

## **I. PURPOSE AND REFERENCE**

Recognizing that TARTA is a public entity supported by tax dollars it is clear that the public is best served through full compliance with both the letter and the spirit of Ohio's Public Records Act (Act). The purpose of this Policy is to ensure TARTA's compliance with the Act, which is found in Chapter 149 of the Ohio Revised Code.

## **II. SCOPE AND DEFINITION**

A. Generally, the Ohio Public Records Act imposes two primary obligations upon public offices, including TARTA:

1. To provide prompt inspection of public records; and
2. To provide, upon request, copies of public records within a reasonable period of time.

B. A public record is defined as any record maintained by TARTA that is not exempt from public disclosure as defined in Ohio Revised Code § 149.43 or other state or federal law. A public record includes the following:

1. Any document that contains information stored on a fixed medium such as paper, computer, video, photograph, etc.;
2. Which is received, created or sent under the jurisdiction of TARTA; and
3. Which documents the organization, functions, policies, decisions, procedures, operations or other activities of the office.

Any questions as to whether a document should be disclosed may be directed to general counsel for legal advice.

## **III. AVAILABILITY OF RECORDS**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be available for inspection promptly. "Prompt" takes into account the volume of records requested; the proximity of the location where the records are stored and the necessity for any legal review and redaction of the

records requested. Requests to inspect public records will not be subject to an inspection fee.

#### **IV. HANDLING REQUESTS**

A person may request access to public records orally or in writing. Whether the request is oral or written, the requestor must identify the records requested with sufficient clarity to allow the office to identify, retrieve and review the records. If it is not clear what records are being sought, TARTA staff will contact the requestor for clarification and will assist the requestor in revising the request by informing the requestor of the manner in which TARTA keeps its public records.

In requesting records, the requestor is not required to provide information regarding identity or the intended use of the requested public record. TARTA will request that the record request be made in writing, that the requestor provide information regarding identity and/or the intended use of the information only if a written request, disclosure of identity and/or intended use would benefit the requestor by enhancing TARTA's ability to identify, locate or deliver the public records that have been requested. However, the requestor must be informed that a written request is not required and that the request for information regarding identity or intended use may be declined.

When processing a public record request, TARTA is not obligated to create new records or perform new analysis of existing information. 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. Although not required by law, TARTA may, at its discretion, accommodate a requestor by generating new records when it is practical and sensible to do so under the circumstances.

If a requestor seeks to inspect a public record TARTA staff will accompany the requestor during the inspection to assure original records are not removed or altered.

#### **V. DENIAL OR REDACTION OF RECORDS**

If a request is ambiguous, overly broad or not clearly relayed the request may be denied, but TARTA will first provide the requestor an opportunity to revise the request by providing information regarding the manner in which records are maintained and accessed. Any denial of a public record request will include an explanation, including legal authority. If the public record request was made in writing, the explanation will be provided in writing. If portions of a record are public and portions are exempt the exempt portions will be redacted and the rest released. If any redaction is made the requestor will be notified of the redaction or the redaction will be plainly visible. Each redaction will be accompanied by a supporting explanation, including legal authority.

## **VI. COPYING AND MAILING COSTS**

Anyone seeking to have TARTA public records reproduced will be charged only the actual costs of making the copy, not including labor. The charge for paper copies is \$0.05 per page. The charge for electronic filing downloaded to a compact disk is \$1.00 per disk. A requestor may be required to pay these costs in advance. The requestor may choose whether to have the record duplicated on paper, upon the same medium in which the public record is kept or upon any other medium on which TARTA determines that the record can reasonably be duplicated as an intrical function of its normal operations. If it is requested that the documents be mailed, the requestor may be charged the actual cost of postage and mailing supplies. There is no charge if documents are emailed in response to a request.