

JEFFERSON METROPOLITAN HOUSING AUTHORITY
PUBLIC RECORDS POLICY

Resolution 2020-019

Introduction

Jefferson Metropolitan Housing Authority (JMHA) acknowledges that it maintains many records that constitute public records under Ohio's Public Records Law. The records maintained by JMHA and the ability to access them are a means to provide trust between the public and JMHA. The purpose of this Public Records Policy (Policy) is to set forth policies and procedures employed by JMHA for receiving and responding to requests for public records.

Public Records

In accordance with the Ohio Revised code, this office defines records as any document, device, or item, regardless of physical form or characteristic, including an electronic record that is kept by JMHA and which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of JMHA.

JMHA has a designated employee, the Public Records Coordinator, who serves as the custodian of all records maintained by the office. This Public Records Policy is a part of the Policies and Procedures Manual of JMHA and is available to the public upon request (R.C.149.43(E)(2)). The Policy and Procedure Manual, as with all manuals of JMHA, is located at the agency central office, 815 North 6th Ave., Steubenville, Ohio 43952. It is the policy of JMHA that, records will be organized and maintained so that they are readily available for inspection and copying.

Record Requests and Availability

All public records maintained by JMHA shall be promptly prepared and made available for inspection to any person during regular business hours by appointment. Regular business hours for JMHA are Monday through Friday (except holidays), from 8:00 a.m. to 4:00 p.m. Appointments to view records inspection can be made by contact JMHA office at 740-282-0994.

The Requester is not required to put a records request in writing and does not have to provide his or her identity. The Requester does not have to provide the intended use of the requested public record. However, to assist with determination and clarity of the specific record requested, the Requester is asked to make the request in writing whenever possible. JMHA may require a written request or disclosure of identity or intended use only when such information would benefit the request by enhancing JMHA's ability to identify, locate or deliver the public record sought by the Requester. A Public Records Request Form is available for the use of the Requester.

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.

All requests for public records should either be satisfied or acknowledged in writing by JMHA within (5) business days following receipt. If a request will not be satisfied within five (5)

business days, a notice of receipt should be sent to the Requester and include a description of records if necessary, and an estimated cost if copies are requested.

Each request for public records should be evaluated for an estimated length of time required to gather the records. Routine request for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, 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 quickly as the equipment allows.

In the event a request is made to inspect and/or obtain a copy of a record maintained by JMHA whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to JMHA legal counsel for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by JMHA. Under no circumstance are persons seeking copies of public records permitted to make their own copies of the requested records by any means (R.C. 149.43(B)(6)).

Denial of Request for Access

Any denial of public records requested must include an explanation (R.C. 249.43(B)(3)), 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 (R.C. 149.43(B)(1)). Redaction means obscuring or deleting any information that is exempt from the duty to permit public inspection or copy from an item that otherwise meets the definition of "record" in section 149.011 of the Ohio Revised Code (149.43(A)(11)).

A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction (R/C/ 149.43(B)(1)). When making a public record available for public inspection or copy that public record, JMHA shall notify the Requestor of any redaction or make the redaction plainly visible (R.C. 149.43(B)(1)).

Requests for inspection and/or copies of public records which are not maintained by JMHA shall be processed by issuing a written statement of the following:

1. The request involves records that have never been maintained by JMHA
2. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to changes or adjustments in operations of the agency
3. Their request involves a record that has been disposed of pursuant to normal application, tenant file or financial records disposition policy.
4. If the record that is requested is not a record used maintained by JMHA, the Requestor shall be notified that in accordance with ORC Section 149.40, that JMHA is under no obligation to create records to meet public record requests.

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 Public Records Coordinator cannot reasonably identify what public records are being requested:

1. JMHA may deny the request

2. JMHA shall provide the Requester with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by JMHA in the ordinary course of business (R.C. 149.43(13)(2)).

Records whose release is prohibited or exempted by either state or federal law, or not considered public records shall not be subject to public inspection. The following represents a partial list of records maintained by JMHA that may **not** be inspected or copied:

- Social security numbers
- Medical records
- Trial or litigation information prepared by the agency or related to the legal event and communications by and between JMHA and its attorneys
- Certain records with the Ohio Civil Rights commission
- Records of the recreational activities of a person under the age of eighteen which includes the person's address, telephone number, social security number, date of birth, photograph and more
- Certain day-care records
- Records the release of which are prohibited by state or federal law
- Security information used for protecting or maintaining the security of a public office against attack, interference, or sabotage

Employees of JMHA shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure. Under this circumstance, the Requester should be so notified that the request is under legal review.

Fees

Those seeking public records will be charged the following:

1. The charge for paper copies is .25 (25 cents) per page
2. The charge for downloaded computer files to a compact disc is \$1 per disc
3. There is no charge for documents e-mailed
4. For video tapes, cassette tapes or other forms of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contacted to provide the copy
5. The Freedom of Information Act waiver provision, 5USC, Section 552(a)(4)(A)(iii), directs agencies to furnish documents free or at a reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations of activities of the government and is not primarily in the commercial interest of the Requester. If an individual or group requests a "waiver of the copy fees that individuals or groups must pay, this must be done by using a waiver form. This form will then be submitted to the Public Record Officer for approval. If approved, JMHA will waive the cost of copies.

Mailed Requests

Requesters may ask that documents be mailed to them. These requests will be charged the actual cost of the postage and mailing supplies, or they may provide a self-addressed, postage paid return mail envelope or another appropriate container.

Upon receiving a written request by mail for copies of a public record, JMHA shall promptly respond to the request.

If fees for copies and/or a pre-aid postage envelope is not provided with the written request, an authorized employee of JMHA shall, by any means practical, contact the Requester and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of paste and the envelope (R.C. 149.43(B)(7)).

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.

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 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.

Failure to Respond to a Public Records Request

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

If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may contact the Executive Director, or following direction from the Ohio revised Code section 149.43 (R.C. 149.43(C)(1)(1)).

OPEN MEETING POLICY

All meetings of the Board of Commissioners of the Jefferson Metropolitan Housing Authority will be open to the public. The meeting schedule will be provided to The Herald Star monthly. Meetings are held on the 4th Wednesday of each month at 3:00 p.m. in the JFK Community Room, located at 815 N. 6th Ave., Steubenville, OH 43952.

The minutes of regular and special meetings will be promptly recorded and open to the public for inspection. Executive Sessions may be held at a Regular or Special Meeting. These meetings will be entered into and returned to regular session by a roll call vote of the Board. No action will be taken while in Executive Session. Any vote on any matter discussed within the Executive Session will be taken in Open or Public Session. Matters that can be discussed during Executive Session are specifically limited by the Ohio Revised Code. The minutes of the meeting must include a general description of the nature of the Executive Session discussion.

The Regular Meetings of the Board of Commissioners are held on the fourth Wednesday of each month at 3:00 p.m. Notice of any Special Meeting will be notified to the local news media at least 24 hours in advance to any publication that has requested such notification. If an emergency meeting of the Board on a matter which requires immediate action is necessary will require immediate notification to the media that has requested such notification.

**JEFFERSON METROPOLITAN HOUSING AUTHORITY
(JMHA)**

Ohio Public Records Request

While not mandatory, if you fill out this form it will help us provide the public records you are requesting in a more timely fashion.

Name of Requestor	
Street Address	
City, State and Zip Code	
Telephone Number	Today's Date
With as much specificity as possible, please describe what records you want to review. Please Print.	

Copies are \$.25 per page if copied by JMHA or the amount charged to JMHA by a commercial reproduction company. ALL REQUESTS REQUIRE ADVANCE PAYMENT. Mailing charges are assessed at JMHA cost. There is no charge to inspect records but an appointment must be scheduled in advance by contacting JMHA office at 740-282-0994. Please check your preference below.

- I would like to inspect these records in the building upon appointment
- I would like these records copied and I will pick them up when they are ready.
- I would like these records copied and mailed to me at the address on this form.

Name of Employee handling Request	Date request completed
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**JEFFERSON METROPOLITAN HOUSING AUTHORITY
PUBLIC RECORDS ARE UNAVAILABLE**

The Public Records you requested are not available:

_____ The request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable JMHA Schedules of Record Retention and Disposition, or that have been disposed of in compliance with acceptable HUD practices for disposal of applications, tenant files, and other relevant documents.

_____ The request involves a record that does not exist. In accordance with ORC Section 149.40, JMHA is under no obligation to create records to meet public records requests.

_____ The record that is requested is prohibited from release due to applicable state or federal law.

JMHA Public Records Coordinator

Date

**JEFFERSON METROPOLITAN HOUSING AUTHORITY
REQUEST FOR WAIVER OF PUBLIC RECORD FEES**

NAME
ADDRESS
CITY, STATE, ZIP CODE
TELEPHONE
REASON FOR REQUEST OF WAIVER OF RECORD FEES:

SIGNATURE

DATE

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Approved

Denied: _____

JMHA Public Records Coordinator Signature _____
Date _____

REQUIRED NOTICE

AS REQUIRED BY OHIO'S PUBLIC RECORDS ACT, THE JEFFERSON METROPOLITAN HOUSING AUTHORITY HAS A PUBLIC RECORDS POLICY THAT INCLUDES THE FOLLOWING:

AN INTRODUCTION TO THE POLICY
INFORMATION CONCERNING PUBLIC RECORDS
INFORMATION CONCERNING REQUESTS AND AVAILABILITY
INFORMATION CONCERNING DENIAL OF REQUEST FOR ACCESS
INFORMATION CONCERNING FEES
INFORMATION CONCERNING MAILED REQUESTS
INFORMATION CONCERNING E-MAIL
INFORMATION CONCERNING FAILURE TO RESPOND TO A REQUEST
FORM "OHIO PUBLIC RECORDS REQUEST"
FORM "REQUEST FOR WAIVER OF PUBLIC RECORD FEES"
FORM "PUBLIC RECORDS ARE UNAVAILABLE"

IT IS THE POLICY OF THE JEFFERSON METROPOLITAN HOUSING AUTHORITY TO OBSERVE AND BE COMPLIANT WITH OHIO'S PUBLIC RECORDS ACT.

ALL JMHA POLICIES, DOCUMENTS AND FORMS ARE AVAILABLE BY CONTACTING THE RECORDS RETENTION COORDINATOR LISTED ON THE CONTACT UPDATES ONLINE OR POSTED AT EACH OFFICE.