

## LCCS POLICY 151 Release of Public Records

<b>Original Issue Date:</b>	9/28/2007
<b>Revision Dates:</b>	11/26/2012, 8/20/2013, 1/22/2020
<b>Revision Number:</b>	3
<b>Current Effective Date:</b>	1/22/2020
<b>Board Approval Date:</b>	9/12/2007
<b>Obsolete/Combined Date:</b>	
<b>Reason for Obsoleting/Combining:</b>	
<b>See new Policy #:</b>	

<b>Scope:</b>	All agency staff, Board Members
<b>Responsibility:</b>	Agency Counsel, Human Resources Department, Clerical Services Department
<b>Purpose:</b>	To ensure that the agency responds to all public records requests as prescribed by the Ohio Records Act.
<b>Legal Cite:</b>	O.R.C. 9.01, 121.21 et. seq., 149.011, 149.33- 149.43 et. seq., 2151.142, 2923.29 and 5153.17, 5153.171, 5153.172, 5153.173 Ohio Records Act a.k.a. the "Sunshine Laws"

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### **POLICY STATEMENT**

Lucas County Children Services (LCCS) will adhere to Ohio's Records Act a.k.a. the "Sunshine Laws".

LCCS will respond to all public records requests in a timely fashion.

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### **PROCEDURE - including required timeframes and documentation**

#### **REQUESTS:**

A request form for persons wishing to receive or inspect public records is available for download from the LCCS website at [www.lucaskids.net](http://www.lucaskids.net). These forms are available for ease of collecting the needed information, but records requests are not required to be in writing.

LCCS will be unable to comply with a request for public records if the requestor does not provide sufficient information to process the request or the requestor is not legally entitled to the information requested. LCCS will process properly authorized requests for public records in a timely manner and in accordance with the procedures outlined in this policy.

All case record information is confidential per ORC 5153.17 (Maintenance of Records), and therefore, not subject to disclosure under the Public Records Act. Records and information being sought pursuant to ORC 5153.171 (Request for information concerning deceased child whose death may have been caused by abuse, neglect, or other criminal conduct), and 5153.172 (Information concerning deceased child whose death may have been caused by abuse, neglect, or other criminal conduct) may be released following the legal requirements of these sections. Records and information prohibited from release by a court order under ORC 5153.173 (Court determination against disclosure) will not be released.

### **General Procedural Information**

In general, requests for public information from Lucas County Children Services should be directed to Agency Counsel.

In some cases, requests are made directly to the Department of Human Resources or the Public Information Officer.

All requests regarding confidential case information must follow Policy 150 and related guidelines for release of information, and shall be in accordance with all agency policies and procedures.

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### **LCCS Agency Response to Requests:**

Questions regarding a request for release of records will be directed to Agency Counsel.

All requests will be acknowledged with a written response.

If the request involves a high volume of copies, requires redaction, or is determined to not be a public record, the acknowledgement/letter will include the following, as applicable:

- An estimated number of business days it will take to satisfy the request.
- Any item in the request that is exempt from disclosure.
- A denial of the records requested with an explanation that includes the legal authority to deny.

**Note:** If a public document contains information that is both public as well as exempt, the exempt portions will be redacted and the public records released. Redactions will be accompanied by an explanation.

There is generally no charge for public record releases unless the request is excessive. In this event, LCCS will first attempt to place the material on a digital storage device such as a USB/Flash Drive at no cost to the requestor. However, when the requestor is unable to utilize such media, the Fiscal Department will determine a reasonable charge for the material, and prepare an invoice.

Agency Counsel shall maintain a log for public record requests in a safe, but accessible location.

## **Personnel Records**

Requests for information from Personnel Records will be forwarded to the Human Resources Department.

The Human Resources Department maintains a personnel file for each employee. It contains information such as the employment application and other hiring documents, job descriptions, employment status, position changes, performance evaluations, disciplinary actions, etc.

As a public agency, Lucas County Children Services personnel files are public records, and as such, are accorded only such confidentiality as is provided by Ohio and Federal law. Residential addresses, phone numbers, social security numbers, beneficiary designations and banking information are not subject to inspection or copying as part of the Public Records Act. (See Ohio Revised Code 2151.142 and the Federal Privacy Act of 1974, 5 U.S. C. Section 552).

Requests for copies or to view non-protected information from the personnel file will be responded to in a timely fashion.

**Note:** Personnel files may not be removed from the Human Resources Department, and must be reviewed in the presence of a Human Resources Department representative to be designated by the Manager of Human Resources.

Employees will be notified when requests under the Public Records Act are received regarding their file.

## **Definitions:**

**Public Records:** A public record is defined as a document in any format; paper or electronic that is created, received by, or comes under the jurisdiction of Lucas County Children Services, and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

**Case Records:** Case records are any and all records containing any documents with identifying information regarding referral source, families served, adoptive parents, foster parents, day care providers, collateral sources, medical, mental health or other service history, case plans, documentation, or information contained within the Statewide Automated Child Welfare Information System (SACWIS). Other information not specifically defined in this definition may be considered part of a confidential case record by the Deputy Chief of the Civil Division of the Lucas County Prosecutors Office. This information may be found in the actual case file or found in the records of a specific department (i.e. Information Services, Assessments, Health Services, Entitlements, ~~Legal Services~~, Placements, Support Services, etc.).

## **CASE PRACTICE GUIDES**

Public records must be available for inspection promptly. 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; and the necessity for any legal review of the records requested.

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**RELATED POLICIES and FORMS**

- LCCS Policy #149 Sharing Information with the Media
- LCCS Policy #150 Confidentiality and the Release of Information
- LCCS Policy #153 Confidentiality of the Clearing Process
- LCCS Policy #154 Security and Disposal of Records
- LCCS Policy #905 Confidentiality and Release of Medical Information