

Public Records 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 Fayette County Board of Elections to fully comply with and abide by the spirit and letter of the Ohio's Public Records Act. R.C. 149.43(E)(1) requires that the Fayette County Board of Elections adopt a public records policy for responding to public records requests; this document shall constitute such public records policy.

To meet this duty, the following policies have been adopted.

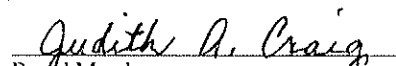
1. The Director and the Deputy Director are designated to serve as the records managers for the Fayette County Board of Elections. The Director or Deputy Director shall create and post the Public Records Policy and R.C. 3501.13(C) in a conspicuous place in the Fayette County Board of Elections Office. A copy of the Fayette County Board of Elections policy for responding to public records requests shall also be posted on the Fayette County Board of Elections website and shall be made available to all employees of the Fayette County Board of Elections. All requests to inspect, and/or receive copies of, the Fayette County Board of Elections public records shall be referred or transmitted to the Fayette County Board of Elections Director or Deputy Director, or in the event of his/her unavailability, to an employee so designated by the Director or Deputy Director to serve as records manager. Basic requests for information otherwise available on the website may be fulfilled by staff members of the Fayette County Board of Elections.
2. Public records are to be available for inspection during regular business hours, 8:30 a.m. to 4:00 p.m. with the exception of published holidays or other days that the Fayette County Board of Elections is closed. Public records must be made available for inspection in a reasonable amount of time. When a sufficient number of personnel are not available to access secured records, such inspection shall be arranged to happen as reasonably feasible thereafter.
3. A response to a request for copies of public records shall be provided within a reasonable time. "Reasonable" takes into account factors such as:
 - a. The volume of records requested.
 - b. The amount of time before or after an election that the request is placed.
 - c. The proximity of the location where or circumstances under which the records are stored.
 - d. The necessity for any legal review and redaction of the records requested.
4. A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business email) – that is created, received by, or comes under the jurisdiction of the Fayette County Board of Elections that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.
5. All records kept by the Fayette County Board of Elections are public unless the record is exempt from disclosure under Ohio law or outside of the statutory definition of public records. Some examples of exempted records include:
 - a. Social security numbers and/or tax identification numbers of persons in the voter registration database. Also, other personal information contained in records relating to Fayette County Board of Elections members, employees, contractors, vendors, or customers are not considered public records.
 - b. Personal financial information (such as credit card and bank account information) contained in records relating to Fayette County Board of Elections employees, contractors, vendors or customers.
 - c. Health records relating to Fayette County Board of Elections employees.
 - d. Material contained in case files which may be within the definition of a trial preparation record.
 - e. Records containing information relating to security procedures for the Fayette County Board of Elections facilities and voting locations.
 - f. Records protected by attorney-client privilege.
6. 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 office to identify, retrieve, and review the records. If the Director or Deputy Director upon receiving the request is unclear as to the scope of the request or what records are being requested, he/she should contact the requester for clarification and should assist in revising the request by informing the requester of the manner in which the office keeps its records. If, upon seeking revision, the request remains ambiguous or is considered overly broad in scope, the request may be denied.
7. Unless specifically required or authorized by state or federal law, the Board may **not** limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.
 - a. The Fayette County Board of Elections may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the board to identify, locate, or deliver the public records sought by the requester.
 - b. The Fayette County Board of Elections should ask that the requester provide a mailing address or an email address only if the requester desires that copies of records be delivered by mail or by electronic transmission, respectively.
 - c. If the requester declines to make a written request, the Director, Deputy Director, or an employee receiving the oral request may create a written record of his/her understanding of the scope of the request. Such record should, at a minimum, describe the record(s) requested and the time period covered by the request.
 - d. If requested, the written record created by a board employee of the request may be provided to the person placing the records request. If the written record does not represent the actual request, the person placing the records request should inform the Director or Deputy Director, or an employee of the corrections needed within two business days.
8. Any denial of a request for public records must include an explanation, including legal authority. 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 of a record may be redacted and the remaining

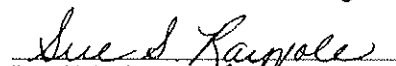
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- portion released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. If upon receiving a public records request the Director, Deputy Director, or designated employee is unsure whether information should be made available to the requester, the employee should request that the Fayette County Prosecutor's office review the request. If a request is ultimately denied, in part or in whole, the Director, Deputy Director, or designated employee shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.
9. The Fayette County Board of Elections is only required to provide copies of records that it actually maintains. The Fayette County Board of Elections is not obligated or required to create new records or perform new analysis of existing information (i.e. produce special reports, or data compilations, in a form that is not regularly maintained by the Fayette County Board of Elections).
 10. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying.
 11. In processing a request for inspection of a public record, an office employee must accompany the requester for inspection to make certain original records are not taken or altered.
 12. The person making a public records request has the right to choose to have the public record duplicated upon paper, upon the same medium upon which the Fayette County Board of Elections keeps it, or upon any other medium upon which the Director or Deputy Director determines that the record reasonably can be duplicated as an integral part of the normal operations of the Fayette County Board of Elections office. Although copies of most Fayette County Board of Elections records can be provided on paper, copies of records maintained in an electronic format may also be provided using a compact or digital video (versatile) disc, unopened and unused external media device (thumb drive) provided by the requester, or as an e-mail attachment; however, all requesters are cautioned that some of the records might not be readable in such electronic format without special software.
 13. Copies of public records shall be provided upon request at the Fayette County Board of Elections actual cost. For purposes of this policy, "actual cost" includes the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services. The time spent assembling the copies shall not be included in the cost of providing the copies. The cost of copies of public records is set by the board and posted in the office and on the website.
 - a. Paper photocopies of public records will be provided at a cost of \$0.05 per page. Per request, charges for photocopies of public records that amount to \$1.00 or less are not charged.
 - b. Labels will be provided at a cost of \$0.01 per label.
 - c. Copies provided on a compact disc (CD) will be provided at a cost of \$0.35.
 - d. Due to computer system integrity and security issues, the Fayette County Board of Elections may deny a request to use blank media supplied by the requesting party to store or capture the requested information.
 - e. The Fayette County Board of Elections shall notify the requesting party of any costs of labor and materials in cases where outside labor must be hired to comply with a public records request.
 - f. The Fayette County Board of Elections shall charge the actual costs of postage when the requesting party requires the public records be transmitted via mail service.
 - g. The Fayette County Board of Elections reserves the right to require payment in advance of providing public records when the estimated cost exceeds five dollars (\$5.00).
 - h. There is no charge for emailed documents or those made available online.
 - i. Maps and other generated materials may vary in cost depending upon individual requests. The requester shall be notified of the costs at the time of the request.
14. The records of the Fayette County Board of Elections are subject to records retention schedules. The office's current schedules are available at the Fayette County Board of Elections as required by R.C. 149.43 (B)(2) and readily available on line at <https://www.electionsonthe.net/oh/fayette/>.

Formal adoption of this policy approved on July 11, 2018.


Board Chair


Board Member


Board Member


Board Member