




Hamilton County SHERIFF'S OFFICE

GENERAL ORDER

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| NUMBER: 404 | | |
| SUBJECT: PUBLIC RECORDS | | |
| PAGES: 11 | | |
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PURPOSE

The purpose of this policy is to establish a uniform method and establish procedures for responding to requests for public records, and to establish procedures for the maintenance of departmental records and personnel files.

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404.01

PUBLIC RECORDS

.1 Overview

- .A The Sheriff's Office, 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.
- .B Documents or electronic/recorded information that does not document public office activities as referenced in 404.01.1.A are not subject to the Public Records Act and are not subject to public access.
 - .1 For example, an email between employees setting a lunch date does not document county government activities and does not qualify as a “record.”
- .C All records of the Sheriff's Office are public unless they are specifically exempt from disclosure under the Ohio Revised Code.
 - .1 For example, attorney-client communications are confidential by state law and exempted from disclosure under the terms of the Public Records Act. A list of these exemptions can be found in R.C. 149.43. These exemptions are to be narrowly construed and if a record does not clearly fit into one of these categories of exemptions, it must be released.
- .D During each term of office, the Sheriff, or appropriate designee, is required to attend three hours of training (pertaining to the Ohio Public Records Law) that has been approved by the Ohio Attorney General as provided in Section 109.43 of the Revised Code. The Sheriff's Office shall provide annual training on this policy to each Sheriff's Office Division Commander and Division representative responsible for records management within their department, i.e. Records Management Coordinator, 404.02.1.
- .E A notice describing this Public Records Policy (Appendix “A”) shall be posted in all buildings where employees are employed.

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.F The Sheriff's Office shall follow the Hamilton County Retention Schedule, adopted by the Hamilton County Records Commission, as well as any Records Retention Schedules specific to the Sheriff's Office and each division within the Sheriff's Office

.2 Requests For Public Records

.A The Sheriff's Office shall ensure that all public records requests are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours (8:00 a.m. – 4:00 p.m.).

.B Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time.

- 1) "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.

.C Any questions regarding requests, including what can and cannot be released or redacted, shall be directed to the Sheriff's Chief of Staff or designee who may seek assistance from the Hamilton County Prosecutor's Office. Each division will be responsible for the following:

- 1) Forward to Chief of Staff or designee a copy of or notice of any public records request.

- 2) Maintain a copy of the Sheriff's Office Records Retention Schedule and/or the departmental schedule and a copy of this policy and procedure for public access and review.

.a Sheriff's Office Records Retention Schedule is electronic and can be found on each division or section's Records Management Coordinator's desktop.

- 3) Due to the nature of the records held by the Records Section (B of R), this section may release routine reports upon a verbal request.

.a Information not subject to release must be redacted from routine reports (ie. SSN- Federal Privacy Act

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(5 U.S.C. Section 552(a) and/or RCIC, LEADS, NCIC- confidential by statute and subject to disclosure only by certain statutory procedures applicable to the Ohio Attorney General)

- .D While it is not required that public records requests be submitted in writing, the requestors are encouraged to submit the requests in writing in an effort to prevent any misunderstanding as to the records the requestor is seeking. Individuals requesting a public record cannot be forced to provide identification or a reason for the request, and cannot be charged for time and labor spent fulfilling the request.
- .E 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 public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the Chief of Staff or designee will contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.
- .F If a request is denied in whole or in part, the requestor shall be provided, in writing, an explanation including the legal authority, setting forth why the request was denied. The requestor will be notified if the request is for a record that was never maintained or is no longer maintained (i.e. record met retention period and was destroyed).
- .G If a request includes information that is “exempted” from disclosure, that information must be redacted. The requestor must be notified in writing of what information was redacted and the specific section of the Ohio Revised Code granting legal authority for redaction.
- .H It is not required that the Sheriff’s Office create new records to meet a public records request nor conform records to meet the requestor’s expectations.
- .I It is not required to search a database for information and compile or summarize it to create new records. However, if a computer program is already being used that can perform the search and produce the compilation or summary described by the requester, that output already “exists” as a record for the purposes of the Ohio Public Records Act.

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1) If the database would have to be reprogramed to produce the requested output, the Sheriff's Office does not have that output as an existing record of the office.

.J In response to a public records request, a maximum of 10 public records per month will be sent by mail unless the requester certifies in writing that such records are not being requested for any commercial purpose as provided in the Ohio Public Records Act.

.K Charges will be billed for copies, plus any postage and delivery fees. Payment for the cost of the copies may be requested in advance. Payment may be made by cash or a check written out to the Hamilton County Sheriff's Office.

The charge for copies of public records is as follows:

- 1) Copies - \$0.10 per page.
- 2) Digital photographs - \$2.00 per page
- 3) Media devices (CD's, cassettes) - \$1.00

404.02

PERSONNEL FILES

.1 Definition

.A A personnel file is any accumulation of documents relating to the terms and conditions of employment of individual facility and staff members. Such documents include but are not limited to:

- 1) Application
- 2) Interdepartmental Correspondence
- 3) Promotion/Reclassification Documentation
- 4) Performance Evaluations
- 5) Reference Checks (see .B.1) below
- 6) Letters of Commendation
- 7) Citizen/Divisional Commendations
- 8) Position Description
- 9) Disciplinary Actions
- 10) Certifications/Training Certificates

.B Personnel Files do not include:

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- 1) Reference letters or checks supplied to an employer if identity of the person making the reference would be disclosed.
 - 2) Materials relating to the employer's staff planning with respect to more than one employee.
 - 3) Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved.
 - 4) Information about a person other than the employee if disclosure of the information would constitute an unwarranted invasion of the other person's privacy.
 - 5) Information that is kept separately from other records and that relates to an investigation by the employer about a complaint or about criminal conduct by the employee.
 - 6) Records kept by an executive, administrative, or professional employee that are kept in the sole possession of the maker of the record, and are not accessible or shared with other persons.
- However, a record concerning the occurrence or fact about an employee kept pursuant to this paragraph may be entered into a personnel record if entered not more than six (6) months after the date of the occurrence or the date the fact becomes known.

.2 Record Availability to Sheriff's Office Employees

- .A The Sheriff's Office Administrative Assistant (Personnel) shall be the official custodian of personnel files for employees of the Sheriff's Office.
- .B Personnel records will be kept confidential to the extent permissible by the Ohio Public Records Act (ORC 149.43).
- .C An employee may review his/her official personnel file in the presence of the Sheriff's Office Administrative Assistant (Personnel) and obtain a copy any documents in the file at no charge.
- .D All employment verifications must be directed to the Administrative Assistant (Personnel).
- .E Employees must promptly advise Employee Services of any change in their personal information or status (e.g. name, address, marital status, telephone number, number of exemptions for tax

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purposes, citizenship, or association with any governmental military service organization).

.F Job applicant files are maintained by the Recruiting Section.

.3 Release of Sheriff's Office Personnel Information to Third Parties

.A Public records maintained in an employee's personnel file will be made available to those outside the Sheriff's Office to the extent permissible by the Ohio Public Records Act (ORC 149.43).

.B Verifications of employment, current or past, will be limited to name, title, date of hire, current or final salary, and termination date, if any.

.C When disclosure of a file is required by subpoena or a Public Records request, efforts will be made to notify current Sheriff's Office employees as quickly as possible.

.D When responding to a Public Records request, all materials exempt from disclosure under ORC 149.43 will be removed to preserve the privacy rights of individual staff members (includes personal and familial information).

.E Personnel files relating to an individual's employment history at the Sheriff's Office remain the property of the Hamilton County Sheriff's Office.

404.03

RECORDS RETENTION

.1 All Sheriff's Office divisions are responsible for maintaining and disposing of their records according to the Sheriff's Office Records Retention Schedule and/or their division's retention schedule. Each Division Commander must designate an employee as the "Records Management Coordinator".

.2 The "Records Management Coordinator" for each division must adhere to the following procedures when disposing of records that have met their retention period.

.A Take an inventory of all records maintained in the department and create a list. Consolidate similar records into single categories whenever possible.

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- 1) The list must include all the media types in which the record is stored (paper, electronic, microfilm, optical disk, etc.).

- .B Determine the retention period for each type of record. Some records may already be listed on the county-wide Records Retention Schedule, adopted in 1992. The Ohio History Connection website (<http://www.ohiohistory.org/learn/archives-library/state-archives/local-government-records-program/local-government-records-publications-amp-forms>) includes other retention schedules that may be used as guides. Retention periods must adhere to any legal restrictions already established by law.

- .C List on the Form RC-2 “Schedule of Records Retention and Disposition” any records that are not already listed on an established Retention Schedule. Instructions on how to fill out the form are included on the first page. The Hamilton County Records Commission assigns the schedule number, so that column is left blank.
 - 1) Once completed, the original form will be sent to the Administration Records Management Coordinator who will then forward the RC-2 to the secretary of the Hamilton County Records Commission for submission. At the next Records Commission Meeting, the RC-2 will be presented for approval. Once the RC-2 has gone through the entire approval process, which includes the Ohio History Connection and State Auditor, the department will receive a final signed document from the Hamilton County Records Commission.

- .D Any revisions and/or additions that need to be made to an approved Schedule of Records Retention and Disposition are submitted on a new RC-2 form, using the existing schedule number if one is already assigned. The revised RC-2 will be sent to the Administration Records Management Coordinator who will then forward the RC-2 to the secretary of the Hamilton County Records Commission for processing.

- .3 Records may only be disposed of under the following two circumstances.
 - .A Retention period has been met

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- 1) The records are listed on the Retention Schedule, have met their retention period and are ready for disposal.
- 2) Form RC-3 “Certificate of Records to be Stored/Microfilmed/Disposed” is completed following the instructions listed on the first page of the form.
- 3) The original signed RC-3 will then be sent to the Administration Records Management Coordinator, who will maintain a copy of and forward the original to the secretary of the Records Commission, Clerk of Courts Office, Room B25, Hamilton County Court House. Allow 25 business days from the date mailed as the date of disposal.
- 4) If an RC-3 form is required to be sent to the Ohio History Connection (OHC), the RC-3 will be reviewed to see if the year ranges of each record type have met the retention period listed on the corresponding RC-2 (retention schedule).
 - a) If the form is accurate, the County Records Commission will then send the RC-3 to the OHC.
 - b) OHC checks to see if the State Auditor or State Archivist has a reason to hold onto the records and will contact the originating department if necessary.
 - c) OHC will scan a stamped copy of the RC-3 and email it back to the County Records Commission.
 - d) Once the County Records Commission receives the stamped/approved copy of the RC-3, the Commission will send it to the Administration Records Management Coordinator to be distributed back to the originator of the RC-3.
 - e) The Hamilton County Records Commission maintains the RC-3 permanently and a copy is sent to the originating department.
- 5) If an RC-3 is not required by the OHC, the RC-3 is reviewed to see if the year ranges of each record type have met the retention period listed on the corresponding RC-2.

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- a) The department is notified if any of the entries are inaccurate. If the RC-3 is accurate, it is then filed as documentation of the disposal.
- b) The Records Commission maintains the RC-3 permanently and a copy is sent to the originating department.

.B One time disposal

- 1) The records are not required to be retained by any statute, are not listed on a Records Retention schedule, and are ready for one-time disposal.
- 2) Form RC-1 “Application for One-Time Records Disposal” is completed and submitted to the Hamilton County Records Commission for approval at the next Records Commission Meeting.
- 3) The Records Commission assigns the schedule number, so that column is left blank.
 - a) The original form is sent to the secretary of the Records Commission, Clerk of Courts Office, Room B25, Hamilton County Court House.
- 4) Once the RC-1 has gone through the entire approval process, which includes the Ohio History Connection and State Auditor, the department will receive a final signed document from the Hamilton County Records Commission.

.C Once the approval process in both circumstances is complete, the records may be disposed of. Shredding service is available at the Records Center, managed by the Clerk of Courts’ office. Departments may contact the Records Center to make arrangements for pick-up of documents that are ready for destruction (shredding). A copy of the approved RC-1 or RC-3 must accompany the records.

.4 The “Records Management Coordinator” or their designee, shall attend the Hamilton County Records Commission meetings held twice a year.

Hamilton County Sheriff's Office

Public Records Policy Notice

HAMILTON COUNTY

As a public office of the State of Ohio, the Hamilton County Sheriff's Office is subject to the Ohio Public Records Act (Ohio Revised Code 149.43).

The Sheriff's Office, 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.

The Sheriff's Office shall ensure that all public records requests are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours (8:00 a.m. – 4:00 p.m.).

Effective January 24, 2023, the Hamilton County Sheriff's Office has adopted General Order #404 Public Records policy which outlines rules and procedures followed by the Divisions of the Sheriff's Office regarding public records request and records retention.

A complete copy of the General Order is available by contacting the Sheriff's Office Administration.

Hamilton County Sheriff's Office

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