

# **GALLIA COUNTY PUBLIC RECORDS POLICY**

Adopted 1-30, 2025  
Gallia County Board of Commissioners

## **INTRODUCTION**

This public records policy is adopted by Gallia County in accordance with the applicable provisions of the Ohio Revised Code Chapter 149. This policy is not intended to be legal advice. It is the policy of Gallia County to strictly adhere to the state's Public Records Act, as well as other state and federal laws.

### **Overview of the Ohio Public Records Act**

Ohio law has long provided for public scrutiny of state and local government records.

Ohio's Public Records Act details what is a "public record," the obligations of a public office, and the rights and obligations of a public records requester. The Act also excludes certain records from disclosure and enforces production when an office denies a proper public records request.

Any person may request to inspect or obtain copies of public records from a public office that keeps those records. A public office must organize and maintain its public records in a manner that meets its duty to respond to public records requests and must keep a copy of its records retention schedules at a location readily available to the public. When it receives a proper public records request, unless part or all of a record is exempt from release, a public office must promptly provide inspection of the requested records or copies of the records (at cost or no cost) within a reasonable period of time.

Unless a specific law states otherwise, a requester does not have to provide a reason for wanting records, give their name, or make the request in writing. However, the requester does have to be clear and specific enough for the public office to reasonably identify what public records they seek. A public office can properly deny a request if the office no longer keeps the records pursuant to its records retention schedules, if the request is for documents that are not records of that office, or if the requester does not revise an ambiguous or overly broad request.

The Ohio General Assembly has passed several laws that protect certain records by requiring or permitting a public office to withhold them from public release. When a public office invokes one of these exemptions, the office may only withhold a record or part of a record that is clearly covered by the exemption. The public office must also tell the requester the legal basis - statutory or case law authority - of the exemption.

A person aggrieved by the alleged failure of a public office to comply with an obligation of the Public Records Act may choose to either (1) file a complaint against the public office in the Court of Claims or (2) file a mandamus lawsuit against the public office. The Court of Claims process provides an expedited procedure for resolving public records disputes. To commence an action in the Court of Claims, the requester must file a specified complaint form, attaching the original public records request and any written responses. The case will first be referred to mediation, and then, if mediation is unsuccessful, proceed on a "fast track" resolution process that is overseen by a special master. In a mandamus lawsuit, the requester will have the burden of showing that he or she made a proper public records request, and the public office will have the burden of showing the court that it complied with the obligation(s) allegedly violated. If the public office cannot show that it complied with its legal obligation(s), the court will order the public office to provide any improperly withheld record, and the public office may be required to pay a civil penalty and attorney fees.

## I. DEFINITIONS

### A. Public Record Definition

In accordance with the Ohio Revised Code Chapter 149, RC §149.011(G), a "Record" subject to the Public Records Act is defined as any item kept by a public office that meets all of the following:

1. Any document, device or item, regardless of physical form or characteristic, including an electronic record;
2. Created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions;
3. Which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

If any of these three requirements is absent, the item is not a public record and not subject to the Public Records Act

Note that personal notes of a public employee that do not meet the criteria of the third part of the definition above are not public records.

### B. Public Office Definition

Pursuant to RC §149.011(A), "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. For the purposes of this Public Records Policy, the terms "public office" and "office" herein shall apply to and refer to all Gallia County public offices.

Note that a public office is only responsible for its own records, and providing for inspection or copies thereof upon proper request.

### C. Redaction

1. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record." For records on paper, redaction is the blacking out of non-public information in an otherwise public document. A public office may redact audio, video, and other electronic records by processes that obscure or delete specific content.

## II. PUBLIC RECORDS REQUESTS

The Public Records Act sets out procedures, limits, and requirements designed to maximize requester success in obtaining access to public records and to minimize the burden on public offices when possible.

### A. Rights and Obligations of Public Records Requesters and Public Offices

1. As to keeping of records, every public office must:
  - a. organize and maintain public records in a manner that they can be made available in response to public records requests;
  - b. maintain copies of its current records retention schedules at a location readily available to the public
2. Receiving public records requests:
  - a. Upon receiving a request to inspect specific, existing public records, a public office must provide prompt inspection at no cost during regular business hours;
  - b. Upon receiving a request for copies of specific, existing public records, a public office must provide copies within a reasonable period of time;
  - c. The public office may charge the requester the actual cost of copies made and may require payment of copying costs in advance;
  - d. The public office may withhold or redact specific records that are covered by an exemption to the Public Records Act but is required to give the requester an explanation, including legal authority, for each denial;
  - e. The public office may require clarification to help identify, locate, and deliver requested records if a requester makes an ambiguous or overly broad request;
  - f. The public office may ask for a request in writing, ask for the requester's identity, or ask for the intended use of the requested information to enhance the ability of the public office to provide the records;
  - g. The public office may ask for the above information, though the requester is not required to provide it, and must be informed as such.
3. Any person, corporation, trust or other entity may request records.
4. The proper subject of a public records request is a record that exists at the time of the request.
5. The public office has no duty to provide records it does not possess.
6. A requester must identify the records he or she is seeking with reasonable clarity, so that the public office can identify responsive records based on the manner in which it ordinarily maintains and accesses the public records it keeps. If a request has no reasonable clarity, it may be considered overly broad or ambiguous, and the public office can deny the request.
7. Overly broad request **examples** that need to be clarified, but must be determined on a case by case basis by the office depending on the circumstances of the request:
  - a. All records containing certain names or words;

- b. All records having to do with a particular topic or of a particular type, or relating to certain types of information;
- c. Every report filed with a public office during a certain time period (if the office does not organize its records in that manner);
- d. All emails of a public office (to be acceptable, the request would need to be narrowed in scope by: identifying keywords, between certain senders and recipients, or within a certain timeframe).

8. Denial of overly broad requests:

- a. A public office may deny any part of a public records request that is ambiguous or overly broad, as defined above;
- b. The public office must give the requester the opportunity to revise the denied request, by informing the requester how the office ordinarily maintains and accesses its records.

9. Withholding records or producing records with redactions:

- a. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt.
- b. Therefore, a public office may redact only that part of a record subject to an exemption or other valid basis for withholding.
- c. An office may withhold an entire record when exempted information is inextricably intertwined with the entire content of a particular record such that redaction cannot protect the exempted information.
- d. Public offices must either notify the requester of any redaction or make the redaction plainly visible.
- e. If an office denies a request in part or in whole, the public office must provide the requester with an explanation, including legal authority, setting forth why the request was denied.
- f. If the requester made the initial request in writing, then the office must also provide its explanation for the denial in writing.

Whether a record contains exempted information that is inextricably intertwined with non-exempted information must be determined on a record by record basis, and should be forwarded to the County Prosecutor's Office for analysis.

10. A public records request does not need to be in writing or identify the person making the request.

11. Disclosure of identity of requester, the purpose of the request, and whether request required in writing:

- a. If a public office believes that (1) having a request in writing, (2) knowing the intended use of the information, or (3) knowing the requester's identity would benefit the requester by enhancing the ability of the public office to identify, locate, or deliver the requested records, the public office may ask if the requester is willing to provide that information to assist the public office in fulfilling the request. However, the public office must first inform the requester that giving this information is not mandatory.
12. A requester may specify whether he or she would like to inspect the records or obtain copies, and if copies, the medium of the copies : (1) on paper, (2) in the same medium as the public office keeps them, or (3) on any medium upon which the public office or person responsible for the public records determines the record reasonably can be duplicated as an integral part of the normal operations of the public office. The public office may charge the requester the actual cost of copies made and may require payment of copying costs in advance.
13. Delivery by public office of copies:
- a. A requester may personally pick up copies of requested public records or may send a designee. Upon request, a public office must transmit copies of public records via the U.S. mail or by any other means of delivery or transmission (typically email), at the choice of the requester.
  - b. The public office may require prepayment of postage or other actual delivery costs, as well as the actual cost of supplies used in mailing, delivery, or transmission.
14. Prompt inspection, or copies within a reasonable period of time:
- a. There is no predetermined time for responding to a public records request.
  - b. If the requester wants to inspect records, the records must be promptly prepared for inspection, or without delay and with reasonable speed, as interpreted by the courts.
  - c. If the requester wants copies of records, the public office must produce the records in a reasonable period of time (not immediately). The reasonableness of the response time depends on the facts and circumstances of the particular request.
  - d. Factors impacting reasonable period of response:
    - i. Identification of responsive records: the time it takes to clarify or revise request, or identify records.
    - ii. Location and retrieval: the time it takes to locate records and retrieve from storage location (e.g., file cabinet, branch office, off-site storage facility, etc.).
    - iii. Review, analysis, and redaction: the time it takes to examine all materials for possible release, perform necessary legal review or consult with knowledgeable parties, redact exempt materials, or

provide explanation and legal authority for all redactions and/or denials.

- iv. Preparation: the time it takes to obtain requester's choice of medium or make copies.
- v. Delivery: the time it takes to wait for advance payment of costs, or deliver copies or schedule inspection.

15. A public office must make its public records available for inspection at no cost, at all reasonable times during regular business hours.

- a. A public office is required to make its records available for inspection only at the place where they are stored.
- b. A request to inspect records does not give the requester a right to directly access the public office's computer systems or databases. Rather, a public office may prepare the records for inspection outside their native electronic format.

16. A public office may charge for copies and/or for delivery or transmission.

- a. The public office may require payment of both the above costs in advance.
- b. "At cost" includes the actual cost of making copies, packaging, postage, and any other costs of the method of delivery or transmission chosen by the requester. The cost of employee time cannot be included in the cost of copies or of delivery.
- c. Costs regarding law enforcement videos (body camera footage, dashboard cameral footage) (ORC §149.43(B)(1): "... a state or local law enforcement agency may charge a requester the actual cost associated with preparing a video record for inspection or production, not to exceed seventy-five dollars per hour of video produced, nor seven hundred fifty dollars total." "Actual cost," with respect to video records only, means all costs incurred by the state or local law enforcement agency in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request. A state or local law enforcement agency may include in its public records policy the requirement that a requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production. Where a state or local law enforcement agency imposes such a requirement, its obligation to produce a video or make it available for inspection begins once the estimated actual cost is paid in full by the requester. A state or local law enforcement agency shall provide the requester with the estimated actual cost within five business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, a state or local law enforcement agency may charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to twenty per cent higher than the estimated actual cost. A state or local law enforcement agency shall not

charge a requester a difference that exceeds twenty per cent of the estimated actual cost.

17. No obligation to respond to duplicate request; public office may reasonably limit requests.

- a. When a public office responds to a request, and the requester sends a follow-up letter reiterating a request for essentially the same records, the public office is not required to provide an additional response.
- b. A public office may limit the number of requests of copies by one person or entity to 10 per month by physical delivery by United States mail or other delivery service (ORC §149.43(B)(7)(c)(i)).

18. Requests by Incarcerated Persons

- a. Under Ohio law, an incarcerated person may receive public records, but only if the records concern a criminal investigation. The incarcerated person must also follow very strict guidelines.
- b. The records must be "public records" which are not subject to an exemption from disclosure.
- c. The incarcerated person must have secured a finding from the judge who imposed the sentence of incarceration (or that judge's successor) that the information sought in the public record is necessary to support a justifiable claim of the person.

19. Requests by Journalists

- a. Several statutes grant journalists enhanced access to certain records that are not available to other requesters.
- b. This enhanced access is sometimes conditioned on the journalist providing information or representations not normally required of a requester. Specifically, the journalist must: (1) make the request in writing and sign the request; (2) identify himself or herself by name, title, and employer's name and address; and (3) state that disclosure of the information sought would be in the public interest.

**B. Determination of Proper Release of Public Record or Parts Thereof**

In the event a request is made to inspect or obtain a copy of a record maintained by a public office whose release may be prohibited or exempted by either state or federal law, and the public office cannot reach a conclusive determination on its own, the request shall be forwarded to the County Prosecutor for research and/or review. The requester shall be advised that their request is being reviewed by the County Prosecutor to ensure that protected exempted information is not improperly released.

Records, whose release is found to be prohibited or exempted by either state or federal law, or not considered public records as defined by ORC §149.43(A)(1), shall NOT be

subject to public inspection.

### C. Exemptions to Ohio's Public Records Act

While the Public Records Act presumes and favors public access to government records, Ohio and federal laws provide limited exemptions to protect certain records from mandatory release. These laws can include constitutional provisions, statutes, common law, or properly authorized administrative codes and regulations. If a record does not clearly fit into one of the exemptions listed in the Public Records Act and is not otherwise exempt from disclosure by other state or federal law, it must be disclosed.

The Ohio Public Records Act sets out **more than forty specific exceptions** and one general exception. Thus, although the starting premise is that all records held by any public office are "public records" that must be released to anyone upon request, part or all of a record may actually be withheld or redacted if it fits within one of the exceptions set out in the statute.

The exceptions are listed in RC §149.43(A)(1) as follows:

- a. **Medical records** - See RC §149.43(A)(3) for definition of "Medical Record": any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.
- b. **Records pertaining to Probation and Parole Proceedings or to proceedings related to the imposition of community control sanctions** (as defined under RC §2929.01) **and post release control sanctions** (as defined under RC §2967.01), or to proceedings related to determinations under RC § 2967.271 regarding the release or maintained incarceration of an offender to whom that section applies.
- c. Records pertaining to actions under sections 2151.85 and 2919.121(C) of the Revised Code and to appeals of actions arising under those sections. Both sections make reference to **Juvenile Abortion Permission Records**.
- d. Records pertaining to **Adoption Proceedings**, including the contents of an adoption file maintained by the department of health under RC §§ 3705.12 to 3705.124.
- e. **Information in a Record Contained in the Putative Father Registry** - established by RC §3107.062, regardless of whether the information is held by the Department of Job and Family Services or, pursuant to RC §3111.69, the division of child support in the department or a child support enforcement agency.
- f. **Adoption Records** - Records specified in RC §3107.52(A).
- g. **Trial Preparation Records** - Any record that contains information that

is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

- h. Confidential Law Enforcement Investigatory Records** - any record that pertains to a law enforcement matter of a criminal, quasi criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of (1) the identity of a suspect who has not been charged with the offense to which the record pertains; (2) the identify of an information source or witness to whom confidentiality has been reasonably promised; (3) information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity; (4) specific confidential investigatory techniques or procedures or specific investigatory work product; or (5) information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.
- i. Records containing information that is confidential under RC §2710.03 (Mediation Communications) and RC §4112.05 (Ohio Civil Rights Commission Investigations).**
- j. DNA Records Stored in the DNA Database Pursuant to RC §109.573.**
- k. Inmate Records** released by the Department of Rehabilitation and Correction to the Department of Youth Services or a court of record pursuant to RC §5120.21(E).
- l. Records Maintained by the Department of Youth Services** pertaining to children in its custody released by the Department of Youth Services to the Department of Rehabilitation and Correction pursuant to RC §5139.05.
- m. Intellectual Property Records** - a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published or patented.
- n. Donor Profile Records** - all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

- o. Records Maintained by the Department of Job and Family Services Pursuant to RC§3121.894 (new hire and rehire reporting for child support by employers).**
- p. Residential and Familial Information of Designated Public Service Workers. The definition in RC 149.43(A)(7) includes, but is not limited to, peace officers, parole officers, probation officers, bailiffs, prosecuting attorneys, assistant prosecuting attorneys, correctional employees, county corrections officers, community-based correctional facility employees, protective services workers, youth services employees, firefighters, EMTs, BCII investigators, forensic mental health providers, psychiatric hospital employees, judges, magistrates and federal law enforcement officers.**

Information contained in records containing the following are, for the most part, not considered public records: (i) the address of the actual personal residence except for the state or political subdivision in which the individual resides; (ii) information compiled from referral or participation in an employee assistance program; (iii) the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to such an individual; (iv) the name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to the individual by his/her employer; (v) the identity and amount of any charitable or employment benefit deduction made by the individual's employer from the individual's compensation unless the amount of the deduction is required by state or federal law; (vi) the name, residential address, the name of the employer, the social security number, the residential telephone number, any bank account, debit card charge care, or credit card number, or the emergency telephone number of the spouse, a former spouse or any child of the individual, and (vii) a photograph of an undercover or plain clothes peace officer.

However, this exception does not apply to journalists (defined as a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public) who may access a personal residence address or the employer address of the spouse, former spouse or child if any of them are employed by a public office. The request from the journalist shall be in writing, contain the name and title of the journalist and her/his/their employer's name and address, and state that disclosure of the information would be in the

public interest.

**State ex rel. Carr vs. City of Akron**, 112 Ohio St. 3d 351 (December 2006), Ohio Supreme Court held that Federal FOIA is inapplicable to city records, that records related to promotional exams within the fire department fall under exemption of RC §149.43(A)(1)(p), as well as the general prohibition on releasing information in violation of state or federal law listed in RC §149.43(A)(1)(v), which includes trade secrets as defined in RC §1333.61(D).

- q. **In the case of a County Hospital Operated Pursuant to RC Chapter 339, or a Municipal Hospital operated pursuant to RC Chapter 749, Information that Constitutes a Trade Secret, as defined in RC §1333.61.**
- r. **Information pertaining to the recreational activities of a person under the age of eighteen.** This means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses: the address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; the social security number, birth date, or photographic image of a person under the age of eighteen; any medical record, history, or information pertaining to a person under the age of eighteen; any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.
- s. **Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board** acting under RC Sections 307.621 to 307.629, and child fatality review data submitted by the child fatality review board to the department of health pursuant to guidelines established under RC 3701.70, or to a national child death review database, **other than the report prepared pursuant to RC §307.626(A).**
- t. **Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to RC§ 5153.171 other than the information released under that section.**
- u. **Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services administers under RC§ 4751.15 or contracts under that section with a private or government entity to administer.**

- v. **Records the Release of Which is Prohibited by State or Federal Law.** In addition, there may be privacy and confidentiality laws and regulations that are analyzed in court decisions. (e.g., Trade Secret is defined and protected under RC 1333.61 through 1333.69, and is analyzed in State ex rel. Carr vs. City of Akron, 112 Ohio St. 3d 351 (2006)).
- w. **Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under RC §150.01.**
- x. **Financial Statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board** in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency.
- y. ODJFS and county agency **records listed in RC §5101.29**, which include:
  - 1. Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure or registration under RC Chapter 5104;
  - 2. Names and other identifying information regarding children placed with an institution or association certified under RC §5103.03;
  - 3. Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure or registration to the department or other state or county entity responsible for enforcing RC Chapter 5103. or 5104.;
  - 4. Names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under RC §5103.03 and the home study conducted pursuant to RC §5103.0324, except when the foster caregiver's certificate has been revoked, or he/she has been indicted or otherwise charged with any offense described in RC §2151.86(C)(1).
- z. **Military discharges recorded with a county recorder under RC §317.24(B)(2).**
- aa. Usage information, including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility.

- bb.** JobsOhio records listed in RC § 187.04(C), including records created by JobsOhio unless designated as public record in contract; records received by JobsOhio from any person or entity that is not subject to section RC 149.43, unless designated as public record in contract; records received by JobsOhio from a public office that does not treat the records as public; and, the work papers and reports of the independent CPA engaged to perform an annual financial audit of any JobsOhio corporation or non-profit entity, and work papers and reports of the supplemental compliance and control review, unless they are designated as public record via contract.
- cc.** Identifying information about any person involved in the manufacture, transportation, distribution, testing or administration of equipment or drugs used in lethal injections for death sentences, as described in RC 2949.221(B) and (C).
- dd.** "Personal information": as defined in RC 149.45, which includes social security numbers, driver's license numbers, state identification numbers, state and federal tax identification numbers, financial account numbers, and credit and debit card numbers. Identifying information about any victim of domestic violence, human trafficking, or sexual assault who is participating in the Ohio Secretary of State's address confidentiality program under RC §§111.41 to 111.47. Under this exemption, a participant's voter registration records (including identifying information included on an absentee voter ballot and provisional ballot application, affirmation and envelope) is protected and not made available to the public.
- ee.** Orders for active military service of an individual serving or with previous service in the U.S. armed forces, except that such order becomes a public record fifteen years after the published or effective date of the order.
- ff.** Identifying information, contact information, and other personal information about minors that is included in police accident reports and other such traffic accident records, when the accident involves a school vehicle.
- gg.** Protected health information included in a claim for payment or health claims data in any document, which identifies or could be used to identify the subject of the information.
- ii.** Any depiction by photograph, film, videotape, or printed or digital image (a) of a victim of an offense, the release of which would be an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity; or (b) of a victim of a sexually oriented offense captured at the time the offense actually occurred.
- jj.** **Restricted Portions of a body-worn camera or dashboard camera recording** RC §§149.43(A)(15) – (17);
- kk.** Records, documents, reports (other than reports submitted to the dept. of health that summarize trends or patterns, including recommendations to

decrease deaths, as described in RC §3707.77(B)), and information presented to the fetal-infant mortality review board RC 3707.71, and statements made by board members during meetings, and board work product, and data submitted by the board to the department of health or national infant death review database;

- ii.** Records, documents, reports and information presented to the pregnancy-associated mortality review board, statements made by board members during meetings, all board work product, and data submitted by the board to the department of health (other than biennial reports required under RC §3738.08).
- mm.** Except as provided in (oo) below, telephone numbers of crime victims and witnesses, and of parties to a motor vehicle accident, as listed in law enforcement reports and records.
- nn.** A preneed funeral contract, and contract terms and personally identifying information of a preneed funeral contract that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under RC 4717.13(C), 4717.31(J) or 4717.41.
- oo.** Telephone number of a party to a motor vehicle accident who is listed in any law enforcement report or record that is required to be filed under RC 5502.11, but only during the first 30 days after the occurrence of the accident.
- pp.** Records pertaining to individuals who complete Ohio school firearm safety training per RC 5502.703, who are seeking initial or ongoing permission to convey deadly weapons or dangerous ordnance into a school safety zone.
- qq.** Records, documents, reports, or other information presented to a domestic violence fatality review board established under RC 307.651, statements made by board members during board meetings, all board work product, and data submitted by the board to the department of health, other than a report prepared pursuant to RC 307.656;
- rr.** Records, documents, and information pertaining to the address, place of employment, and similar identifying fact of crime victims and their representatives, when the prosecutor determines there are reasonable grounds for victims to be fearful of violence and intimidation by defendants and juvenile offenders, and if the court so orders, as set forth in RC 2930.07;
- ss.** Records of an existing qualified nonprofit corporation that creates a special improvement district under RC Chapter 1710 that do not pertain to a purpose for which the district is created.

A record falling within one of these exceptions is not required to be released but may be released at the discretion of the state or local governmental agency that holds the records unless release would violate guidelines or restrictions set out in federal or state statutes, regulations or rules. If a record contains some information that falls within an exception, the state or local governmental agency is required or permitted (depending upon the

exception) to withhold or redact the excepted information and release the portion that is public record. Any question by a public office as to whether the release of a record is proper shall be forwarded to the County Prosecutor's Office for consideration.

#### **D. Categories of Exemptions Created by Other Laws**

A public office may be bound by laws other than the Ohio Public Records Act, exempting certain records from disclosure, and thus requiring the public office to withhold, and not release, certain records or information. Any public office presented with a request that may pertain to the release of the below described categories and has any unresolved determinations shall forward the request to the County Prosecutor's Office for analysis.

1. U.S. Constitution's fundamental informational right to privacy under the 14<sup>th</sup> Amendment's Due Process Clause.
2. Specific personal information such as an individual's home address, telephone number, social security number, driver's license, income tax return, and protected health information.
3. Certain juvenile records.
4. Records prepared and kept by a public children services agency of investigations of families, children, and foster homes, and of the care of and treatment afforded children, and of other records required by the department of job and family services, are required to be kept confidential by the agency. (RC 5153.17)
5. Student educational records.
6. Litigation related information such as attorney-client privileges, attorney work product, criminal and civil discovery, trial preparation records, protective court orders prohibiting the release of records, expunged court records, grand jury records, settlement agreements and other contracts, copyright and records of inmates.

#### **E. Release of Personnel Records**

The following lists are not exhaustive and are intended as a starting point for each public office in compiling lists appropriate to its employee records.

##### **A. Items from Personnel Files that Are Subject to Release with Appropriate Redaction:**

1. Payroll records
2. Timesheets
3. Employment application forms
4. Resumes
5. Training course certificates

6. Position descriptions
7. Performance evaluations
8. Leave conversion forms
9. Letters of support or complaint
10. Forms documenting receipt of office policies, directives, etc.
11. Forms documenting hiring, promotions, job classification changes, separation, etc.
12. Background checks, other than information or throughput from Law Enforcement Automated Data System (LEADS), the National Crime Information Center system (NCIC), and Computerized Criminal History (CCH)
13. Disciplinary investigation/action records, unless exempt from disclosure by law
14. Limited access files

**B. Items from Personnel Files that May or Must Be Withheld:**

1. Social security numbers (R.C. 149.43(A)(1)(dd), 149.45(A)(1)(a))
2. Public employee home addresses, phone numbers, and personal email addresses, generally (as non-record)
3. Residential and familial information of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the Bureau of Criminal Identification and Investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer, other than actual personal residence address of a prosecuting attorney or judge (R.C. 149.43(A)(1)(p) and (A)(7)-(8))
4. Employee ID numbers (if the number is part of the public office's security) (R.C. 149.433)
5. Charitable deductions and employment benefit deductions such as health insurance (as nonrecords)
6. Beneficiary information (as non-record)
7. Federal tax returns and "return information" filed under the jurisdiction of the IRS (26 U.S.C. § 6103)
8. Personal history information of state retirement contributors (R.C. 145.27(A); R.C. 742.41(B); R.C. 3307.20(B); R.C. 3309.22(A); R.C. 5505.04(C))

9. Taxpayer records maintained by Ohio Department of Taxation and by municipal corporations (R.C. 5747.18; R.C. 718.13)
10. "Medical records" that are generated and maintained in the process of medical treatment (R.C. 149.43(A)(1)(a) and (A)(3))
11. LEADS, NCIC, or CCH criminal record information (34 U.S.C. § 10231; 28 C.F.R. § 20.21, § 20.33(a)(3); R.C. 109.57(D)-(E), (H); O.A.C. 4501:2-10-06)
12. Information regarding an employee's medical condition or history compiled as a result of a medical examination required by employer to ensure employee's ability to perform job related functions (29 C.F.R. 1630.14(c)(1))
13. Information gathered by employer who conducts voluntary medical examination of employee as part of an employee health program (29 C.F.R. 1630.14(d)(4))
14. Verification of employment, typically for mortgage loans (as non-record)
15. Bank account numbers (R.C. 149.43(A)(1)(dd); R.C. 149.45)
16. Employee assistance program records (R.C. 124.88(B))

**Public Record Request Response Form**

(FORM PR-1)

Thank you \_\_\_\_\_ (Name of Requester) \_\_\_\_\_ for your recent public record request. The \_\_\_\_\_ (public office) \_\_\_\_\_ will respond in accordance with the applicable provisions of the Ohio Public Records Act.

On \_\_\_\_\_ (Date) \_\_\_\_\_, you requested the following records/ information:

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**The record/information requested:**

**Legal Authority Cited:**

(if applicable)

\_\_\_ Is not maintained by this office  
(office will attempt to direct requester to correct office)

\_\_\_\_\_

\_\_\_ Is overly ambiguous (despite efforts to clarify).

ORC 149.43 (B)(2)

\_\_\_ Does not exist and/or no obligation to create.

ORC 149.40

\_\_\_ Has been disposed pursuant to One Time Records Disposal or pursuant to Retention Schedule.

\_\_\_\_\_

\_\_\_ Is not subject to release in its entirety  
(office needs to cite legal authority)

\_\_\_\_\_

\_\_\_ Is subject to release, however the following redactions have been made to protect exempted information

ORC 149.43 (B)(1)-(3):

Redaction

Legal Authority Cited:

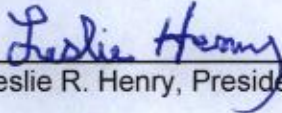
Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

RESOLUTION

WHEREAS, The Board of Gallia County Commissioners has resolved that, pursuant to O.R.C. Section 149.43, the interests of the County require that it adopt a public records policy for county offices.

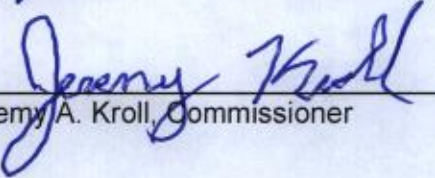
NOW THEREFORE WE, THE BOARD OF COMMISSIONERS OF GALLIA COUNTY, OHIO, DO HEREBY AGREE TO THIS RESOLUTION AND ADOPT THE FOREGOING AS OUR COUNTY PUBLIC RECORDS POLICY BY SIGNING BELOW, on this 30<sup>th</sup> day of JANUARY, 2025.



\_\_\_\_\_  
Leslie R. Henry, President



\_\_\_\_\_  
Q. Jay Stapleton, Vice-President



\_\_\_\_\_  
Jeremy A. Kroll, Commissioner