and specificity to allow the college to identify, retrieve, and review the records. The college may decline to create a record that contains the information requested if the record does not already exist, or may decline to seek out and retrieve records that contain specific information that may be of interest to the requestor if that information has not already been compiled in an existing record.
- E. Requests may be made in person, by telephone, or in writing, including via e-mail. The college may not require a written request or condition the availability of public records by requiring disclosure of the requestor's identity or the intended use of the requested public record. Should it facilitate a response or enhance the ability of the college to identify, locate or deliver the public records sought by the requestor, the college may inquire about the requestor's identity and/or the intended use of the record requested. The college may do so, however, only after disclosing to the requestor that a written request is not mandatory and that the requestor may decline to reveal his or her identity or to provide information about the intended use of the requested records.

II. Assisting with Requests

- A. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request such that the college cannot reasonably identify what public records are being requested, the college may deny the request, but is to provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which public records are ordinarily kept and accessed. The college's records are subject to records retention schedules. The college follows The Ohio State University General Retention Schedule that can be found at <https://library.osu.edu/sites/default/files/2020-11/osu-general-schedule-updated-20201124.pdf>.
- B. College offices should make every effort to respond with all deliberate speed to requests for records that are clearly public and easily accessible. When a request is other than routine (see I.C., above), the college should follow-up with a response as soon as possible acknowledging receipt of the request and indicating that any responsive records will be made available within a reasonable period of time. Once acknowledgement of the request is complete, the office shall contact the Office of the President for guidance.
- C. The college may not limit the number of public records that it will make available to a single person, nor limit the number of public records that will be made available during a fixed period of time. The college may not set a fixed period of time before it will respond to a public records request.
- D. When a public records request is made to examine personnel records of a current employee, the college office will, to the extent practicable, notify the employee that his or her records have been requested. Efforts to notify the employee may not delay timely processing of or responding to the request.

III. Making Records Available and Payment for Records

- A. Following receipt of a request, public records are available for inspection during regular business hours, with the exception of published holidays. The college will provide copies of records within a reasonable period of time following the request. The prompt/reasonable period of time within which records must be made available to a requestor will depend upon a number of factors, including the volume of records requested, the ease of retrieval, the medium in which the records are stored, the need for any legal review, and any need for redaction.
- B. Public records must be made available for inspection free of charge during regular business hours. The college may charge a requestor the actual cost of producing copies, and may require prepayment of costs associated with producing copies, including copying and mailing expenses. The college may not charge a requestor for intermediate copies made for purposes of redaction.
- C. A requestor may choose to receive copies of records on paper, in the same medium as the public office keeps them, or in any medium upon which the public office determines that the record can reasonably be duplicated in the normal course of operations. The requestor may also choose the means by which copies will be

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delivered or transmitted. The college may charge the requestor the costs associated with delivery or transmission.

IV. Denial of Records or Information Contained in a Record

- A. When making a public record available for public inspection or copying, the college shall notify the requestor of any redaction (i.e., removal of information) or make the redaction plainly visible. A redaction is permissible so long as authorized under applicable law. For example, Social Security numbers are to be removed from a document before it is released to protect constitutional privacy rights. Moreover, most student education records and records containing intellectual property or trade secrets are not to be disclosed. If a record is ultimately denied, in part or in whole, the college shall provide the requestor with an explanation, including legal authority, setting forth why the record was not provided. If the initial request was made in writing, the explanation also must be provided in writing. The college office is to contact the Office of the President before denying any request in whole or in part.

V. Contacting the Office of the President

- A. All college offices that receive public records requests should contact the Office of the President so that such request can be logged and documented. Additionally, college offices must notify the Office of the President once the records have been released to the requestor
- B. Should requestors not receive a communication from the college within 10 business days of issuing the request, they are encouraged to contact the Office of the President at 740.364.9510 to verify that the request has been received.

Responsibilities

Position or Office	Responsibilities
Employees responsible for making college records available to the public	<ul style="list-style-type: none"> • Make public records available for inspection. • Log all public records requests with the Office of the President upon receipt and again when the records have been released to the requestor. • Report the records request to the appropriate cabinet member. • Redact appropriate information from requested records. • Before denying any request, contact the Office of the President. • If a record is denied, provide the requestor with an explanation setting forth why the record was not provided. • If the request is for personnel records, notify, to the extent possible, the employee that his or her records have been requested.
Public records requestor	<ul style="list-style-type: none"> • Contact the Office of the President if no communication has been received from the college within 10 business days of issuing a request. • Members of the media should submit requests to the Office of Marketing and Public Relations.
Office of the President	<ul style="list-style-type: none"> • Log and track all requests for public records. • Support and guide college offices receiving records requests. • Liaise between requestors and college offices when needed. • Distribute the policy to the college's record custodian and acknowledge receipt. • Create a poster describing the public records policy and post it in at all campus locations.

Resources

Ohio Sunshine Laws manual – <http://www.ohioattorneygeneral.gov/YellowBook>

Ohio Public Records Act (Ohio Revised Code 149.43) - <http://codes.ohio.gov/orc/149.43>

College General Records Retention Schedule, <https://library.osu.edu/sites/default/files/2020-11/osu-general-schedule-updated-20201124.pdf>

Central Ohio Technical College – Office of the President

https://www.cotc.edu/sites/main/files/file-attachments/1.1.20_public_records_policy.pdf?1605026651

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Contacts

Subject	Office	Telephone	E-mail/URL
Public records request guidance/assistance	Office of the President	740-364-9510	tomlinson.88@mail.cotc.edu

History

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