

Ohio Department of Insurance

POLICY – PUBLIC RECORDS

Introduction:

It is the policy of the Ohio Department of Insurance (“Department”) that openness leads to an informed citizenry, which leads to better government and better public policy. It is the policy of the Department to strictly adhere to the state’s Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation also shall also be in writing.

Section 1. Public records

The Department, in accordance with the Ohio Revised Code, defines records as including the following: any document – whether in paper, electronic (including, but not limited to, e-mail), or any other format – that is created or received by, or comes under the jurisdiction of the Department and that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Department. All records of the Department are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the Department that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are posted on the Department’s website.

Section 2. Record requests

Each request for public records will be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the Department to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will contact the requester for clarification, and assist the requester in revising the request by informing the requester of the manner in which the Department keeps its records.

Section 2.2

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 Department’s general policy that this information is not to be requested.

Section 2.3

Public records are available for inspection during regular business hours (that is, 8:00 AM —to 5:00 PM Eastern Time, Monday through Friday, with the exception of published holidays. Public records will be made available for inspection promptly. Copies of public records will 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 legal review of the records requested; and redaction of exempted information, if needed.

Section 2.4

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, records maintained on the Department’s website, budgets, salary information, forms and applications and personnel rosters.

The Department will make every effort to acknowledge receipt of all requests for public records as soon as possible following the Department’s receipt of the request.

Section 2.5

Any denial of public records requested will include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. If there are redactions, each redaction will be accompanied by a supporting explanation, including legal authority.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1

The charge for paper copies is 10 cents per page. The Department will not charge for a single request for 20 pages or less.

Section 3.2

The charge for downloaded computer files to a compact disc is \$2 per disc.

Section 3.2

The charge for certification of records is \$2 per certification in addition to the charge per page or per compact disc.

Section 3.3

The Department does not charge for documents that are provided by e-mail.

Section 3.4

A requester may ask that copies of public records be transmitted by United States mail or by any other means of delivery or transmission. The requester may be charged the actual cost of the postage if the copies are transmitted by United States mail or the cost of delivery if the copies are transmitted other than by United States mail.

Section 4. E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when the content relates to the business of the Department. E-mail is treated in the same fashion as records in other formats and follows the same retention schedules.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Department are instructed to retain e-mails that relate to public business (see Section 1 Public Records) by copying the e-mails to the employees' business e-mail accounts and/or to the Department's records custodian.

Section 4.2

The records custodian will treat e-mails from private accounts as records of the Department, filing the e-mails in the appropriate way, retaining them per established schedules and making the e-mails available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to respond to a public records request

The Department recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Department's failure to comply with a request may result in a court ordering the Department to comply with the law and to pay the requester attorney's fees and damages.

Effective September 29, 2007