

## **Ohio Respiratory Care Board Public Records Policy**

All records of the Ohio Respiratory Care Board are public, unless they are specifically exempt from disclosure under the Ohio Revised Code. "Record" includes any document or device, whether paper, electronic, or other format, which is created or received under the jurisdiction of this office and which documents that organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Pursuant to R.C. 4755.02(E)(1), all information and records received or generated by the Board pursuant to an investigation are confidential and are not public records as defined in R.C. 149.43.

### **Records Requests**

No specific language is required to make a request, but the requester must identify records with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian should ask the requestor for clarification, and assist the requestor in revising the request by informing the requester of the manner in which this office maintains and accesses its records. The requester need not put a request in writing, or provide his or her identify or the intended use of the requested records. It is this office's general policy that this information shall not be requested.

### **Notice of Receipt**

All requests for public records should either be satisfied or be acknowledged in writing by the Board within three (3) business days following receipt. If a request will not be satisfied within three (3) business days, a notice of receipt should be sent to the requester, including at least the following terms:

- Request for clarification (if necessary)
- Estimated cost if copies are requested (see below)

### **Production of Requested Records**

Inspection of public records must be made available promptly. Copies of public records must be made within a reasonable period of time. "Promptly" and "reasonable period of time" take into account the volume of records requested, where the records are stored, and time for any legal review and/or redaction. Records prepared for inspection may be viewed during regular business hours. The Board will provide copies of public records on paper, on the medium on which they are kept, or on any other medium the office determines it reasonably can duplicate the records as an integral part of normal operations. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. Denial of all or any part of any public record requested shall include an explanation for the denial, including legal authority.

### **Costs for Public Records**

- There is no charge for viewing (inspecting) public records.
- Copies of public records may be charged at the following rates (actual costs):
  - Paper copies – 4 cents per page.
  - Mailing labels – 12 cents for each page of labels.
  - Downloaded computer files on a compact disc - \$1 per disc.
  - Electronic records e-mailed to the requester – no charge.
  - Paper records faxed to the requester – no charge.
- Requesters may have records mailed to them by paying this office the actual cost of postage and mailing supplies.

### **E-mail Records**

If the content of an e-mail or other electronic communication meets the definition of a public record (see "Records" above), it is subject to disclosure, whether it is in a public or private e-mail account. Requests for e-mail records will be treated in the same fashion as records in other formats.

### **Failure to Respond to a Public Records Request**

If a person believes this office has failed to comply with the Ohio Public Records Act, they may file a court petition in mandamus: (1) to compel the office to comply with the request, (2) to seek payment of statutory damages, (3) for court costs, and (4) to have the office pay the requester's attorney fees.

*For a copy of the full version of the Ohio Respiratory Care Board's Public Records Policy, please visit the Board's website (<http://respiratorycare.ohio.gov>) or ask the Board staff for a copy.*