

# **Ohio Liquor Control Commission**

## **Public Records Request Policy**

### **Mission Statement**

Openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Liquor Control Commission ("Commission") to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

### **Defining Public Records**

A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the Commission that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A "public record" is a "record" that is being kept by the Commission at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

### **Response Time Frame**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "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.

It is the goal of the Commission that all requests for public records should be acknowledged in writing or, if possible, satisfied within three (3) business days following the Commission's receipt of the request.

### **Handling Requests**

All public records requests shall be directed to the Executive Director or the Assistant Director.

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 the Commission to identify, retrieve, and review the records. If it is not clear what records are being sought, the Commission must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the Commission keeps its public records.

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is the Commission's general policy that this information is not to be requested. However, the law does permit the Commission to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the Commission's ability to identify, locate, or deliver the public records that have been requested; and (2) 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.

In processing the request, the Commission does not have an obligation to create new records or perform a search or research for information in the Commission's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Commission's standard use of sorting, filtering, or querying features. Although not required by law, the Commission may accommodate the requester by generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, including Commission case files, a Commission employee must review the documents prior to allowing the requester to view the file to ensure properly excluded information, such as social security numbers, are redacted. A Commission employee must also accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Ohio Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) for the purpose of keeping Commission employees and the public educated as to the Commission's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

### **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 (such as a smartphone) 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 Commission are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

### **Denial or Redaction of Records**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Commission cannot reasonably identify what public records are being requested, the request may be denied, but the denial must provide the requester an opportunity to revise

the request by informing the requester of the manner in which records are maintained and accessed by the Commission.

If the Commission withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the Commission shall notify the requester of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

### **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 five (5) cents per page. The charge for electronic files downloaded to a compact disc is the actual cost per disc.

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the Commission determines that the record can reasonably be duplicated as an integral part of the Commission's normal operations.

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

As to the method of payment for the copies and any mailing costs, the Commission may accept cash or a bank check, certified check, or money order, made payable to the Treasurer, State of Ohio. The Commission shall not accept a personal check.

### **Managing Records**

Commission records are subject to records retention schedules. The Commission's current schedules are available at 77 S. High Street, 18<sup>th</sup> Floor, Columbus Ohio 43215, a location readily available to the public as required by Section 149.43(B)(2) of the Ohio Revised Code.

Written public records requests and the Commission's response to the request, including copies of any records released pursuant to the request, shall be maintained by the Commission in accordance with the Commission's records retention schedule. If a public records request is made orally, a document memorializing the request shall be written and kept on file with the response and copies of any documents provided.