

Ohio Department of Veterans Services Policies and Procedures

OFFICE OF DEPARTMENT COMMUNICATIONS RECORD REQUESTS POLICY

This policy is approved by Deborah Ashenhurst, Director of the Ohio Department of Veterans Services (DVS) on April 14, 2020.

Approval:


Deborah Ashenhurst, Director



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Authority & Reference: R.C. Chapter 149; R.C. 1347.15; 45 C.F.R. 160.103

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1. Purpose. DVS supports open government and an informed citizenry. That is why DVS shall liberally interpret Public Record requests in favor of requestors and work with requestors to, where needed, refine their public record requests to comport with law and rule. This Policy articulates how DVS will respond to Public Record requests.
2. Definitions (in alphabetical order).
 - a. *Confidential Personal Information*. Information that is not Public Record pursuant to R.C. 149.43.
 - b. *DVS Personnel*. DVS committee members, employees, volunteers, and anyone else operating on DVS's behalf at its request.
 - c. *Electronic Record*. Any Record that is created, generated, sent, received, or stored by electronic means. Communications in a personal e-mail account or text can be Records subject to this Policy.
 - d. *Individually Identifiable Health Information*. Information that is created or received by DVS (e.g. the Ohio Veterans Homes) that relates to the past, present, or future physical or mental health conditions of any person, the provision of healthcare to any person, or the past present or future payment for the provision of healthcare to any person, **and either** outright identifies the person to whom it applies **or** can reasonably be used to identify that person.
 - e. *Public Record*. A Record that the public is entitled to inspect or receive a copy of under R.C. 149.43. Information like Confidential Personal Information or Individually Identifiable Health Information is not Public Record.
 - f. *Record*. Anything that DVS creates, receives, and/or has under its control or jurisdiction of DVS that documents DVS's organization, functions, policies, decisions, procedures, operations, or other activities. A Record **does not** include personal notes that DVS Personnel create for their individual use or reference.
3. General Policies.
 - a. Any person or entity may request to inspect or receive copies of Public Records from DVS. Such a request may come in any form (e.g. verbal or written), with no special language required, so long as it is sufficiently clear so that DVS can reasonably identify, retrieve, and review the Public Records at issue. If a request is not sufficiently clear, DVS shall contact the requestor for clarification, assisting the requestor in revising the request by informing the requestor of the manner in which DVS keeps its Public Records.

- b. DVS shall acknowledge receipt of all Public Record requests within three (3) business days.
 - c. DVS shall promptly produce requested Public Records. The location of Public Records, their volume, and any need for a legal review factor into what constitutes “prompt production.”
 - d. Public Record requestors do not have to provide their names with their requests, just enough information so that DVS can produce their requested Public Records to them. DVS may ask for requestors’ names only if (1) doing so would benefit the requestors by assisting DVS with identifying, locating, and producing Public Records and (2) DVS informs the requestors that they do not have to comply.
 - e. DVS does not have to respond to requests for information, though it should seriously consider them.
 - f. DVS shall not create new records in response to a Public Record Request unless the new Public Records can be produced within a system already set-up to produce them (e.g. filtering a spreadsheet or running an additional report in a database).
 - g. Requestors are entitled to Public Records in their native format—i.e. in the format in which DVS maintains them. DVS may provide them in a different format, only upon request, if doing so is not overly burdensome.
 - h. If requestors seek to inspect Public Records, they may do so during normal, business hours, accompanied by DVS personnel.
 - i. DVS shall post this Policy on its website in addition to the DVS Intranet.
4. Production Costs. DVS may charge Public Record requestors for the actual costs of any copies, Compact Disks, or other supplies needed to produce Public Records. This includes any mailing costs as well. DVS may require all costs to be paid up front. DVS may not charge for any labor associated with producing Public Records.
5. Denying Public Record Requests.
- a. If requestors make ambiguous, overly broad, overly voluminous, or some otherwise impermissible Public Record requests, DVS may deny the requests so long as the denials (1) provide the requestors with the opportunity to amend their requests and (2) inform the requestors of the manner in which DVS keeps its Public Records.
 - b. If DVS denies a Public Record request, it must issue an explanation to the requestor, supporting its denial with legal authorities. If the request was in writing, the explanation must be in writing if the requestor provided contact information that allows a written response.
 - c. If a Record consists of Public Record and information not subject to public production, DVS shall redact from the Record any information not subject to public production and produce the remainder of the Record. Such redactions are denials and therefore subject to Paragraph 5b. When redacting, DVS must make the redactions clear in the Record or inform the requestor of the redactions.
6. Record Management Personnel.
- a. Upon receipt of a Public Record Request, Department Personnel shall forward the request to their location’s Record Coordinator (“RC”). The RC shall log the request into the DVS Record Request Log, collect all requested Public Records, and forward them to the Record Management Officer

("RMO") for review. Once the RMO completes his/her review, he/she shall return to the RC whatever Public Records should be released and/or any response to the requestor that is necessary, including denials if any. The RC shall then transmit DVS's response to the requestor (including any Public Records or setting up a Public Record inspection) in light of any RMO instructions. The RMO may assume any of the duties this Subparagraph articulates.

- b. At least once per month, the RMO shall examine the DVS Record Request Log. At least once per quarter, the RMO shall discuss the Log and Public Record requests generally with the DVS Chief Legal Counsel and Chief of Communications.
- c. The RMO shall consult with DVS's Chief Legal Counsel and Chief of Communications about any unusual or significant Public Record Request.
- d. Any Public Record or information requests that any member of the media makes to DVS shall be forwarded to both the relevant RC **and** the DVS Director of Communications. The DVS Chief of Communications shall be consulted prior to DVS responding to **any** such requests.

7. Record Log.

- a. DVS shall maintain one (1) Public Record Request Log. It shall separately track Public Record requests by DVS location. Only the RCs, RMO, DVS Chief Legal Counsel, and the Chief of Communications shall have access to it.
- b. The Log shall track for each Public Record request that DVS receives (1) the date of the request, (2) the name of the requestor (if any), (3) a description of the Public Records sought, (4) the medium in which the requestor wants the Public Records (e.g. paper, Excel, Word, PDF, etc.), (5) the requestor's contact/transmission information, and (6) the date of request denial or production.

8. Violations. A violation of this Policy may result in disciplinary action up to and including removal.

9. Questions. Department Personnel may direct questions about this Policy to DVS's Chief of Communications, the Chief Legal Counsel, or the RMO.