



## Records Management Policy

The Board of Park Commissioners of the MetroParks of Butler County recognizes the need for orderly management, maintenance, and retrieval of all official public records, to make such records not otherwise exempt from disclosure available for inspection and reproduction, and a documented records retention and destruction schedule congruent with all state and federal laws and related regulations.

The Board will utilize the following procedures regarding the availability of public records.

Records Definition: "Public records" are defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in statute as having been created, generated, sent, communicated, received, or stored by electronic means, created or received by or coming under the jurisdiction of the Board or its employees, which is kept by the Board and which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the park district. Ohio Revised Code 149.43 shall be the authority as to whether or not information is considered a public record.

Custodian of Records: The Executive Director of MetroParks of Butler County shall be the ultimate custodian of all records concerning the park system, taking into consideration that other staff members, including department heads, park managers, and office personnel reporting to the Executive Director may be the immediate custodian of various records pertaining to their area of responsibility.

Storage of Records: When records have been prepared for permanent or long-term storage, they shall be delivered to the Butler County Records Center and Archives for storage in their Virtual Records Center.

Confidential Records: "Public records" do not include medical records, trial preparation records, confidential law enforcement investigatory records, records the release of which is prohibited by State or Federal law, or any other exceptions set forth in R.C. 149.43. If portions of a record are public and portions are exempt, the exempt portions are to be redacted from the copy being furnished and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. The

redaction shall be plainly visible on the redacted copy of the public record. Every redaction shall be considered to be a denial of the request.

Availability: The public records of MetroParks of Butler County shall be available at all reasonable times during MetroParks' regular business hours. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time. The MetroParks public records shall be promptly prepared and made available for inspection. A reasonable period of time may be affected by a number of circumstances including, but not limited to, the volume of the records requested, the proximity of the location where the records are stored, the need for the MetroParks to review and redact non-public/confidential information contained in the record and/or the need for the MetroParks to seek legal advice.

Where/From Whom to Make a Request: Requests should be directed to the Executive Director of the MetroParks of Butler County, 2051 Timberman Road, Hamilton, OH 45013, Phone: 513-867-5835.

Form of Request: Each request for public records shall be evaluated for a response at the time of the public records request. Although no specific language is required to make a request, the requester must minimally identify the record(s) requested with sufficient clarity to allow the park district to identify, retrieve, and review the record(s).

The request for records need not be in writing. However, a request form is available (see attached). The recipient of an oral request may ask the requester to make a written request but must also inform the requester that a written request is not required. If the requester declines to make a written request, the records custodian shall create a written record of the requestor; such record should describe, at a minimum, the record(s) being requested and time period covered by the request. The requestor shall not be required to provide his/her identity, nor any other information that may be construed to identify the requesting party as a precondition to receiving public records, nor is it necessary to identify the intended use of the requested public record(s).

Form of Public Records Requested: If a request for public records seeks information in a form which is not kept by the MetroParks offices, or if the request is otherwise ambiguous or overly broad, the request may be denied; however, the requestor shall be provided with an opportunity to revise the request after being informed of the manner in which records are maintained by the office and accessed in the normal course of the office's duties.

Response to Request: At the time of the request, the records custodian shall inform the person making the request of the estimated length of time required to gather the records. All requests for public records shall be satisfied or

acknowledged by the MetroParks promptly following the receipt of the request. If the request for records was in writing, the acknowledgement, denial, or any explanation regarding the records by the park district shall also be in writing.

Any request deemed significantly beyond routine, such as seeking a voluminous number of copies and/or records, or requiring extensive research, or requiring time for legal review, and/or requiring careful handling of fragile documents, the acknowledgement shall include the following:

1. An estimated number of business days necessary to satisfy the request.
2. An estimated cost if copies are requested.
3. Any items within the request that may be exempt from disclosure.

Law Governance: The Executive Director is authorized to grant or refuse access to the records of MetroParks in accordance with the law. Any denial, in whole or in part, of a public records request must include an explanation, including legal authority. If the request for records was in writing, the denial shall also be in writing.

Copies and Transmission of Copies: A person may purchase copies of the park district's public records upon payment of a fee. A person who chooses to purchase a copy of a public record may request to have said record duplicated on paper, on the same medium on which the MetroParks keeps the record, or on any other medium in which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. A person who chooses to purchase a copy of a public record may also choose to have that record sent to him/her by United States mail or by other means of delivery or transmission provided the person making the request pays in advance for said record as well as costs for postage and supplies used in the mailing.

Cost of Copies: Those seeking public records will be charged only the actual cost of making copies in whatever form the records exist and the actual costs of postage when the requesting party requires the public records to be transmitted via mail service. Unless a record request falls within a provision of Ohio law which permits the cost of labor in fulfilling a record request, fees shall be restricted to the actual cost of materials and shall not include staff time to fulfill a request. Costs will be established by the Executive Director at the current "going rate". When the estimated cost of providing records exceeds \$5.00, payment *may* be required in advance at the discretion of the MetroParks Executive Director.

The following public records fee schedule is in effect as of the writing of this policy:

<b>Record Type/Media</b>	<b>Unit</b>	<b>\$/Unit</b>
Written Document (Paper Copy)	Page	\$.05
3.5" Computer Diskette	1.44m diskette	\$1.00
Audio cassette Tape	Tape	\$1.00
Video cassette Tape	Tape	\$2.50
Recordable CD (CD-RW)	Disk	\$1.00
Emailed Documents (if possible)	No Charge	N/C

Removal of Public Records: No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Board Member Requests: Nothing in this policy shall be construed as preventing a Board member, in the performance of his/her official duties, from inspecting any record of MetroParks of Butler County, except certain portions of personnel records and applicable records as listed under "Definition".

Records Retention Schedule: All official records (paper, microform, electronic, or any other media) will be retained for the minimum periods stated in the Parks Records Retention Schedule as approved by the Board of Park Commissioners of MetroParks of Butler County, the Butler County Records Center and Archives, the Ohio Historical Society, and the Ohio Attorney General's Office.

After a specified period of time, official records may be disposed of in a manner that is consistent with, and systematically carried out in accordance with, prescribed records and information management guidelines and procedures of the Butler County Records Center and Archives. Notwithstanding such minimum retention periods, all records must be maintained until all required audits are completed and should be retained beyond the listed retention periods when there is a probability of litigation either involving records or requiring their use. A MetroParks record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of a retention period for the record set by the approved records retention schedule of the MetroParks until the completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later.

Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or non-record convenience copies should be destroyed when they cease to be useful and should **never** be kept longer than the official record copy.

The MetroParks of Butler County Records Retention Schedule provides a list of official records for each department and prescribes the periods of authorized retention. The schedule may be revised periodically to include a newly created

record series, to change retention periods, or to delete a record series no longer useful. Appropriate approval procedures must be followed and completed before any revisions would become effective.

Documents may be maintained for the prescribed minimum retention periods in microform. Official records kept only in electronic format must be identified in the Retention Schedule and must comply with the administrative rules of Butler County, Ohio.

Destruction of Records: After the period of time specified in the MetroParks Records Retention Schedule, official records may be disposed of in a manner that is consistent with, and systematically carried out in accordance with, prescribed records and information management guidelines and procedures of the Butler County Records Center and Archives. The Butler County Records Center and Archives provides destruction-of-records service which MetroParks shall use for destruction of official records. Park records not listed on the approved Records Retention Schedule may be destroyed after receiving approval by all of the three following entities: (1) the Butler County Records Commission (which consists of the Prosecutor, Auditor, Recorder, County Commissioners, and the Director of the Butler County Records Center and Archives); (2) the Ohio Historical Society; and (3) the Ohio Attorney General's Office.

Adopted - MetroParks Board of Park Commissioners 10/14/08

Revision Adopted 11/18/08 (pages 1-5)

Butler County Email Policy (4/29/09) Incorporated 6/9/09 (pages 6, 7, 8)



## RULES FOR RETENTION AND DISPOSAL OF RECORDS

Effective date August 1, 2009

The Butler County Records Commission is created by R.C. §149.38. The functions of the Records Commission are to:

1. Provide rules for retention and disposal of records of the county;
2. Review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by county offices;
3. Dispose of records pursuant to the procedure outlined in R.C. §149.38; and
4. Review any schedule it has previously approved and, for good cause shown, revise that schedule.

In order to promote uniformity where feasible and to improve the clarity of retention schedules and to protect the public interest, the Records Commission hereby establishes the following rules for the retention and disposal of records of the county.

**Rule 1. Common Terms.** The following terms may be used in retention schedules without being expressly defined in the schedule and will be construed as having the following meanings:

- A. Archive: The process of making a copy of an individual *electronic record* which will be stored as a discrete, static item until disposition in accordance with the retention schedule submitted by the responsible county office and approved by the Records Commission.
- B. Backup: The process of making a copy of a county office's *electronic live records* as such records existed on the date on which the back-up was made. Back-up copies are typically made at defined intervals and are intended for use in restoration of the county office's *electronic live records* in the event of a catastrophic loss or corruption of the office's *electronic live records*. Because back-up copies may not necessarily be intended for *archive* purposes, they may be disposed of in accordance with intervals that meet the administrative or audit needs of the office. A *back-up* copy will not necessarily document the status or content of any individual *record* on a date other than the date on which an existing back-up copy was made.
- C. Electronic Record: A record which is maintained in an electronic medium; examples include data base records, scanned images of paper records, e-mails and attachments to e-mails, records stored on an optical disk and records stored on removable magnetic media.

- D. E-Mail: An electronic mail message.
- E. General Correspondence: Correspondence in whatever media which a county office does not incorporate into, or associate with, another record series identified in the office's retention schedule, as approved by the Records Commission.
- F. Live Records: Those records which a county office intends to maintain available for access as a part of its regular business activities. This is not a record series.
- G. Record: This term is defined by R.C. §149.011(G) to mean "*any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.*"
- H. Record Series: A record group which, based upon the common characteristics of the content or subject matter of the records contained within the group, is described in a county office's retention schedule for the purpose of determining the time period for which the office will retain the records contained in the series based upon the administrative needs of the office or as required by law. Records may be included in separate records series based upon media type but shall not be treated differently based upon their media type. User based sub-series may be utilized. Comprehensive super-series may also be utilized.

## **Rule 2. E-Mail**

- A. Electronic mail systems, commonly called e-mail, are an important communications method of choice for many public officials and public employees and are often used as communication substitutes for substantive information previously committed to paper and transmitted by traditional methods.
- B. The prudent management of e-mail messages and systems is essential to compliance with Ohio laws concerning public records.
  - 1. Just as documents which are created or received by a County office, an e-mail message which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the County office may be a record of the office.
  - 2. County offices that use electronic mail should make their employees aware that e-mail messages, like paper records, must be retained and destroyed according to approved records management procedures.
- C. E-mail shall not be identified as a separate record series, but rather must be included within a record series based upon an analysis of its content or subject matter. A given record series may be subdivided into multiple sub-

series based upon the media type so long as all sub-series are subject to the same retention schedule.

- D. E-mail may be treated as a separate and distinct record super-series if a county office decides to permanently retain all e-mail which meets the statutory definition of a record, in an archive solution which shall, at a minimum, maintain an archive copy of each applicable e-mail and must allow the county office to retrieve a copy of each e-mail to meet the administrative needs of the office or in response to either legal process or a qualifying request under the Ohio Public Records Law. An archive solution is subject to approval by the Records Commission. Back up copies of e-mail archives must be maintained in accordance with approved catastrophic recovery plans.
- E. Decisions regarding the destruction of e-mail messages, which meet the statutory definition of a record, must be made by each office's designated records custodian.
- F. Email records shall be maintained in conveniently accessible and secure facilities and provisions shall be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records, including public records that are created, maintained, received, recorded, copied, or preserved by this information management process shall be provided.
- G. Except as provided in R.C. §143.38, nothing in these rules shall be presumed to replace or supercede the authority, duties or responsibilities of any public office under applicable public records laws, or of any court under the Rules of Superintendence promulgated by the Supreme Court of Ohio.
- H. These rules are not intended to alter, modify or affect any immunity or defense provided to any public office or official under the laws of the state of Ohio.





# PUBLIC RECORDS REQUEST

## O.R.C. Section 149.43

(Completion of this form or any portion of this form is optional. However, it may assist with the speed and accuracy with which the MetroParks is able to comply with the request.)

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Date of public record requested: \_\_\_\_\_

Name of public record requested:

\_\_\_\_\_

\_\_\_\_\_

I request:    Access to Review Records and/or    Copy or Copies of a Record  
(check applicable box or boxes)

### Public Records Copy Fees

#### Expense Fees:

- .05 cents per page for 8 ½ x 11 sheet
- .10 cents per #10 envelope
- .42 cents per postage stamp

#### OFFICE USE ONLY

Fees received on \_\_\_\_\_ by \_\_\_\_\_ \$ \_\_\_\_\_  
Date Name of Person(s) Requesting Records

Number of copies made \_\_\_\_\_ **Cost @ \$0.05 per page** \$ \_\_\_\_\_

Copies delivered by \_\_\_\_\_ **Cost of delivery** \$ \_\_\_\_\_  
(includes packaging)

**TOTAL COST** \$ \_\_\_\_\_

**Refund or Amount Due, if any** \$ \_\_\_\_\_

Request completed by:

Response as to estimated completion time and cost      Staff      Date

Production of copies      \_\_\_\_\_      \_\_\_\_\_

Sending/Mailing/Delivery of Copies      \_\_\_\_\_      \_\_\_\_\_