



Ohio Administrative Code Rule 3349-3-125 Public records.

Effective: August 22, 2019

(A) Purpose

This rule is designed to assist in facilitating prompt access to public records and to ensuring compliance with the Ohio public records act.

(B) Scope

This rule applies to all individuals who manage records of the university.

(C) Definitions

(1) "Records retention schedule" refers to an institutional resource that provides guidance to the university community on the appropriate retention and disposition of records.

(2) "Public record" refers to records that are subject to release under the Ohio public records law.

(3) "Record" refers to any document, device, or item, regardless of physical form or characteristic, including an electronic record, that is created, received by, or comes under the purview of the university which serves to document the organization, its functions, policies, decisions, procedures, operations or other activities of the university.

(D) Rule

(1) Processing requests

(a) The office of the general counsel is the designated office for receiving and reviewing all public records requests. Requests can be made in person, by telephone, or in writing, including email.



- (b) If another university department or office receives a public records request, that department or office should refer the request to the office of the general counsel.
- (c) Although no specific language is required to make a public records request, the requester must identify the record(s) requested with sufficient clarity to allow the university to identify, retrieve, and review the records.
- (d) The requester does not have to put a public records request in writing and does not have to provide their identity or the intended use of the requested public record(s). The university is permitted to ask for a written request, the requester's identity, and/or the intended use of the information in certain circumstances.
- (e) The university is not obligated to create a new record containing the information requested or to perform research in response to a public records request.
- (f) The university is not obligated to continue to update the requestor if new records are created after the record(s) are provided to the requestor.
- (g) A university employee may accompany the requester while the requestor is inspecting university records.
- (h) The university may not limit the number of public records requests that a single individual can make, nor limit the number of public records that will be made available during a fixed period of time.
- (i) When a public records request is made to examine a personnel file of a current employee, the university will make a good faith effort to inform the employee whose file is the subject of the request.
- (j) Requests for the release of records that are made through releases, subpoenas, or discovery efforts will be managed by the office of the general counsel and the affected department or office where the records are located.
- (2) Electronic records



(a) Electronic records, such as email, 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 (i.e. paper, audiotape).

(b) All university employees are required to manage their email and other electronic records in accordance with the northeast Ohio medical university (NEOMED) records retention schedule and rule 3449-3-175 of the Administrative Code.

(c) Content transmitted to or from private accounts or personal devices that constitutes a public record is subject to disclosure.

(3) Response timeframe

(a) NEOMED public records are to be available for inspection during regular business hours.

(b) Public records must be made available for inspection promptly and copies of public records must be made available within a reasonable period of time.

(4) Denial and redaction of records

(a) Ambiguous or overly broad requests may be denied. The university will 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 university.

(b) Certain records, or portions of a record, are exempt from disclosure. Exempt portions of a record will be redacted. Any redactions will be plainly visible and explained to the requester with citation to the associated legal authority.

(5) Costs for copying and mailing of records

The university may require prepayment of costs associated with producing copies and delivery and may charge only its actual cost of producing copies of the records, including copying and mailing



expenses.

(6) Managing records

Records are subject to the NEOMED records retention schedule and are managed in accordance with rule 3449-3-175 of the Administrative Code.