

Personnel Policy Number: 16.5.1**Subject: Public Records Policy**

Author: Rebecca Kille, Health Commissioner.

Based on State of Ohio Attorney General, Mark Dann, Model Public Records Policy and Henry County Commissioners County Personnel Policy Manual

Effective: September 20, 2007

Revised:

Approved by Board of Health: September 19, 2007

Introduction:

It is the policy of the Henry County Health Department that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Henry County Health Department to strictly comply with the Ohio Public Records Act. Many of the records the Henry County Health Department creates and maintains fall under the requirements of the act. Conversely, some records are strictly confidential and exempt from public record. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request will be accompanied by an explanation, which cites legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing. This policy provides general guidelines for compliance with the Ohio Public Records Act.

Section 1: Public Records

The Henry County Health Department, 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. All records of the Henry County Health Department are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1:

The Henry County Health Department, in accordance with Ohio law, will maintain records in an organized manner and in a way that facilitates good business practice, so that the records are readily available for inspection and copying (See Section 4 for the e-mail record policy). Additionally, a copy of the current record retention schedule shall be updated regularly and posted prominently for public inspection.

Section 2: Record Requests

If a member of the general public, news media, or other person requests to view or receive a health department record, the employee receiving the request shall promptly refer the matter to the records custodian. If the records custodian is unavailable, the

employee shall so notify a designee of the records custodian. The records custodian, or designee, shall determine whether or not the requested record is a public record, or is exempted from public records law.

Each request for public records will be evaluated for a response using the following guidelines:

Section 2.1:

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 records custodian must contact the requester for clarification, and will attempt to assist the requestor in revising the request by informing the requestor of the manner in which the health department keeps its records.

Section 2.2:

A requestor must be informed that he or she is not required to submit a request for public records in writing. Additionally, the requester must be informed that he or she is not required to provide his identity or intended use of the public record. However, the records custodian, or designee, may ask for, but not require, a written request, the requester's identity or the requester's intended use if a written request, disclosure of the requester's identity or disclosure of the requester's intended use would benefit the requester by enhancing the ability of the records custodian, or designee, to identify, locate, or deliver the requested public records.

Section 2.3:

The records custodian, designee or other delegated employee shall be responsible for providing public records to the requesting party. The health department will respond to requests for public records received via e-mail, US postal mail, telephone, personally, verbally, in writing, and any other means of communication, and will provide the records in accordance with the guidelines specified in this policy, and in the medium requested by the person seeking the record, in accordance with the conditions and limitations specified in this policy.

If the requesting party requests to physically inspect original copies of the health department's public records, the records custodian, or designee, shall remain available to the requesting party during the inspection to maintain security of the files, and to answer questions. The health department is not required to permit the requester to personally make copies of the original public records.

A person may elect to obtain a copy of the public record duplicated on paper, or if the record is maintained electronically through e-mail, computer disk, or other electronic medium if supported by the health department's current operating system. If the record is

not maintained electronically as part of the health department's normal business operations, the health department is not obligated to provide it via this medium, but shall offer to duplicate and provide the record on paper. The Henry County Health Department will not accept a requester's media (jump drive, disc, tape, etc.) due to protecting the health department's electronic system from potential harm that may be on the requester's media.

The records custodian, or designee, receiving a public records request is expected to record and document the following information, in so far as such information is available, and needed to process the request:

Section 2.3a: The date and time that the request was received.

Section 2.3b: The name of the records custodian, or designee, receiving the request.

Section 2.3c: The specific records sought to be inspected or copied.

Section 2.3d: The medium of the request including physical inspection, paper, e-mail, or computer disk.

Section 2.3e: Whether the record is to be picked up by the requesting party, mailed to a mailing address provided by the requesting party, e-mailed to an e-mail address provided by the requesting party, or faxed to a fax number provided by the requester.

Section 2.4:

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of the 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.

Section 2.5:

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately, if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), 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 the electronic format that can be e-mailed or downloaded easily, these will be made as quickly as the equipment allows.

[If more copies are requested, an appointment should be made with the requester on when copies or computer files can be picked up.]

All requests for public records must either be satisfied (see Section 2.5) or be acknowledged in writing by the Henry County Health Department within three business days following the health department's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:

Section 2.4a: An estimated number of business days it will take to satisfy the request.

Section 2.4b: An estimated cost if copies are requested.

Section 2.4c: Any items within the request that may be exempt from disclosure.

Section 2.5:

Any denial of public records requested must 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 a supporting explanation, including legal authority.

Section 3: Costs for Public Records

The Henry County Health Department will require the requesting party to pay, in advance of receipt of copies of a public record, the actual cost of the copies.

Section 3.1: The charge for paper copies is 5 cents per page.

Section 3.2: The charge for media (compact discs, floppy discs, etc..) to download computer files is the actual cost of the media purchased by the health department.

Section 3.3: There is no charge for documents e-mailed.

Section 3.4: Requesters may ask that documents be mailed or faxed to them. The Henry County Health Department will require the requestor to pay, in advance, the cost of postage or delivery costs and the cost of supplies used for the delivery or transmission of the public records.

Section 4: 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 will be treated in the same fashion as records in other formats and will be retained in accordance with the records retention schedule.

Section 4.1: 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 (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the records custodian.

Section 4.2: 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 Ohio Public Records Act.

Section 5: Failure to respond to a public records request

The Henry County Health Department recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Henry County Health Department's failure to comply with a request may result in a court ordering the Henry County Health Department to comply with the law and to pay the requester attorney's fees and damages.

The Henry County Health Department will post this policy in a conspicuous place at each location operated by the health department

This policy shall be distributed to the records custodian and the records custodian shall acknowledge receipt of the policy by signing the Release of Public Records Understanding and Agreement form (Attachment #1). Additionally, this policy shall be distributed to each employee and each employee shall acknowledge receipt of the policy by signing the Release of Public Records Understanding and Agreement form (Attachment #2).

The records custodian, or designee, shall attend a three-hour program that is approved by the Ohio Attorney General, which shall provide guidance in developing and updating the records custodian's public records policies as required under Section 149.43 of the Ohio Revised Code.

The records custodian, at his or her option, may waive any or all provisions under this policy when a request to inspect or obtain records is made by another governmental agency or a court order.

Section 6: Records Retention Schedule

Please refer to Attachment #3- Schedule of Records Retention and Disposition.

SCHEDULE OF RECORDS RETENTION AND DISPOSITION

(1) TO: Henry County, Ohio Records Commission 419-592-4876 Telephone Number

1853 Oakwood Avenue Napoleon 54545 Henry
 (address) (city) (zip code) (county)

(2) FROM: Henry County Health Department
 (political subdivision name) (unit)

Rebecca Kille Rebecca Kille Health Commissioner March 21, 2008
 (signature of responsible official) (name) (title) (date)

(3) CERTIFICATION: I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and passed the retention schedules contained on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these record series from being destroyed, transferred, or otherwise disposed of in violation of this schedule and that no record will be knowingly disposed of which pertains to any pending case, claim, action or request. Further, any microfilm replacing a record listed on this schedule will conform to ANSI standards. This RC-2 was approved on 03/25/2008 as reflected by the minutes kept by this commission

Chairman, Records Commission:

Richard J. Bennett 3-25-08
 Signature Date

(4) Subject to selection upon receipt of a Certificate of Records Disposal (RC-3):

Kathy W. Kelleher 5/5/08
 For the Ohio Historical Society Date
Martin E. Maut 5-29-08
 For the Ohio Auditor of State Date

Approved by the Ohio Auditor of State:

***SEPARATE ENTRIES SHOULD BE MADE FOR RECORDS WITH MORE THAN ONE MEDIA TYPE**

(5) (6) (7) (8)* (9)

Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-01	Administration: Annual Reports	Permanent		Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.
08-02	Application for Employment (Unsuccessful/Not Hired)	1 year after receipt		
08-03	Application for State Subsidy	3 years after end of fiscal year, provided audited		
08-04	Badges and IDs	Destroy upon termination		
08-05	Bulletins, Posters, and Notices to Employees	Destroy when no longer of administrative value		
08-06	Claims and Litigation Records	5 years after case is closed and appeals exhausted		

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-07	Administration Continued... Copies, Photocopies, etc.	Destroy when no longer of administrative value		
08-08	Correspondence	1-5 years at the discretion of office supervisor		
08-09	Desk/Appointment Calendar	3 months after the end of the year		
08-10	Electronic Mail (Attachment #1) Intermediate Retention	1 year or may be disposed of at any time if printed and kept in appropriate file		
08-11	Non-Records Retention	May be disposed of at any time		
08-12	Permanent Retention	2 years and then appraise for historical purposes Print historical material to be kept in an appropriate permanent file or may be disposed of at any time if printed and kept in appropriate file		
08-13	Transient Retention	Until no longer of administrative value		
08-14	Grant Files- Federal, State, or Local	Until State and Federal Audits have been conducted, audit report released and litigation, claims or audit findings involving the records have been resolved Minimum 5 years. Final fiscal and program report permanent		

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-15	Administration Continued... General Orders, Directives, Policies, Rules, Regulations, Procedures, or Manuals	Until updated or Superseded. Retain One copy until audited.		
08-16	Hearings- Audio and Video Recordings	1 year		
08-17	Hearings- Report of Proceedings	Permanent		
08-18	Hearings- Transcripts	5 years		
08-19	Incident Report- Damage to County Vehicle	6 years provided no action pending		
08-20	Insurance Policies	5 years after expiration provided all claims are settled		
08-21	Inventories	3 years provided audited		Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.
08-22	Leases	Until superseded		
08-23	Mail- Unsolicited	Destroy when no longer of administrative value		
08-24	Material Safety Data Sheets	Until superseded		
08-25	Minutes- Board of Health ORC 3709.18	Permanent		
08-26	Minutes - District Advisory Board ORC 3709.03	Permanent		
08-27	Minutes- Audio and Video Recordings	1 year		
08-28	Minutes of Meeting- Official Copy	Permanent		

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-29	Administration Continued... Minutes of Meeting-Drafts/Notes	Destroy when no longer of administrative value		
08-30	Monthly Activity Reports	5 years		
08-31	Personnel Files/Training Files	Permanent		
08-32	Preliminary Drafts of Letters, Memos, Worksheets, Reports, and the Preparation of Recorded Information	Destroy when no longer of administrative value		
08-33	Press/News Releases	3 Years		
08-34	Publications	Permanent		
08-35	Records Requests	2 years		
08-36	Records Retention Schedules (RC-1, RC-2, RC-3)	Permanent		
08-37	Resolutions- Board of Health	Permanent		
08-38	Timesheets	3 years after end of fiscal year, provided audited		Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.
08-39	Vehicle Maintenance Records	Until vehicle sold		
08-40	Voicemail/Telephone Call Messages and Logs	Destroy when no longer of administrative value		

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-41	Fiscal Accounts Payable	4 years provided audited		Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117-26 O.R.C.
08-42	Accounts Receivable	4 years provided audited		
08-43	Agreements and Contracts	Permanent with Board resolution		
08-44	Annual Budgets	Permanent with Board resolution		
08-45	Audit Reports	5 years		
08-46	Cash Journals	4 years provided audited		
08-47	Cost Studies/Reports	5 years provided audited		
08-48	Invoices (paid)	4 years provided audited		
08-49	Pay-in to Treasury Records	4 years provided audited		
08-50	Payroll Records	3 years after end of fiscal year provided audited		
08-51	Petty Cash Records	4 years provided audited		
08-52	Purchase Orders	4 years provided audited		
08-53	Receipt Documents (Direct Deposits, Pay-Ins, Taxes, Etc)	4 years provided audited		

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-54	Vital Statistics Affidavits of Birth and Death	Permanent		<i>Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.</i>
08-55	Applications for Birth and Death Certificates	6 months after audit		
08-56	Birth and Death Certificates	Permanent		
08-57	Burial Transmit Permits	5 years		
08-58	Security Paper -Daily Log Sheets	1 year after audit		
08-59	Security Paper- Destroyed Audit Numbers	1 year after audit		
08-60	Stillbirth Certificates	Permanent		
08-61	Vital Statistics Index	Permanent		
08-62	Vital Statistics Reports	5 years after date of filing		
08-63	Health Education/Promotion Child Passenger Safety Applications (Per Ohio Dept. of Public Safety)	3 years		
08-64	Home Health/Hospice Adult Medical Records (18 years+)	7 years from discharge date		
08-65	Children's Medical Records (17 years of age and younger)	18 years old and 7 years from discharge		
08-66	Financial Records	6 years provided audited by CMS		
08-67	Home Health Care Service (Includes Record Review Reports)	7 years after last entry		

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-68	Public Health Nursing Adult Medical Records (18 years +)	7 years after last contact		
08-69	Children's Medical Records (BCMh, Hearing, Vision, Well Child, Etc.) (17 years old and younger)	18 years old and 7 years after last contact		
08-70	Communicable Disease Records ORC 149.43	Permanent		
08-71	Epidemiological Case Records ORC 149.43	5 years after case is closed		
08-72	Family Planning/Pap Clinic Records Adults (18 year +)	10 years after last contact		
08-73	Family Planning/PAP Clinic Records Children (17 years old and younger)	10 years after minor reaches, 18 years of age		
08-74	Help Me Grow Client Records	Age 6 of child		
08-75	Immunization Cards ORC 3313.671	30 years after last date of entry		
08-76	Immunization Consent Forms	10 years		
08-77	Incident Reports- Bodily Injury to Non-Employee	6 years provided no action pending		
08-78	Incident Report - Employee	Permanent in medical file		
08-79	Laboratory Reports- Positive Results (Diphtheria, TB, STDs, Etc.) ORC 149.43	5 years after last contact with patient		
08-80	Orders/Receipts for Drug Biologicals	3 years, provided audited		
08-81	Prenatal/Infant Care Records	18 years old and 7 years after last contact		

Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-82	Public Health Nursing Continues Public Health Records ORC 149.43	7 years after last contact		
08-83	Tuberculin Test Records- Positive ORC 149.43	Permanent		
08-84	Tuberculin Test Records- Negative ORC 149.43	3 years		
08-85	Dental Clinic Adult Dental Records (18 years +)	7 years after discharge date		
08-86	Children Dental Records (17 years of age and younger)	18 years old and 7 years after discharge date		
08-87	Environmental Health Animal Bite Reports	3 years from date Of bite		
08-88	Applications for Licenses and Permits- All Types	6 months after audit		
08-89	Blueprints/Plans	5 years after facility ceases operations		
08-90	Certifications/Transmittals	6 months after audit		
08-91	Inspection Records – All Types	5 years provided all violations have been corrected		
08-92	Nuisance Investigations and Reports	5 years after situation corrected		
08-93	Sewage Contractor Records	5 years		

Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.

Form RC-2

SCHEDULE OF RECORDS RETENTION AND DISPOSITION CONTINUATION SHEET

FROM: Henry County Health Department
(political subdivision name) (unit)

(5)	(6)	(7)	(8)	(9)
Schedule Number	Record Title and Description	Retention Period	Media Type	For use by Auditor of State or OHS-LGRP
08-94	Environmental Health Continued Sewage System Records	5 years after sewage disposal system ceases operation		
08-95	Solid Waste Daily Log Form	5 years		
08-96	Solid Waste Site Inspections	Permanent		
08-97	Water Supply Records	5 years after system is abandoned		
08-98	Water Test Results	2 years		

**ELECTRONIC MAIL SCHEDULE OF DISPOSITION
EXPLANATION**

EXAMPLES:

<u>Non-Records Material:</u>	Personal Correspondence / Promotional / Sales Ads Spam
<u>Transient Retention:</u>	Meeting Notifications / Informal conversations relating to work
<u>Intermediate Retention:</u>	General correspondence and your response / Notes containing business information / Request for business information / Request for local interpretation
<u>Permanent Retention:</u>	Correspondence containing agency policy / Fiscal information / Personnel matters / Permanent Historical information or correspondence

NOTE: You, as a department, will need to decide which category each piece of Electronic Mail will fall under and dispose of each piece according to the General Schedule.