

# Public Records Request Policy

**Purpose** | OPERS receives public record requests from a variety of sources; including requests from the public, news media and governmental agencies. This policy establishes OPERS guidelines for compliance with Ohio's Public Records Act.

**Definition** | A public record is defined as a record kept by a public office and is any item, not otherwise exempt, that contains information stored on a fixed medium (i.e., e-mail, paper, photos, etc.) that is created, received or sent under the jurisdiction of a public office that documents the organization, functions, policies, procedures, operations, or other activities of the office.

**Obligations** | OPERS has two primary obligations under Ohio's Public Records Act: (1) OPERS must permit prompt inspection of public records; and (2) upon request, provide copies of public records within a reasonable amount of time.

The standards "prompt inspection" and a "reasonable amount of time" are judged within the context of the facts and circumstances in each individual request. Both contemplate the opportunity for legal review.

## Requests

### A. Receipt

To avoid misunderstanding between OPERS and the requestor as to the scope of the request of identity of the public records requested, OPERS may ask, but not require, that the request be made in writing. If OPERS asks that the request be placed in writing, OPERS will inform the requestor that the written request is not mandatory, but will assist OPERS in identifying the records requested and confirming that the request has been fulfilled. If the request is not made in writing, OPERS should create an internal written record of the scope and date of the request.

If a request is ambiguous, OPERS will notify the requester that he or she may revise their request, and also explain how records are maintained at OPERS and how the records are accessed in the ordinary course of OPERS business.

### B. Process

Requests should be routed through Legal Services for review.

Legal Services will issue a standard letter acknowledging receipt of the request and informing the requestor that OPERS will respond upon its review of the request.

In processing the request, OPERS does not have an obligation to create new records or perform new analysis of existing information. An electronic record will be deemed to exist so long as a computer is readily programmed to produce the record through simple sorting, filtering and querying. The record will be made available as a public record so long as the record is used in the regular course of OPERS business and is not otherwise exempt from disclosure.

OPERS does not have a duty to provide records that are acquired after a request for records is complete.



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**Requests**

*(continued)*

**C. Inspection**

In processing a request for inspection of a public record, an OPERS employee must accompany the requestor during inspection to make certain original records are not taken or altered. Inspection is permitted during regular OPERS business hours. OPERS is not permitted to charge for inspection of public records.

**D. Copies**

OPERS will provide copies of a public record on any medium requested so long as the medium is available as an integral part of the operations of OPERS or the original record is kept on that medium. If requested, OPERS will send copies of records via ordinary U.S. mail, facsimile, overnight mail or e-mail.

OPERS may require the requestor to pay the actual cost of copying the records as well as any postage and mailing supplies.

The current actual cost for paper records is four cents per page. A requestor may be required to pay for copies prior to receiving them. In no instance shall a requestor be permitted to make the copies themselves.

OPERS is not permitted to charge for employee time.

**E. Denials**

Legal Services will assist in determining whether something is a public record or whether a statutory exemption prevents release of the record in question.

If a request for inspection or copies of an OPERS record is denied, OPERS will place the denial in writing and cite legal authority for the denial.

Should an OPERS record contain information that is exempt from disclosure, OPERS shall provide the requestor those parts of the record that are not exempt, and clearly identify sections that have been redacted.

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