

Montgomery County Public Records Policy

Introduction:

It is the policy of the Montgomery County Probate Court that openness leads to a better informed citizenry, which leads to better government and better public policy.

Public Records

This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document--paper, electronic (including, but not limited to, e-mail), or other format--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 the Montgomery County Probate Court are public unless they are exempt from disclosure under the Ohio Revised Code.

It is the policy of the Montgomery County Probate Court that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying.

Record request

Each request for public records should be evaluated for a response using the following guidelines:

Although 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 contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its 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. It is this office's general policy that this information is not to be requested. However, the records custodian may ask for a written request and may ask for the requester's identity and/or intended use of the information requested if (1) it would benefit the requester by helping the public office identify, locate or deliver the records being sought, and (2) the requestor is informed that a written request and the requesters identity and intended use of the information requested are not required.

Public records are to be available for inspection from 8a.m. to 5 p.m., Monday through Friday 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.

Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must be acknowledged in writing by the public office within three business days following the office's receipt of the request. If a request is voluminous or will require research, the acknowledgement must include the following:

- An estimated number of business days it will take to satisfy the request.
- An estimated cost if copies are requested.
- Any items within the request that may be exempt from disclosure.

Any denial of public records requested must include an explanation, including legal authority. 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.

Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

All copies are \$1.00 per page or the amount required by law.

The charge for downloaded computer files to a compact disc is \$1.00 per disk or the amount required by law.

There is no charge for documents e-mailed.

Requesters may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies, in addition to the charges set under the costs for public records section.

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.

Failure to respond to a public record request

The Montgomery County Probate Court recognizes the legal and non-legal consequences of failure to properly respond to a public records request.