

PUBLIC RECORDS POLICY

As required by Ohio Revised Code, Section 149.43

GENERAL RULE

It is the policy of Bowling Green State University (the "University") to comply fully with the letter and the spirit of the Ohio Public Records Act (the "Act"). In accordance with this Policy, we shall release a public record to a Requester unless that record meets an exception listed in the Act that would prevent us from making the record publicly available. The exceptions contained in the Act will be narrowly construed by the University. [R.C. §149.43(A)].

WHAT IS A PUBLIC RECORD?

A public record includes any document, device, or item, regardless of physical form or characteristic, including an electronic record (such as an email), created or received by, or coming under the jurisdiction of any University office, that serves to document the: (1) organization, (2) functions, (3) policies, (4) decisions, (5) procedures, (6) operations, or (7) other activities of the office. [R.C. §143.011(G)]

WHAT IS A PUBLIC RECORDS REQUEST?

A public records request is any transmitted request (whether oral or written) to inspect a public record, or to have a public record copied in any medium and mailed, electronically transmitted or otherwise provided to a Requester.

The public records request must describe records with sufficient clarity to allow the University to identify, retrieve and review the records. If a request is unclear it is NOT to be initially rejected. The Requester should be asked to revise the request in a manner that will allow for the proper identification of the desired record(s).

MUST THE REQUEST BE IN WRITING?

There is NO requirement that a public records request must be in writing. In NO event will a written request be made a condition for receiving a public record from the University.

The Office of General Counsel ("OGC"), however, may ask a Requester to make the request in writing, may ask for the Requester's identity, and may inquire about the intended use of the information requested, but may do so only:

- (1) after disclosing to the Requester that a written request is not mandatory and that the Requester may decline to reveal the Requester's identity or the intended use; and
- (2) when a written request or disclosure of the identity or intended use would benefit the Requester by enhancing the ability of the University to identify, locate, or deliver the public records sought by the Requester. [R.C. §149.43(B)(5)]

WHAT ARE THE UNIVERSITY PROCEDURES FOR PROCESSING A REQUEST?

The procedures for processing public records requests at the University are as follows:

- (1) The designated person or persons in each individual office, department, or unit shall accept actual public

records requests (whether verbal or written). It is the responsibility of the appropriate managers in the operational areas to designate these individuals.

(2) With the minor exceptions noted immediately below in this paragraph (2), each such request must be forwarded to the OGC for further processing.

The exceptions mentioned in the previous sentence pertain to routine requests for those types of public records that normally do not require legal judgments regarding redactions or other matters. For example, a recognized exception is a routine request for one or more course book lists maintained by the University Bookstore. Upon request by the responsible University manager, the OGC may grant other exceptions for discrete categories of clearly identifiable records.

(3) The OGC will evaluate the request, ascertain if any statutory or other federal or state law exemptions apply and, if so, whether the University should assert those exceptions or waive them. Waivers dealing with material matters, if any, will be discussed with the concerned Vice President, the President, and/or the Board of Trustees, as appropriate. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. [R.C. 149.43(B)(1)]

(4) Responsive records will be requested by the OGC from the office, department, or unit that has custody or control over the records. If necessary, redactions will be made by the OGC. On occasion the OGC may ask for two sets of documents so that an unredacted set of documents may be retained in its files.

(5) If copies are requested, the OGC will either: (i) forward the records directly to the requesting party; or (ii) ask the office, department, or unit having custody of the records to forward the records to the Requester. If records are requested merely for inspection, the OGC will discuss that matter on a case-by-case basis with the relevant office, department, or unit.

(6) The final transmittal to the Requester will identify any redactions or refusals to supply the requested records and cite a legal basis for the refusal and/or redaction. The transmittal will also notify the requesting party of a University contact person to respond to any additional questions on the matter, including the records actually produced.

(7) With respect to a request to review records only, all public records responsive to the request shall be promptly prepared and made available for inspection to the Requester at all reasonable times during regular business hours. To avoid unnecessary delays, appointments will be made, when practicable, for the inspection of records.

WHAT COSTS WILL BE CHARGED TO THE REQUESTER?

The OGC may charge the Requester for the actual costs incurred per page for copying records and, if the records are mailed, may charge the Requester for the actual costs of postage. The OGC may also charge the Requester for the actual costs incurred for the provision of the record on a storage device, such as a CD, audio tape, or film.

The decision to charge for part or all of the actual costs incurred will depend on one or more of the following considerations: the ability of the Requester to pay, the administrative burden of the University to charge for and collect nominal fees, and whether the purposes of the Act will be furthered by a waiver of costs.

Depending on the actual costs involved with a particular request, the OGC may require that the costs incurred for copying the records and the costs incurred for other supplies used in the mailing, delivery, or transmission of the documents be charged in advance of supplying the records to the Requester.

In no event will the University charge for the labor costs incurred for identifying, compiling, or copying materials. In addition, the University will not charge for the provision of a .pdf document or a response

contained in an email that is electronically provided to the Requester.

ARE THERE ANY LIMITATIONS ON THE NUMBER OF REQUESTS THAT MAY BE MADE?

The University may limit the number of records requested by a person that it will transmit by United States mail to ten (10) per month, unless the person certifies to the University in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this paragraph, "commercial" is narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of the University.

WHERE MUST THIS POLICY BE POSTED?

This Policy will be posted (1) in a conspicuous place in those offices, departments, units and other work locations of the University most likely to receive records requests from members of the public; (2) on the University's internet web site at www.bgsu.edu/publicrecords; and (3) in manuals or handbooks of general policies and procedures for all employees of the University.

WHO IS RESPONSIBLE FOR MONITORING AND ENFORCING THIS POLICY?

The Office of General Counsel shall be responsible for keeping this Policy current with controlling provisions of law, promoting and assessing compliance, and receiving and evaluating recommendations from all individuals for greater efficiency, economies, and furtherance of statutory intent.

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