

PUBLIC RECORDS POLICY

West Central Ohio Port Authority

REQUESTS TO INSPECT OR FOR COPIES OF PUBLIC RECORDS

Requests to inspect the public records of the West Central Ohio Port Authority (WESTCO) may be made to the Secretary-Treasurer as the Public Records Custodian or to Alternates that may be designated by the WESTCO Board of Directors.

No other person is authorized to respond to or fulfill any public records request. Any public records request made to any other employee, officer or representative of WESTCO shall not be considered as a properly made request, and any denial or provision of public records made by any other employee, officer or representative of WESTCO is unauthorized under this policy. If the Public Records Custodian and designated Alternates, if any, are absent for more than one business day, the Transportation Director of the Clark County-Springfield Transportation Coordinating Committee shall serve as the Acting Public Records Custodian for WESTCO.

Public records requests will be accommodated during regular business hours between 8:00 a.m. and 4:30 p.m. on regular business days, Monday through Friday. Public records requests will not be accepted on weekends or holidays.

A public records request may be made in writing or verbally. The Public Records Custodian or designated Alternates may ask the requester to put a verbal request in writing, or for the requester to give identifying information, but neither a written request nor identifying information are required and the requester will be advised of that.

Public records can be accessed by one of the following methods:

- a request to review public records in person; or
- a request for copies of public records that the requester will personally pick up from the Public Records Custodian or designated Alternates; or
- a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

Request to review public records. The requester may make a request to review public records to the Public Records Custodian or designated Alternates, who shall prepare the public records for inspection “promptly,” as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as the location of the records or the volume of records being requested).

Copies of public records. The requester may make a request to have copies of public records made to the Public Records Custodian or designated Alternates. Copies made on paper are 5¢ (five cents) per page. There will be no charge if the number of copies is five (5) pages or less. All copy charges must be paid in advance before copies are made. If the Public Records Custodian or designated Alternates use an outside copying service to make the copies (see the following paragraph), the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than paper will be “at cost,” without taking into account time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or designated Alternates or other authorized officers, employees or representatives. The Public Records Custodian or designated Alternates may use an outside copying service to make the copies, at the Public Records Custodian or designated Alternate’s discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of the making of copies is at the discretion of the Public Records Custodian or designated Alternates. Requests to copy a certain number of public records on a given page, by “reducing” copy size or otherwise, may be met at the discretion of the Public Records Custodian or designated Alternates.

Copies will be made available by the Public Records Custodian or designated Alternates “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.

Transmitting copies of public records. A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records (FedEx, UPS, fax, e-mail). ~~(For example, public records that are only available in paper form will not be scanned and sent by e-mail, but can be sent by fax.)~~ The cost of transmitting must be paid by the requester before the public records will be transmitted.

Copies will be transmitted to the requester by the Public Records Custodian or designated Alternate “within a reasonable time,” as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested.

COST OF COPIES OR OF MEANS OF TRANSMITTING COPIES

Charges for copies or for transmission of copies (U.S. Mail, Fed Ex, UPS, etc.) can be paid for in cash, or by check/money order/certified check, made payable to the West Central Ohio Port Authority. If payment is made by check, copies will not be made until the check has cleared and been paid by the requester's bank. All charges must be paid in their entirety, in advance. A requester may pay an amount that the Public Records Custodian or Alternate estimates to cover the cost of copies or means of transmission. If that amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. If the amount was in excess of the cost of the copies or means of transmission, the excess will be repaid to the requester.

DENIAL OF A PUBLIC RECORDS REQUEST

Under certain circumstances, records are not defined as "public records" under Ohio law. In these situations, the public record request will be denied on that basis. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for non-written public records requests.

The Ohio Revised Code regards certain actions as being "denials" of public record requests. These situations are handled in the following paragraphs.

Redaction. The Ohio Revised Code defines a "redaction" as "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 section 149.011 of the Revised Code." Examples of redaction are "blacking out" or "whiting out" or "cutting out" portions of a document.

When a public record contains information that is not within the definition of a "public record" as defined by law, the Public Records Custodian or designated Alternates will make available that portion of the public record that does meet the definition of a "public record." The Public Records Custodian or designated Alternates shall make a copy of the public record, perform the redaction, then make a copy of that sheet and make the second copy available to the requester. The requester will not be charged for the first copy made. The first copy will be retained by the Public Records Custodian or designated Alternate.

Requests that are ambiguous, overly broad, or are difficult to identify the public records requested. At times, a requester may make a public records request from which the Public Records Custodian or designated Alternates cannot determine what the public records the requester is seeking. In such circumstances, the Public Records Custodian or designated Alternates will inform the requester that the public records request is denied but will give the requester an opportunity to more accurately describe the public records sought. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian or designated Alternates will inform the requester of the manner that the public records of the office are maintained and accessed. The requester may then submit a public records request that more accurately reflects the organization of the public records and the actual public records sought by the requester.

COMPLIANCE WITH OHIO REVISED CODE REQUIREMENTS

With any public records request, WESTCO, the Public Records Custodian or designated Alternates reserve the right to consult with legal counsel prior to the release of such public records. This is to allow WESTCO to comply with laws prohibiting the release of certain records (such as medical records).

RECORDS COMMISSION

The Records Commission of the West Central Ohio Port Authority shall consist of:

- Chair, West Central Ohio Port Authority
- Secretary-Treasurer, West Central Ohio Port Authority
- General Counsel, West Central Ohio Port Authority

The Commission shall meet at least once every twelve months and upon the call of the chairperson.

The function of the Commission shall be to review applications for one-time disposal of obsolete records and schedules of record retention and disposition submitted by the Secretary-Treasurer or any other person.

Public Records Policy and Procedures West Central Ohio Port Authority

What is a public record?

A public record is any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of any public office of the state, which serves to document the organization, functions, policies, decisions, procedures, operations, and other activities of the West Central Ohio Port Authority (WESTCO).

Procedures for handling a public records request:

1. WESTCO will respond to public records requests whether the request is written or verbal. The office of the Secretary-Treasurer will have a copy of WESTCO's current retention schedule available.
2. WESTCO will acknowledge receipt of the request verbally or in writing. You may be asked to put your request in writing, however, if you decline, WESTCO must honor your verbal request.
3. If the Secretary-Treasurer or a designated Alternate believes it would help ensure the accuracy of WESTCO's response, you may be asked for identification and the intended use of the information you request but you are not obligated to give this information.
4. If a request is ambiguous or overly broad, WESTCO will give you an opportunity to revise the request and explain how the records are maintained and accessed at WESTCO.
5. If the requested record contains information that is exempt (as listed below), WESTCO will make available the portion of the record that is not exempt and clearly redact the exempt portion of the record.
6. If a request is denied in whole or in part (by redaction), WESTCO shall provide you with an explanation of the denial, which includes the legal authority for the denial. If the original request was in writing, the explanation of the denial will also be in writing.
7. Documents will be promptly prepared and made available for inspection. If you want copies of the documents, WESTCO may respond by electronic mail or other means if you have no objection. If you want copies, the charge is 5 cents per page. There will be no charge if the number of copies is five pages or less. If you request transmittal of copies by U.S. Mail or an express delivery service, postage or express delivery costs may be included in the charges. WESTCO requires prepayment of the cost involved in providing the copy of the public record.

8. You are permitted to choose to have the public record copied on paper or upon any other medium in which it can reasonably be duplicated.

9. WESTCO must respond to public records requests within a reasonable amount of time. What is a reasonable amount of time depends upon such factors as the extent of the request and physical location of the documents.

Exemptions from the Public Records Act

The following are examples of records exempt from disclosure under the public records act:

1. Cost estimates of projects until all bids have been received, R.C. 5525.15.
2. Information relative to bidder qualifications, R.C. 5525.04.
3. Sealed bids for construction projects, R.C. 5525.10.
4. Trade secrets, R.C. 1333.61(D).
5. Employee medical records, R.C. 149.43 (A).
6. Social Security numbers, R.C. 149.43 (A).
7. Files on current administrative investigations, R.C. 149.43 (A)(2).
8. Any records created or maintained by WESTCO for security purposes and infrastructure records that disclose the configuration of the Department's critical systems, including but not limited to, communication, computer, electrical, mechanical, ventilation, water, plumbing systems or security codes. This does not mean a simple floor plan that discloses the physical location of the components of the office, R.C. 149.433.