

HIGHLAND COUNTY PUBLIC RECORDS POLICY

A GUIDE FOR CITIZENS

I MAY 2023



MISSION STATEMENT

Highland County offices create and maintain records that document the processes of our government as well as the rights and responsibilities of its constituents. Under the Ohio public Records Act (Ohio Revised Code 149.43), we are tasked with the organization and preservation of public records, and to make them available to the public upon request.

"The rule in Ohio is that public records are the people's records, and that the officials in whose custody they happen to be are merely trustees for the people; therefore anyone may inspect such records at any time, subject only to the limitation that such inspection does not endanger the safety of the record, or unreasonably interfere with the discharge of the duties of the officer having custody of the same."ⁱ

In order to better serve the public and our county's public servants we are in the process of organizing a County Records Center which will house records not essential to day-to-day business. This office will inventory and catalog our records to establish retention schedules for the documents of all county entities as required by law. A copy of all retention schedules is located in the Board of Commissioners Office. A poster explaining your rights to public records will be available in all public offices as dictated by law.ⁱⁱ

DEFINITION OF A PUBLIC DOCUMENT

"Public record" means records kept by any public office. Some records that may be used in public offices are not public records, generally due to Personally Identifiable Information or PII.ⁱⁱⁱ Our retention schedules indicate what types of public documents are available in each department/office.

REQUEST PROCESS

Offices will make public records available and make copies at cost upon request. A request must reasonably identify the records of interest. The more identifying data you have the faster we can likely process your request. Specific data needed varies by department; we are happy to give you guidance. You do not have to supply your name, identification, or the reason for your request unless it is necessary in order to fulfill the request. All offices will have request forms for your convenience.

When the request is not reasonably clear the county employee will explain how records are created and recorded in order to assist you in revising the request. For clarity, we may ask that your request is made in

writing but you are not required to do so. Staff will assist if needed. Requests must not be ambiguous or overly broad. The courts define this as a request that requires complete duplication of a major category of public records^{iv}. Some examples include:

- All records containing a particular name.
- All emails received by a particular email address in a given year with no subject requirements.
- All the survey plats in a township.

If the records you are requesting belong to another department you will be directed to the proper location. We keep a log of all record requests to guarantee a high level of customer service.

TIME FRAME

Staff will estimate the time to fulfill your request based on quantity, location, and legal review (if necessary) of records. We will expedite records request as much as possible; we are required to make records available in a "reasonable amount of time."^v The amount of time varies, dependent on staffing, location of the records, and other factors.

For large requests, request of records located in off-site storage, and requests of documents necessitating legal review, you will be notified in writing of the estimated number of business days required, estimated charges, and if any of the records are exempt from disclosure. When a request is delayed, we will do our best to communicate with the requester and provide records as possible on a rolling basis until the request is complete.

In cases where the record is exempt from disclosure a legal explanation will be included. If the original request was provided in writing the explanation will also be provided in writing. The explanation specified does not exclude additional reasons or legal authority for defending the refusal.^{vi}

MEDIA

Records may be duplicated in the same media they are kept or any other media that can reasonably be accommodated in the course of the office's normal business operations^{vii}.

COST

Advance payment may be required^{viii}. If mailed, your charges will include postage costs.^{ix} Mail requests are limited to ten per month unless the requester certifies in writing that the records are not to be used for commercial purposes.^x We are not required to provide copies of records to individuals that do not want to pay for them.^{xi}

ONLINE RECORD ACCESS

Many records and services are available online at no cost to you.

- Deeds, mortgages, easements, and plat books:
<https://countvfusion14.kofilettech.us/countvweb/loginDisplay.action?countvname=HighlandOH>
- Aerial photos with parcels lines and Auditor information: <https://www.highlandcountvauditor.org/>
- County Engineer projects, reports, permits, road information and to report problems:
<http://highlandcountveng.org/index.php>
- Pay your property tax: <https://www.pavtaxes.us/oh/highland/search>
- To see court dockets, apply for a passport, or get an auto title:
<https://www.highlandclerkofcourts.org/home.html>
- For Court of Common Pleas public documents, to pay court costs, and learn about local rules and fees: <https://www.hccpc.org/>
- For County Court public records, to pay online, or to learn about jury duty:
<https://countvcourtgreenfield.com/>
- Municipal county dockets: <https://www.hillsboroohio.net/department/index.php?structureid=39>
- Recording fees and standards: <https://www.co.highland.oh.us/offices/recorder.html>
- Elected official search: <https://lookup.boe.ohio.eov/vtrapp/hiehland/cnm.aspx>
- Absentee ballots and Campaign Finance: <https://www.boe.ohio.gov/highland/>
- Emergency Management: <http://www.hiehlandcountvema.com/>
- Fair Housing: <https://wngvw.co.highland.oh.us/offices/fair-housing.html>
- Family & Children First: <https://highlandfcfc.weebly.com/>
- Birth and death records, drug resources, COVID-19, and other health information:
<https://www.highlandcountvhealth.org/>
- Welcome Home, Ohio Early Start and Early Intervention programs:
<https://highlandfcfc.weebly.com/help-me-grow.html>
- Child support, public assistance, child and elder protection: <http://www.highlandifs.org/>
- Vacant lot sales, demolition, or request for property investigation: <https://hclrc.org/>

- Conveyance standards and subdivision regulations: <https://www.co.hIGHLAND.oh.us/offices/map.html>
- 4-H, agricultural resources, community development, and master gardener program: <https://highland.osu.edu/>
- Public recycling bins, litter cleanup supplies, grant applications: <https://hccao.org/recycle/>
- Sewer rules and payment options: <https://www.co.hIGHLAND.oh.us/offices/sewer-district.html>
- Soil & water analysis and technical assistance: <http://www.hIGHLANDswcd.com/>

USE OF CAMERAS AND SCANNERS

Requesters may be allowed to use hand held scanners or cameras to make their own copies. Any legally required redactions or other non-disclosures still apply. By law we are neither required nor forbid from allowing use of handheld scanners and cameras.^{xii} Policies will vary depending on department rules, as well as the media and condition of the records. Repeated exposure to camera flashes can fade or deteriorate historic documents.

EXEMPTIONS FROM PUBLIC RECORDS AND DENIALS

Redactions (concealing non-public information such as PII) may be made to records before release in accordance with federal and state laws.^{xiii} PII refers to:

"...information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available - in any medium and from any source - that, when combined with other available information, could be used to identify an individual."^{xiv}

The requester will be notified of any redactions, or the redactions will be made plainly visible (see Appendix for sample response form). In some cases, the non-exempt portion of the document may be so intrinsic to the exempt portion that the redaction may be impractical."^{xv} If the request is partially or completely denied due to redactions the requester must be provided with an explanation, including legal authority, for denying

the request.^{xvi} Some records are completely exempt from the Public Records Act, such as trial research, confidential law enforcement investigative records and adoption records^{xvii}.

GRIEVANCES

If a public office denies your request for records and you believe the reasons for that denial are false, please contact the Board of Commissioners Office for assistance. You also have the right to file a complaint against the public office in the Court of Claims, or file a mandamus lawsuit against the public office. The Court of Claims expedites disputes of this type. A claim form and a copy of the original request is required. If mediation cannot resolve the dispute, the dispute is supervised by a special master. In a mandamus lawsuit the burden of proof is on the individual who filed the initial complaint. If the public office is judged to be in violation of public record laws, the office will be required to provide the requested record(s) and will be responsible for court costs and possibly a fine.”^{xviii}

BASIS FOR THIS POLICY

Laws that determine our public record policy include the constitution, statutes, common law, and administrative codes and regulations. These include Ohio Revised Code (ORC) 149.31, ORC 149.38-149.42, Rules of Superintendence for the Courts of Ohio, Rule 26 (E)(2), Patterson v. Ayers, 171 Ohio St. 369, 1960, OMB Memorandum M-07-1616, Ohio Revised Code 149.45.

Our policy is also based on ‘Best Practices’ as defined in Auditor of State Bulletin 2019-003, Ohio History Connection’s Local Government Records Manual, Ohio Sunshine Laws 2022, Auditor of State Certified Public Records Training, and NAGARA Local Government Records Technical Publications Series, No. 2 and No. 3.

CHANGES TO THIS POLICY

This policy is subject to change without notice, in response to changes in local laws and regulations. The date of any amendments will be noted on the front of this policy. The most current public records and open meetings laws are available at <http://www.ohioattornevgeneral.gov/Sunshine>.

POLICY AUTHORIZED MAY 1, 2023

ⁱ Patterson v. Ayers, 171 Ohio St. 369, 1960

ⁱⁱ Ohio Revised Code (B)(2)

ⁱⁱⁱ Ohio Revised Code 149.43 (A)(l)(a) through (pp)

^{iv} Ohio Sunshine Laws 2022: An Open Government Resource Manual, page 12

^v Ohio Sunshine Laws 2022: An Open Government Resource Manual, page 11

^{vi} Ohio Revised Code 149.43 (B)(3)

^{vii} Ohio Revised Code 149.43 (B)(6-7)

^{viii} Ohio Revised Code 149.43 (B)(6)

^{ix} Ohio Revised Code 149.43 (B)(7)(a)

^x Ohio Revised Code 149.43(B)(7)(i)

^{xi} Ohio Revised Code 149.43 (B)(7)(a)

^{xii} Ohio Revised Code 149.43 (B)(6)

^{xiii} OMB Memorandum M-07-1616

^{xiv} Ohio Revised Code 149.45

^{xv} Ohio Revised Code 149.43 (B)(3)

^{xvi} Ohio Revised Code 149.43 (B)(3)

^{xvii} Ohio Revised Code 149.43(A)(l)(a)

^{xviii} Ohio Sunshine Laws 2023: An Open Government Resource Manual, page 1