

**3341-1-6 Public Records.**

Applicability	All University units
Responsible Office	Office of General Counsel
Responsible Administrator	General Counsel

**(A) Policy Statement and Purpose**

To ensure compliance with the Ohio Public Records Act.

**(B) Policy**

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 within a reasonable period of time unless that record meets a statutory or other legally-recognized exemption that would prevent us from making the record publicly available.

**(1) 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 is kept by a university office and serves to document the:

- (a) organization,
- (b) functions,
- (c) policies,
- (d) decisions,
- (e) procedures,

- (f) operations, or
- (g) other activities of the office.

(2) 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.

The university may deny any part of a public records request that is ambiguous or overbroad or if the university cannot reasonably identify what public records are being requested. If a request is denied for any of those reasons, the university shall inform the requester of the manner in which the university maintains and accesses public records in the ordinary course of business and ask the requester to revise the request. The goal is to clarify and narrow ambiguous, overbroad or inarticulable requests in order to create a successful revised request.

(3) Must the request be in writing?

- (a) 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.
- (b) The Office of General Counsel, however, may ask a requester to make the request in writing, may ask for their identity, and may inquire about the intended use of the information requested, but may do so only:
  - (i) after disclosing to the requester that a written request is not mandatory and that they may decline to reveal their identity or the intended use; and

- (ii) 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.

(4) What are the University Procedures for Processing a Request?

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

- (a) Public records requests will be centrally handled by the University's Public Records Officer in the Office of General Counsel.
- (b) In the event that a request is initially received by a department other than the Office of General Counsel, each such request, whether written or verbal, must be immediately forwarded to the Public Records Officer in the Office of General Counsel for further processing, unless the Office of General Counsel has delegated to the department the duty to respond to a defined class or classes of routine requests.
- (c) The Office of General Counsel will ask the office, department, or unit that has custody or control over the records to identify records that are responsive to the public records request.
- (d) The Office of General Counsel will evaluate the request and all records provided by the custodian to ascertain if any statutory or other federal or state law exemptions apply and, if so, whether the university should assert those exemptions 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. If necessary, redactions will be made by the Office of General Counsel.
- (e) If copies are requested, the Office of General Counsel 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 Office of General Counsel will discuss that matter on a case-by-case basis with the relevant office, department, or unit.
  - (f) 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 requester of a university contact person to respond to any additional questions on the matter.
  - (g) 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.
- (5) What cost will be charged to the requester?
- (a) The Office of General Counsel 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 Office of General Counsel may also charge the requester for the actual costs incurred for the provision of the record through a storage transfer or on a storage device, such as a flash drive.
  - (b) 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.

- (c) Depending on the actual costs involved with a particular request, the Office of General Counsel 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.
  - (d) 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.
- (6) 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 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.

- (7) This Policy will be posted:
- (a) 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;
  - (b) on the Office of General Counsel's web site; and
  - (c) in manuals or handbooks of general policies and procedures for all employees of the university.
- (8) Equity Impact Statement: The policy has been assessed for adverse differential impact on members of one or more protected groups.

Registered Date: March 16, 2015

Amended Date: November 24, 2022