



Effective Date:	5/11/2023
Last Review Date & Reviewer:	4/19/2023 E. Fawley
Next Review Date:	4/18/2024
Distribution:	All staff & BoH

RATIONALE

- 🛡️ To outline the method to obtain public records in accordance with Ohio Sunshine Laws.

POLICY

- 🛡️ Madison County Public Health (MCPH) will prepare and make available for inspection and/or copying “public records” as defined in Ohio Revised Code (ORC) 149.43 and applicable Ohio Case law, upon the request of any member of the general public. Public records are those created or received under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, or operations. Records will be organized and maintained so that they are readily available for inspection and copying.
- 🛡️ Public records include:
 - Information kept on computer disks or tapes, audio tape, video tape, microfilm, e-mail, text, instant message or other electronic media, microfiche, or other fixed media is subject to disclosure under the Public Records Act.
- 🛡️ Public records do not include:
 - Medical records: Medical records are further defined as any document or combination of documents, (except birth, death, and the fact of admission to or from a hospital) that pertains to a birth record involving adoption, medical history, diagnosis, prognosis, or medical condition of a patient that is generated and maintained in the process of medical treatment.
 - Confidential law enforcement investigatory records: Defined as any record that pertains to law enforcement of a criminal, quasi-criminal, civil or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of the identity of an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source witness’s identity and endanger the life or physical safety of the informant.
 - Fetal death records contain information for medical and health use only. Certified copies of fetal death certificates will contain fetus, parent, disposition, physician/certified and cause of death information only.
 - Records provided to, statements made by, and work-product of, review board members during the meetings of a child fatality review board, other than the summary statistical reports prepared by the review board.



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PROCEDURE

1. MCPH shall make all public records requested available for inspection within a reasonable period of time from the date of the request during regular business hours with the exception of published holidays.
2. The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record(s). It is the office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.
3. In processing the request, MCPH does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as the computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features.
4. Confidential records or records protected by State or Federal law will not be provided for inspection and copying.
5. In processing a request for inspection of a public record, a MCPH employee may accompany the requester during inspection to make certain original records are not taken or altered.
6. "Prompt" and "reasonable" consider the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.
7. All requests for public records that are not immediately fulfilled shall be acknowledged within three business days. The acknowledgement must include the estimated number of business days it will take to satisfy the request, an estimated cost, and any items exempt from disclosure.
8. If the requestor makes an ambiguous or overly broad request, the requestor will be offered an opportunity to revise their request prior to denying the request. A denial must include an explanation and legal authority for the denial.
9. The person desiring the record may choose the method of duplication, as long as it is the same medium upon which the public office keeps it, or some other means that is a normal part of the operation.



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10. If there are any redactions, each redaction must be accompanied by supporting legal authority.
11. A person may obtain copies of closed nuisance reports. The informant's name may be redacted if confidentiality was promised to that informant. If the informant is another government agency, that information shall not be withheld.
12. MCPH shall charge the actual cost to produce the records requested, not labor. Costs include paper, supplies, ink, toner, repair, medium, and postage. Printed copies will be provided at the office's current copier contract rate. The individual or organization requesting copies of records shall remit full payment of associated costs prior to the release of the information by MCPH.
13. Personnel files are public records and must be released for inspection upon request, with certain exceptions. Exceptions include protected health information, social security number, and records specifically compiled in reasonable anticipation of litigations. Records that pertain to employee discipline are public records and must be released upon request.
14. The determination of whether a record is a public record is defined in Ohio Revised Code 149.43. Any denial of public records will 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 supporting explanation including legal authority.
15. A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website (<https://www.ohioattorneygeneral.gov/YellowBook>) for the purpose of keeping MCPH employees and the public educated of MCPH's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, record retention laws, and Personal Information Systems Act.
16. MCPH records are subject to record retention schedules. The current schedule is available at 306 Lafayette St. Suite B, London, OH 43140, a location readily available to the public as required by ORC 149.43(B)(2).
17. Public record(s) can be requested any of the following ways: (1) in-person at the MCPH office (306 Lafayette St. Suite B, London, OH 43140) during regular business hours with the exception of published holidays; or (2) by phone (740-852-3065); or (3) written requests by email (info@madisonpublichealth.org) or mailed letter (306 Lafayette St. Suite B, London, OH 43140). Requests should be directed to clerical staff and/or division directors listed at madisonph.org.