

SHELBY METROPOLITAN HOUSING AUTHORITY
PUBLIC RECORDS POLICY

I. Purpose:

The Shelby Metropolitan Housing Authority (“SMHA”) acknowledges that it maintains many records that constitute “public records” under Ohio’s Public Records Law. The records maintained by SMHA and the ability to access them are a means to provide trust between the public and SMHA. The purpose of this Public Records Policy (“Policy”) is to set forth the policies and procedures employed by SMHA for receiving and responding to requests for public records.

II. Scope:

- A. As defined in the Ohio Revised Code and as applicable to SMHA, a “public record” is any “document, device, or item, regardless of physical form or characteristic, including an electronic record” that is kept by SMHA and which “serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of” SMHA (R.C.149.011(G); R.C. 149.43(A)(1).)
- B. Certain records are not public records or are exempt from disclosure under the Public Records Law. The following represents a partial list of records maintained by SMHA that may not be inspected or copied:
 - 1. Employee medical records;
 - 2. Social Security Numbers;
 - 3. Certain communications between SMHA and its attorney(s), as well as records compiled in anticipation of or in the course of litigation;
 - 4. Records the release of which is prohibited by state or federal law;
- C. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function. Each records custodian shall have a copy of this Policy.
- D. This Policy shall be placed in SMHA’s policies and procedures manual, and shall be available at SMHA’s central office, located at 706 N. Wagner Avenue, Sidney, OH 45365.
- E. A copy of SMHA’s current records retention schedule is available at 706 N. Wagner Avenue, Sidney, OH 45365.

- F. SMHA displays a poster which generally describes this Policy at its central office, located at 706 N. Wagner Avenue, Sidney, OH 45365.

III. Requests For Records:

- A. Any person (the "Requestor") may request public records held by SMHA and will be allowed prompt inspection and copies within a reasonable amount 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.
- B. It is SMHA's policy to request that public record requests be made by submitting a completed Public Records Request Form, which is available at SMHA's offices. However, a written public records request is not mandatory and the Requester may decline to provide his or her identity or intended use. SMHA may require a written request or disclosure of the identity or intended use where such information would benefit the Requester by enhancing SMHA's ability to identify, locate, or deliver the public records sought by the Requester.
- C. Although no specific language is required to make a request, the Requester must at least identify the records requested with sufficient clarity to allow SMHA to identify, retrieve and review the records. If SMHA cannot tell from the request what records are being sought, SMHA will contact the Requester for clarification, and will assist the Requester by informing the Requester of the manner in which SMHA keeps its records.
- D. The Requester may choose to have the public record duplicated upon paper, upon the same medium upon which SMHA keeps it, or upon any other medium upon which SMHA determines that it reasonably can be duplicated and, where a Requester makes such a choice, SMHA will provide a copy in accordance with that choice.
- E. In the event SMHA receives a request to inspect and/or obtain a copy of a record maintained by SMHA the release of which may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for SMHA for research and/or review.
- F. Records, the release of which is prohibited or exempted by either state or federal law, or which are not considered public records as defined in R.C. 149.43, shall NOT be subject to public inspection or copying.

IV. Responses To Public Records Requests:

- A. If SMHA receives a request for a record that it has never maintained or that is no longer maintains or that it has disposed of pursuant to its records retention schedule, SMHA will notify the Requestor of that fact. SMHA is under no obligation to create records to meet public records requests.
- B. If SMHA receives a request that is ambiguous or overly broad, or if SMHA for any reason cannot reasonably identify what public records are being requested, SMHA may deny the request. SMHA will, however, provide the Requester with an opportunity to revise the request and will inform the Requester of the manner in which records are ordinarily maintained and accessed.
- C. If SMHA receives a request for records the release of which is prohibited or exempted by either state or federal law, or which are not considered public records as defined in R.C. 149.43, SMHA will deny the request.
- D. If SMHA denies a request, in whole or in part, for any of the above reasons, SMHA will provide the requester with an explanation including legal authority, setting forth why the request was denied. If the initial request was provided in writing, then SMHA will provide the explanation in writing.
- E. If a requested public record contains information that is exempted from disclosure under the Public Records Law, SMHA will make available the information within the public record that is not exempt by redacting the exempt information and providing the record as redacted. "Redaction" means 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" in R.C. 149.011. Except where redactions are plainly visible on the document as redacted, SMHA will notify the requestor of any redaction.
- F. If any Requester is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of a public record, the Requester may contact the Deputy Director. If the Requester is not satisfied after contacting the Deputy Director, R.C. 149.43 provides a legal means for addressing complaints.

V. Fees:

SMHA has established the following fees for providing copies or reproductions of public records maintained by SMHA:

- A. For photocopies of either letter or legal size documents, the fees shall be \$0.10 per sheet, calculated from the first sheet photocopied, if photocopied in-house by SMHA, or the amount charged to SMHA by a commercial reproduction company. Two-sided photocopies shall be charged at a rate of \$ 0.10 per sheet if photocopied in-house by SMHA, or the amount charged to SMHA by a commercial reproduction company. SMHA shall have complete discretion to determine whether photocopies will be made in-house or will be made by a commercial reproduction company. Advance payment is required before any copies are prepared.

- B. For videotapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.

- C. SMHA may also charge for the actual cost of the postage and mailing supplies required to mail requested records.

- D. Where feasible, documents may be e-mailed at no charge.