

POLICY REGARDING PUBLIC RECORDS REQUEST

Updated June 25, 2020

Purpose:

The Zanesville Metropolitan Housing Authority (ZMHA) acknowledges that it maintains many records that are used in the administration and operation of the organization. In accordance with state law, ZMHA has adopted Records Retention and Disposition Policy that identify these records: Those records are stored either on paper or electronically and are created, received or sent under the jurisdiction of the ZMHA, and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Authority. The records maintained by ZMHA and the ability to access them are a means to provide transparency and build trust between the public and ZMHA.

Scope:

- A. ZMHA has designated the Administrative Secretary as the Public Records Officer who serves as the custodian of all records and has a copy of both the Records Retention and Disposition Policy the Policy Regarding Public Records Requests.
- B. Both the Records Retention and Disposition Policy and the Policy Regarding Public Records Requests are available to the public upon request.
- C. ZMHA displays information which generally describes the Policy Regarding Public Records Request and applicable established fees in the lobby of the Administration Office and Maple Terrace Apartments.

Fees:

- A. ZMHA has established the following fees for providing copies or reproductions of public records that it maintains:
 - 1. For photocopies of either letter or legal size documents, the fees shall be \$.06 per page calculated from the first photocopy.
 - 2. For video tape, cassette tape, computer tape or any other type of media, the fee shall be the reproduction of processing (copying) cost. Reproduction or processing costs may only be charged if a commercial or professional service is contracted to provide the requested document or information.
 - 3. The Freedom of Information Act waiver provision, 5 U.S.C. Section 552(a)(4)(A)(iii), directs agencies to furnish documents free or at the reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester”.

In the event of a request to waive fees, written requests in the form shown in Attachment C must be completed and submitted to the Public Records Officer. The Public Records Officer will consider the request and document whether or not to waive any or all applicable fees.

Availability & Inspection:

- A. Public records maintained by ZMHA shall be promptly prepared and made available for inspection to any person who has made a written request during regular business hours. Promptness is to be determined by the facts and circumstances of each public records request. Regular business hours for ZMHA are Monday through Friday (except holidays), from 7:45 am to 4:00 pm.
- B. For the purpose of enhancing the ability of ZMHA to identify, provide for prompt inspection, and to provide copies of the requested items in a reasonable period of time, ZMHA shall provide a “Request for Public Records” form (see attached) to be completed by the requester.
 - 1. Prompt inspection and providing copies of records within a reasonable amount of time contemplate the opportunity for ZMHA to consult with legal counsel.
 - 2. Although ZMHA may ask the requester to make the request in writing, and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. Completion of the request form is not mandatory; and
 - b. The requester’s refusal to complete “Request for Public Records” form does not impair the requester’s right to inspect and/or receive copies of the public record. See (O.R.C. 149.43(B)(5)).
 - 3. Any person, including corporations, individuals, and governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by ZMHA whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for ZMHA for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by ZMHA.
- D. Records whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by O.R.C. 149.43(A)(1), shall NOT be subject to public inspections (See Attachment B). The following represents a partial list of records maintained by ZMHA that may NOT be inspected or copied:
 - 1. Client files (with the exception of the client requesting their own file).
 - 2. Health information.
 - 3. Infrastructure record (the configuration of a public office’s critical systems).
 - 4. Law enforcement investigations.

5. Records containing information that was specifically compiled in reasonable anticipation of a civil or criminal action or proceeding.
6. Security records (information that was used for protecting or maintaining the security of a public office against attack, interference, or sabotage).
7. Social Security numbers

Public Records Requests:

A. Mailed Requests for Public Records:

1. Upon receiving a written request for copies of a public record made in accordance with O.R.C. section 149.43 via the United States Postal Service, ZMHA shall promptly respond to the request.
 2. An authorized employee of ZMHA shall, by any means practical, contact the requester and advise them that advance payment is required prior to providing copies of public records, and the fee shall include the cost of postage and the envelope. See (O.R.C. 149.43(B)(7)).
 3. When practical, ZMHA may forward copied records by any other means reasonably acceptable to the requester.
 - a. If a person requests a copy of a public record, ZMHA shall permit the requester to choose to have the public record duplicated on paper or upon the same medium that ZMHA maintains the public record; or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of ZMHA.
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. See (O.R.C. 149.43(B)(6)).
 4. In accordance with O.R.C. section 149.43(B)(7) ZMHA limits the number of requested public records to be transmitted through the U.S. Mail to a maximum of ten records per month, unless the requester certifies that the records or information in them will not be used for commercial purposes.
 - a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news; reporting or gathering information to assist citizen oversight; or understanding of the operation r activities of government or nonprofit educational research.
 5. Authorized ZMHA employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal Service:
 - a. ZMHA employees shall promptly process request.
 - b. Requesters shall be charged the postage fees and the cost of the envelope required to send the requested records through the mail.
- B. Written or verbal requests for copies made by the public records requester or their designee shall be processed in the same manner as mailed requests.**

Response and Denials

- A. Requests for inspection and/or copies of records which are not maintained by ZMHA shall be processed in the following manner:
1. If ZMHA receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be notified in writing utilizing Attachment B, that one of the following applies:
 - a. Their request involves records that have never been maintained by ZMHA;
 - b. Their request involves records that are no longer maintained or have been disposed of pursuant to ZMHA's Records Retention and Disposition Policy.
 - c. If the record that is requested is not a record used or maintained by ZMHA, the requester shall be notified that ZMHA is under no obligation to create records to meet public record requests pursuant to O.R.C. Section 149.40.
- B. Ambiguous or Overly Broad Request for Public Records

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records, such that the Public Records Officer cannot reasonably identify what public records are being requested:

1. ZMHA may deny the request.
2. However, ZMHA shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by ZMHA in the ordinary course of business. See (O.R.C. 149.43(13)(2)).

C. Denial of a Record Maintained by ZMHA

ZMHA may deny a request for a record maintained by the Housing Authority if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of ZMHA shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on Attachment A if they are applying a statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for a denial.

D. Redacting Exempted Records/Procedure

1. "Redaction" means 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 O.R.C. section 149.011. See (O.R.C. 149.43 (A)(11));
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. See (O.R.C. 149.43(B)(1)).

- b. If a request is ultimately denied, in part or in whole, ZMHA shall provide the requester with an explanation, setting forth why the request was denied. See (O.R.C. 149.43 (B)(3)).
2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, ZMHA shall make available that information within the public record that is not exempt.
3. When making that public record available for public inspection or copying that public record, ZMHA shall notify the requester of any redaction or make the redaction plainly visible. See (O.R.C. 149.43(B)(1)).

Remedy

A. Grievances

1. If a person s allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of a public record, the person shall be advised that they may:
 - i. Contact the Executive Director.
 - ii. If the person is not satisfied after contacting the Executive Director, they shall be advised that O.R.C. section 149.43 provides a legal means for addressing their grievance.

REQUEST FOR PUBLIC RECORDS

Attachment A

Date

Name of Requesting Party

Street Address

City State Zip Code

Information Requested:

Information is to be _____ mailed. (Stamped self-addressed envelope provided)
_____ picked up personally

Signature of Requesting Party (Optional)

CHARGES:

_____ # pages at \$ _____ = \$ _____

_____ # pages at \$ _____ = \$ _____

Other _____ = \$ _____

Total charge: \$ _____

(Forward payment and copy of receipt to Accounting Department)

Payment received by _____

ZMHA Employee

Date

PUBLIC RECORDS ARE UNAVAILABLE

Attachment B

The Public Records you requested are not available:

- The request involves records that have never been maintained by the ZMHA

- The request involves records that are no longer maintained or have been disposed of pursuant to ZMHA's Records Retention and Disposition Policy

- The request involves a record that does not exist and, in accordance with ORC Section 149.40, ZMHA is under no obligation to create records to meet public records requests.

- The record that is requested is prohibited from release due to applicable state or federal law.

ZMHA Public Records Officer

Date

WAIVER OF PUBLIC RECORD FEES

Attachment C

Documents Requested:

Reason for request of Waiver of Record Fees:

Print Name

Phone number

Signature

Date



APPROVED: _____

DENIED: _____

REASON:

Signature of ZMHA Public Records Officer

Date

