

## 5 - 15.1

### ADMINISTRATIVE POLICY REGARDING PUBLIC RECORDS

**(A)** Purpose. It is the policy of Kent state university that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Kent state university to adhere to the Ohio public records act.

**(B)** Definitions.

**(1)** Record. For the purposes of this policy, a record includes any document, device, or item, regardless of physical form or characteristic, including an electronic record; that is created or received by, or coming under the jurisdiction of the university; and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the university.

**(2)** Public record. A "record" as defined in this paragraph that is kept by the university, subject to applicable exemptions from disclosure under Ohio or federal law. All public records shall be organized and maintained in such a way that they can be made available for inspection and copying.

**(C)** Implementation.

**(1)** Handling requests. All requests for Kent state university public records shall be directed to the office of general counsel ("OGC"). No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow OGC to identify, retrieve, and review the records.

**(a)** The requester does not have to put a records request in writing, and does not have to provide their identity or the intended use of the requested public record(s). It is OGC general policy that this information is not to be requested. However, OGC may ask for a written request, the requester's identity, and/or the intended use of the information requested, if a written request or disclosure of identity or intended use would benefit the requester by enhancing the OGC's ability to identify, locate, or deliver the public records that have been requested; and the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

**(b)** In processing the request, the university does not have an obligation to create new records or perform a search or research for information in the

university's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the university's standard use of sorting, filtering, or querying features.

**(c)** In processing a request for inspection of a public record, an OGC employee may accompany the requester during inspection to make certain original records are not taken or altered.

**(2)** Response timeframe. Public records are available for inspection promptly during regular business hours. Copies of public records shall be made available within a reasonable period of time.

**(a)** "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

**(b)** It is the goal of OGC that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following OGC's receipt of the request.

**(3)** Electronic records. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the university are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

**(4)** Denial and redaction of records. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that OGC cannot reasonably identify what public records are being requested, the request may be denied, but OGC will then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by OGC.

**(a)** If OGC withholds, redacts, or otherwise denies requested records, it will provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation will also be in

writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest will be released.

**(b)** When making public records available for public inspection or copying, OGC shall notify the requester of any redaction or make the redaction plainly visible.

**(5)** Copying and mailing costs. Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is ten cents per page. The charge for electronic files downloaded to a compact disc, USB flash drive, or other portable storage device is the actual cost of the device. A requester may be required to pay in advance for the actual costs involved in providing the copy.

**(a)** The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which OGC determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

**(b)** If a requester asks that documents be delivered to them, the requester may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

**(D)** Managing records. Kent state university records are subject to retention schedules pursuant to rule 3342-5-15 of the Administrative Code. The university's current schedules are available on the OGC website, a location readily available to the public as required by division (B)(2) of section 149.43 of the Revised Code.

**Policy Effective Date:** Sep. 01, 2019

**Policy Prior Effective Dates:** 3/5/2008, 3/1/2015

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