

CUYAHOGA COMMUNITY FOUNDATION
PUBLIC RECORDS REQUEST POLICY

Effective Date: June 10, 2020

I. PURPOSE

It is the mission and intent of the Cuyahoga Community College Foundation (“Foundation”) to at all times fully comply with and abide by both the spirit and the letter of Ohio’s Public Records Act.

II. SCOPE

This policy applies to all full-time or part-time employees; permanent, temporary, or intermittent employees; interns and externs; consultants; and contractors of the Foundation, and any other holders of Foundation records.

III. DEFINITIONS

A “record” is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the Foundation that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Foundation.

A “public record” is a “record” that is being kept by the Foundation at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

IV. PROVISIONS

A. Applicable Timeframes

1. Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly.
2. Copies of 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; the necessity for any legal review and redaction; and other facts and circumstances of the records requested.
3. Generally, all requests for public records should be acknowledged in writing.

B. Handling Requests

1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the Foundation to identify, retrieve, and review the records. In processing the request, the Foundation does not have an obligation to create new records or perform a search or research for information in the Foundation's records.
2. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Foundation's standard use of sorting, filtering, or querying features.
3. The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this Foundation's general policy that this information is not to be requested. However, the law does permit the Foundation to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the Foundation's ability to identify, locate, or deliver the public records that have been requested; and (2) after first telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.
4. A copy of the most recent edition of the Ohio Sunshine Laws manual is available at <http://www.ohioattorneygeneral.gov/YellowBook> for the purposes of keeping employees of the Foundation, and the public, educated as to the Foundation's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws, and Personal Information Systems Act.

C. Electronic Records

1. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.
2. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of Foundation are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

D. Denial and Redaction of Records

1. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Foundation cannot reasonably identify what public records are being requested, the request may be denied, but the Foundation must then provide the

requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the Foundation.

2. If the Foundation withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If some portions of a record are public and other portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the Foundation shall notify the requestor of any redaction or make the redaction plainly visible.

E. Copying and Mailing Costs

1. Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is five (5) cents per page. The charge for electronic files downloaded to a compact disc is one dollar (\$1) per disc.
2. A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the Foundation determines that the record can reasonably be duplicated as an integral part of the Foundation's normal operations.
3. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery.
4. There is no charge for e-mailed documents.

F. Managing Records

A current records retention schedule for the Foundation is available at the Foundation's offices and online at <https://www.tri-c.edu/give/>.

VII. CONTACT

The Foundation is available for consultation or questions regarding this policy. Please contact the Foundation at (216) 987-4868 or foundation@tri-c.edu. This policy supersedes any previous policies and will remain in effect until cancelled or superseded.