

# DELAWARE COUNTY TRANSIT BOARD

## POLICY

Policy Name	Number	Effective Date	Last Revision Date
Public Records Policy		9/2007	2/2020 updated name

*NOTE: The Delaware County Transit Board (DCTB) is the governing body of Delaware County's Public Transit System established by the Delaware County Commissioners under the authority of R.C. §§ 306.01 and 306.02. Delaware County Transit (DCT) is the common name given to the public transit system. This policy is established and set forth under the authority of the Delaware County Transit Board. DCT and DCTB may be used interchangeably in this policy or used separately to distinguish responsibilities.*

### **PURPOSE**

Records maintained by DCTB and the ability to access them are a means to provide trust between the public and DCTB. To foster, maintain, and continue to build such trust, DCTB, in accordance with R.C. § 149.43(E)(2), adopts this Public Records Policy.

### **DISTRIBUTION**

All DCTB employees, passengers, and the general public.

### **DEFINING PUBLIC RECORDS**

A “record” is defined to include the following: 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 DCTB that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A “public record” is a “record” that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

### **RESPONSE TIMEFRAME**

Public records are to be available for inspection during regular business hours. Public records will be made available for inspection promptly. Copies of public records will 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

If a request for public records cannot be filled within three business days, then, if feasible, the delay will be acknowledged in writing to the Requester.

### **HANDLING REQUESTS**

No specific language is required to make a request for public records. However, the Requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

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(s). The law

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does permit the DCTB to ask for a written request, the Requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the Requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the Requester is first told that a written request is not required and that the Requester may decline to reveal the Requester's identity or intended use.

In processing the request, the DCTB does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through DCTB's standard use of sorting, filtering, or querying features.

In processing a request for inspection of a public record, a DCTB employee may accompany the Requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website ([www.ohioattorneygeneral.gov/YellowBook](http://www.ohioattorneygeneral.gov/YellowBook)) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and Personal Information Systems Act.

## **ELECTRONIC RECORDS**

Electronic records in any form, which document the functions of DCTB, will be treated in the same fashion as records in other formats, such as paper or audiotape. All employees or representatives of DCTB are required to retain electronic records, which document the functions of DCTB, in accordance with applicable records retention schedules.

## **FEES AND COSTS**

Those seeking public records may be charged only the actual cost of making copies, not labor. The costs below reflect actual cost.

<b>Media Type</b>	<b>Unit</b>	<b>Cost per Unit</b>
Letter Sized Paper Copy B&W	Per copy/side	\$0.05
Letter Sized Paper Copy Color	Per copy/side	\$0.10
Legal Sized Paper Copy B&W	Per copy/side	\$0.10
Letter or Legal Sized Paper Copy Color	Per copy/side	\$0.15
Email Document	Electronic	No cost
8 Gigabyte Thumb Drive	Each	\$3.20

- A. If applicable, advance payment shall be required of any Requester before any copies are prepared.
- B. If a requested media type is not listed in the fee schedule above, DCTB shall make effort to obtain that media and charge the actual cost of the material.

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- C. DCTB will not accept blank media supplied by the Requester.
- D. DCTB will charge the actual costs of postage and mailing supplies when the Requester requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

## **DENIAL AND REDACTION OF RECORDS**

If the Requester makes an ambiguous or overly broad request or has difficulty in making a request such that DCTB cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the Requester an opportunity to revise the request by informing the Requester of the manner in which records are maintained and accessed by DCTB.

If DCTB withholds, redacts, or otherwise denies requested records, it will provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation will also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest will be released. When making public records available for public inspection or copying, DCTB shall notify the Requester of any redaction or make the redaction plainly visible.

## **MANAGING RECORDS**

DCTB'S public records are subject to a records retention schedule. DCTB's current schedule is available at 119 Henderson Court Delaware, Ohio, a location readily available to the public as required by R.C. § 149.43 (B)(2).

## **TRAINING AND EDUCATION**

DCTB continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. §§ 109.43 and 149.43(E)(1)(2).

## **SEVERABILITY**

If any provision of this policy is found to be contrary to any federal or state law and regulation following adoption, only the provision contrary to existing laws shall be rendered null and void. The remainder of the policy shall remain in full force and effect as long as it is not in violation of any existing laws or regulations.