

## Public records policy, UT Policy 3364-10-02

Legal Affairs, Office of

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<p><b>Name of Policy:</b> <a href="#">Public records policy.</a></p> <p><b>Policy Number:</b> 3364-10-02</p> <p><b>Approving Officer:</b> President</p> <p><b>Responsible Agent:</b> Vice President and General Counsel</p> <p><b>Scope:</b> All University of Toledo Campuses</p>	 <p><b>Effective Date:</b> January 1, 2008</p>								
<table border="0"> <tr> <td><input type="checkbox"/></td> <td>New Policy Proposal</td> <td><input type="checkbox"/></td> <td>Minor/Technical Revision of Existing Policy</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Major Revision of Existing Policy</td> <td><input type="checkbox"/></td> <td>Reaffirmation of Existing Policy</td> </tr> </table>		<input type="checkbox"/>	New Policy Proposal	<input type="checkbox"/>	Minor/Technical Revision of Existing Policy	<input checked="" type="checkbox"/>	Major Revision of Existing Policy	<input type="checkbox"/>	Reaffirmation of Existing Policy
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(A) Policy statement

The University of Toledo is governed by Ohio Public Records Act, section 149.43 of the Revised Code (“Public Records Act”).

(B) Purpose of policy

To facilitate prompt access to The University of Toledo’s public records and to ensure compliance by all employees responsible for making university records available to the public with the Ohio “Public Records Act.”

(C) Procedures

(1) Making a request:

- (a) To facilitate a timely response, members of the media seeking records should submit requests to the office of marketing and communications, university hall room 2110. All other requesters should submit requests to the office of legal affairs, university hall room 3620. Requests may be made in person, by telephone, or in writing (including e-mail).

Each division of the university shall designate a records manager. The records manager will be responsible for working with the office of legal affairs to ensure prompt response to public records requests.

- (b) All university personnel receiving requests for public records should promptly notify the office of legal affairs of the request and provide a copy of the request. The office of legal affairs will work with the designated records manager for that area in order to ensure compliance with the Ohio Public Records Act.

- (c) The office of legal affairs is responsible for tracking the public records requests received by the university, including name of requestor, a summary description of records being sought, date request received, date request completed, and what records were provided.
- (2) What the request should contain:
- (a) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity and specificity to allow the university office to identify, retrieve and review the records. The university may decline to create a record that contains the information requested if the record does not already exist, or to seek out information within records that contain specific information that may be of interest to the requester.
  - (b) The university may not condition the availability of public records by requiring the disclosure of the requestor's identity or the intended use of the public record. Should it facilitate a response or enhance the ability of the university to identify, locate or deliver the public records sought by the requester the university may inquire about the requestor's identity or the intended use of the record. The university may do so, however, only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal his or her identity or decline to provide information about the intended use of the requested information.
  - (c) If a requester makes an ambiguous or overly broad request or has difficulty in making a request such that the university cannot reasonably identify what public records are being requested, the university may provide the requester with an opportunity to revise the request. In doing so, the university shall assist the requester by informing the requester of the manner in which the office keeps its records.
  - (d) Should a request not be considered "routine," such as a request seeking a voluminous number of copies or requiring extensive research or review, the university office should, whenever practicable follow up with a response to the requester indicating that it is in receipt of the request and that responsive public records will be promptly made available for inspection or copied within a reasonable period of time. The university may not limit the number of public records requests that a single individual can

make, nor limit the number of public records that will be made available during a fixed period of time.

- (3) Process for providing public records:
  - (a) The records that have been collected by the records manager to fulfill the public records request must be reviewed by the office of legal affairs prior to their release to ensure fulfillment of the public records request and compliance with the Public Records Act. The collected records should be submitted to the office of legal affairs in advance in order to allow sufficient time for review.
  - (d) Making records available and payment for records:
    - (a) Public records are available for inspection during regular business hours, with the exception of published holidays, and the university will provide copies of records within a reasonable period of time following the request. The amount of time that records will be made available to a requester will depend upon, among other things, the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact information. The university office shall make available a copy of its records retention schedule upon request. The University of Toledo general retention schedule can be found at <https://www.utoledo.edu/policies/retention.html>
    - (b) The university may require prepayment of costs associated with producing copies, including copying and mailing expenses. The university may charge only its actual cost of producing copies of the records.
- (5) Denial of records or information contained in a record:
  - (a) When making a public record available for public inspection or copying, the university will notify the requester of any redaction or make the redaction plainly visible. A redaction (i.e., removal of information) is permissible so long as authorized under applicable law. For example, the Public Records Act generally excludes medical records, peer review documents, trade secrets, trial preparation records, law enforcement investigatory records, student education records, intellectual property records, and donor profile records from the disclosure requirement. (See section 149.43 of the Revised Code for a full list of the exceptions.)

- (b) If a record is ultimately denied, in part or in whole, the university shall provide the requester with an explanation, including legal authority, setting forth why the record was not provided. If the initial request was provided in writing, the explanation also shall be provided in writing. Any university employee, office or department must comply with the process outlined in 3(a) above in consulting the office of legal affairs before denying any request in whole or in part.
  
- (6) Contacting office of legal affairs:
  - (a) Should requesters not receive a communication from the university within ten business days of issuing the request, they are encouraged to contact the office of legal affairs at 419-530-8411.

<p>Approved by:</p> <p><u>/s/laj</u>                  Lloyd A. Jacobs, M.D.                  President</p> <p><u>May 20, 2008</u>                  Date</p> <p><i>Review/Revision Completed by:</i>  <i>Legal Affairs</i></p>	<p>Policies Superseded by This Policy:</p> <ul style="list-style-type: none"> <li>o <i>01-068 Public Records (former Health Science Campus Policy, previous revision/review date 7/01/03)</i></li> <li>o <i>3360-15-01 Policy on availability of public records and related procedures(former Main Campus Policy, previous effective date 7/17/06)</i></li> </ul> <p>Initial effective date: January 1, 2008                  Review/Revision date:                  Next review date: January 1, 2011</p>
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