



Franklin County Public Health  
280 East Broad Street  
Columbus, Ohio 43215-4562  
(614) 525-3160  
www.myfcph.org

## Release of Public Records Policy

All Programs

### Franklin County Public Health Responsibility

- 1) Provide a prompt inspection of public records.
- 2) Upon request, provide copies of records requested within a reasonable period of time.

Prompt is not necessarily immediate, but requests should be filled as soon as reasonably possible. If records are in Archive Storage it will take one day to request and receive the box and then time to locate the record. Same day requests for boxes from Archive Storage are available if absolutely necessary but should not be common practice due to the fact that it costs significantly more.

Be up front with the requestor and give them an approximate time frame as to when they will receive the records they have requested. Consult with your supervisor, Deidra Wolf or Mitzi Kline to determine what an acceptable timeframe would be if you have questions.

Reasonable means reasonable. There is no specified time period under Ohio law. It is important to note that records requests are equal to your other job duties – not less important. It is the policy of Franklin County Public Health that records requests should take priority and be filled as quickly as possible.

### How To Determine What Is A Public Record

Public Records should meet the following three criteria:

- 1) It is stored on a fixed medium (paper, computer, tape, video, film, etc.);
- 2) It was created, received or sent under the jurisdiction of a public office; and
- 3) It documents what the office does.

Franklin County Public Health is not required to create a record that does not exist.

It is Franklin County Public Health's responsibility and duty to liberally release records and staff should not deny requests unless absolutely necessary due to exceptions under law.

### Steps To Follow Once A Public Record Request Is Received:

- 1) Ask the requestor to fill out the Public Records Request Form. **Please note: Requestors are NOT required to fill out the form (or put the request in writing at all). They are also NOT required to provide their name or provide the reason for their request. If they decline to provide the**

**information or fill out the form, the employee should complete the form with whatever information they have that they are given from the requestor.**

- 2) Explain to the requestor that the record will be provided in a prompt manner. Give an estimated date so they know when to expect the records. If you need to find the answer let the requestor know that you will get back to them with the information. Be sure you follow-up or provide Deidra Wolf with the information and she will follow up.
- 3) It is program staff's responsibility to compile the records requested. Deidra Wolf, who coordinates the Franklin County Public Health records, is available to assist. If you need help determining if the record is considered public, or if details (such as medical information) should be excluded see Deidra Wolf or Mitzi Kline. You should also notify your supervisor of the request.
- 4) Once you have gathered the requested records, give the completed request to Deidra Wolf who will release the record to the requestor and keep appropriate information for our records. This will assure consistency of the Franklin County Public Health Records Policy.

### **Charge for Franklin County Public Health Records**

Franklin County Public Health may not charge for staff time to provide records. It is the policy of Franklin County Public Health that the first one hundred (100) copies are free. Any copies above one hundred (100) are \$0.05 each. If copies of an audio or videotape are requested we may only charge what it cost us to duplicate the medium. Work with Deidra Wolf to determine that cost. Before duplication is done or large copy requests are completed you should notify the requestor of the estimated cost.

It is permissible to require payment up front but should not be common practice. Payment is due from the requestor prior to the release of the records.

Franklin County Public Health is not required to provide copies (over 100) free of charge to persons who are unable or unwilling to pay for them.

Franklin County Public Health must mail copies of public records by U.S. Mail (not Federal Express or courier) if so requested. Records may also be released via email, fax or directly to the requestor.

If the requestor does not want copies but asks to look through actual files it is the policy of Franklin County Public Health that a staff member will pull the records and sit with the requestor during their review. We cannot decline this type of review of our files. Work with Deidra Wolf to coordinate the requestor's review.

## Records Not Subject to Release

- 1) If a record pertains to a patient's medical condition or their medical record and was generated in the process of medical treatment it should not be released.
- 2) A record that contains information that was specifically compiled in reasonable anticipation of litigation does not have to be released. There is also an investigation exception that protects work product specifically relating to a case until the case is closed. In this situation, consult with legal counsel representing us on the case for issues relation to disclosure.
- 3) Infrastructure records that include the configuration of a public office such as: communication and computer, electrical, mechanical, ventilation, water and plumbing, and security codes do not have to be released. Infrastructure records are not simple floor plans that disclose only the spatial relationship of a public office or building.
- 4) Security records do not have to be released. A security record is:
  - Information used for protecting or maintaining the security of a public office against attack, interference or sabotage.
  - Assembled, prepared, or maintained to prevent, mitigate or respond to acts of terrorism including any of the following:
    - Specific and unique vulnerability assessments or response plans;
    - Specific intelligence information;
    - National security records

It is important to note that parts of these records may need to be released and parts may not. Work with Deidra Wolf or Mitzi Kline to determine what information should be redacted and how to do it.

## Important Things to Note

- 1) Thoughts or conversations cannot be requested as a public record.
- 2) Minutes are considered public record immediately after they are taken (even in draft form). They do not have to be signed or approved prior to being released but should be stamped "draft".
- 3) Names of complainants are NOT protected.

- 4) It is not our job to figure out what the requestor wants but it is the policy of the Franklin County Public Health that every effort should be made by staff to accommodate every request that is received.

## **Incident Reporting**

If records are lost, accidentally destroyed or are corrupt electronic records, staff must immediately report that to their Supervisor. The Supervisor of the program must work with staff to document what happened on a FCPH Incident Report form. Once completed, a copy should go to Human Resources and second copy to Deidra Wolf to be kept with our original retention schedule. This incident report will be kept until the retention period for said records has passed. Failure to report lost, accidentally destroyed or corrupt electronic records may result in disciplinary action.

## **Summary**

This policy is not intended to cover every possible request that may be received but should serve as a guide as to how to properly respond to public records requests. As a government office it is the responsibility of Franklin County Public Health to maintain and provide all applicable records to the public when requested. Questions relating to the release of records should be directed to Deidra Wolf or Mitzi Kline.

Staff who do not properly maintain records and respond to public records requests will be subject to disciplinary action.

Adopted by the Franklin County Board of Health (Resolution 11-092) on October 11, 2011.