

State Medical Board of Ohio

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PUBLIC RECORDS POLICY

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Introduction

The State Medical Board of Ohio [Medical Board] believes that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Medical Board to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Section 1. Public Records

The Medical Board, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Medical Board are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1 Maintenance of Records

It is the policy of the Medical Board that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and made readily available to the public upon request.

Section 2. Records Request

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 Clarity of Request

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the Medical Board to identify, retrieve, and review the records. If a requestor makes an ambiguous or

overly broad request or has difficulty in making a request for copies or inspection of public records such that the Medical Board cannot reasonably identify what public records are being sought, the Medical Board may deny the request but shall provide the requestor with an opportunity to revise the request in compliance with Section 2.4 of this policy.

Section 2.2 Writing Not Required

The requester does not have to put a records request in writing.

However, a requestor may be asked to submit the request in writing, as follows:

- ❖ After first being informed that the request does not have to be in writing and the requestor may decline to do so, the requestor will be told that the submission of a written request will benefit the requestor by assisting the Medical Board in identifying the records sought and tracking the status of requests.
- ❖ If the requestor declines to submit the request in writing the request will be processed based upon the information conveyed verbally.

Section 2.3 Requestor's Identity Not Required

The requestor does not have to provide his or her identity.

However, a requestor may be asked to provide his/her name and address, as follows:

- ❖ After first being informed that the requestor may decline to reveal his/her identity, the requestor will be informed that revealing his/her identity would benefit him/her in one or both of the following ways:
 - ❖ It will enable a written acknowledgement of the request to be sent. (*See Section 2.6*) If the requestor declines to provide his/her name and address for the purpose of receiving a written acknowledgement of the request, the requestor will be informed that the Medical Board will accordingly be unable to provide a written acknowledgement of the request. The request will be otherwise processed in accordance with this policy.
 - ❖ It may assist in the delivery of records requested. If the requestor has requested delivery of the records but refuses to provide sufficient information for delivery purposes, the requestor will be informed that the request will not be processed until such time as either the delivery information is received or the requestor informs the Medical Board that he/she will pick up the responsive records at the Medical Board office.

Section 2.4 Requestor's Intended Use of Records Not Required

The requestor does not have to provide the intended use of the requested public record.

However, if the requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Medical Board cannot reasonably identify what public records are being sought, the Medical Board may deny the request but shall provide the requestor with an opportunity to revise the request, as follows:

- ❖ After first being informed that the intended use of the requested public record does not have to be provided, the requestor will be informed of both of the following: (1) That disclosing the intended use may help to identify and/or locate the records sought; and (2) The manner in which records are maintained by the Medical Board and accessed in the ordinary course of the Medical Board's duties.

Section 2.5 Records: Inspection and Copies

Public records are to be available for inspection during regular business hours of the Medical Board, with the exception of state 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; and the necessity for any legal review of the records requested.

The Medical Board's regular business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

The Medical Board may ask the requestor who wishes to inspect public records to schedule an appointment for the earliest mutually convenient time.

Section 2.6 Acknowledgment and Response

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as promptly as possible.

All requests for public records must either be responded to or acknowledged in writing by the Medical Board within five business days following the office's receipt of the request,

or the determination that correspondence on another matter also contains a request for public records.

Section 2.7 Denial; Redaction

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Cost for Copies

Those seeking public records will be charged only the actual cost of making copies. Where a copy charge is incurred, the requestor may be asked to pay in advance the cost involved.

Section 3.1 Paper Copies

The charge for paper copies is \$.05 per page for 100 or more pages.

Section 3.2 Records on CD

The charge for downloaded computer files to a compact disk is \$1 per disk.

Section 3.3 Records Sent by E-mail

There is no charge for documents delivered by e-mail.

Section 3.4 Mailing Costs

Requestors may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies where a copy charge is incurred. (*See Section 3.1*)

Section 4. Medical Board E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 Private E-mail Accounts

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (*see Section 1*) and to copy them to their business e-mail accounts and/or to the office's records custodian.

The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to Respond to a Public Records Request

The Medical Board recognizes the legal and non-legal consequences of failure to properly respond to a public records request.
