

Preble County Court of Common Pleas

Juvenile and Probate Division

Jenifer K. Overmyer, Judge

PUBLIC RECORDS POLICY

Public access to court records is governed by the Rules of Superintendence, Rules 26 and 44-47, promulgated by the Supreme Court of Ohio. It is the policy of the Preble County Juvenile and Probate Court to adhere to the State of Ohio's Public Records Act combined with the Ohio Rules of Superintendence when addressing requests for public records. Further, certain records are required to remain confidential which are identified in the Ohio Rules of Juvenile Procedure and the Ohio Revised Code. Any denial of a public records request will be accompanied by a written explanation.

PUBLIC RECORDS:

A public record is defined as any documents – paper, electronic, or other format – that is created or received by, or comes under the jurisdiction of the Court which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office, except those records that are otherwise identified as exempt under the Ohio Public Records Act, or the release of which is prohibited by State or Federal Law.

RECORD REQUEST:

Any individual or organization wishing to inspect or obtain copies of public records must identify the records requested with sufficient clarity to allow the Court to identify, retrieve, and review the records.

The individual or organization wishing to inspect or obtain copies of public records isn't required to submit a public record request in writing; nor are they required to provide his or her identity, or the intended use of the requested public record. **In certain circumstances, records may be protected, sealed or limited to the parties in a case, thus identification may be required.**

If the request is ambiguous or overly broad request or the requester has difficulty in making a request such that the Court cannot reasonably identify what public records are being requested, the request may be denied. The Court will give the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the Court. If the Court withholds, redacts, or otherwise denies requested records, it will provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation will also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest will be released. When making public records available for public inspection or copying, the Court shall notify the requester of any redaction or make the redaction plainly visible.

In processing the request, the Court does not have an obligation to create new records or perform a search or research for information in the Court's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Court's standard use of sorting, filtering, or querying features.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the Court and the public educated as to the Court's obligations under Ohio's Public Records Act. Accordingly, the Rules of Superintendence for the Courts of Ohio is available via The Supreme Court of Ohio website: (<http://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf>)

COPYING AND MAILING COSTS:

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the Court determines that the record can reasonably be duplicated as an integral part of the Court's normal operations. 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. There is no charge for e-mailed documents.

All public records are provided at a cost of \$0.10 per page.

INSPECTION:

Public records are to be available for inspection during regular Court business hours, with the exception of published holidays. However, not all records are available for inspection upon demand. Ohio Public Records Act specifies public records must be made available for inspection promptly, and copies of public records must be made available within a reasonable period of time.

"Reasonable" takes into account the volume of records requested; the proximity of the location where the records are stored; the accessibility of the records; and the necessity for any legal review of the records requested. Each request will be evaluated to determine an estimated length of time required to gather the records. All requests for public records will either be satisfied or be acknowledged in writing by the court within five (5) business days following the court's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement will include the following: 1) an estimated number of business days it will take to satisfy the request; 2) an estimated cost of copies requested with deposit required; and, 3) any items within the request that may be exempt from disclosure.

ELECTRONIC RECORDS:

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. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the Court are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

PUBLIC RECORDS MANAGER:

Pursuant to ORC 149.43, the Court Administrator shall serve as the Public Records Manager for the Probate and Juvenile Court. Written acknowledgement of such duties shall be maintained as part of the Job Description for Court Administrator as filed with the Court for such position.

Preble County Juvenile and Probate Court records are subject to records retention schedules. The Court's current schedules are available at 101 E. Main St. Courthouse 2nd Floor, Eaton, Ohio 45320, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

PUBLIC RECORDS POSTING:

Postings in conspicuous places affiliated with Court Operations shall be posted, and at a minimum shall be placed in public lobby areas and on the Juvenile and Probate Court's website.