

<p><b>Name of Policy:</b> Public records policy</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>Revision Date:</b> May 18, 2018</p> <p><b>Effective Date:</b> January 1, 2008</p>
<p><input type="checkbox"/> New Policy Proposal</p> <p><input type="checkbox"/> Major Revision of Existing Policy</p>	<p><input checked="" type="checkbox"/> Minor/Technical Revision of Existing Policy</p> <p><input type="checkbox"/> Reaffirmation of Existing Policy</p>

(A) Policy statement

The University of Toledo is governed by Ohio Public Records Act, section 149.43 of the Revised Code (“Public Records Act”). The maintenance of public records shall be done in accordance with The University of Toledo’s records retention schedule and University policy 3364-5-05 (Policy on records management and retention). All employees are responsible for working with the Office of Legal Affairs and/or their division’s records manager to ensure prompt response to public records requests.

(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) Definition of a public record

- (1) A “record” is any document – in paper, electronic (including, but not limited to e-mail), or other format – that is created or received by, or comes under the jurisdiction of the university, and that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the university.
- (2) A “public record” is a “record” that is being kept by the university at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law.

- (3) All records must be organized and maintained in such a way that they can promptly be made available for inspection and copying.
- (4) Content that fits the definition of a public record above, which is transmitted to or from private accounts or personal devices, is subject to disclosure under the Public Records Act. Such content shall be retained in accordance with the university's retention schedules and University policy 3364-5-05 (Policy on records management and retention).

(D) Procedures

- (1) Making a request:
  - (a) To facilitate a timely response, members of the media seeking records should submit requests to University Marketing and Communications, University Hall, Room 2110. All other requesters should submit requests to the Office of Legal Affairs, University Hall, Room 3620, Mail Stop 943. 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 division's employee(s) and the Office of Legal Affairs to ensure prompt response to public records requests.

- (b) All university personnel receiving requests for public records shall 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 and/or the division's employee(s) in order to ensure compliance with the Public Records Act.
- (c) The Office of Legal Affairs is responsible for tracking the public records requests received by the university, including name of requester, a summary description of records being sought, date request received, date request completed, and what records were provided. Therefore, all responses to

requests must be done by the Office of Legal Affairs, unless otherwise agreed upon.

- (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 requester'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 requester'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. The University of Toledo's general retention schedule can be found at <https://www.utoledo.edu/policies/retention.html>.
  - (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 Office of Legal Affairs 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 except as allowed by the Public Records Act.

- (3) Process for providing public records:
  - (a) The records that have been collected by the records manager and/or the division's employee(s) 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.
  - (b) The university does not have an obligation to create new records or perform new analysis of existing information in order to respond to a request. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple functions (sorting, filtering, querying).
- (4) 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 an employee of the university must accompany the requester during inspection. Copies of records will be provided by the university 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.
  - (b) The university may require prepayment of costs associated with producing copies, including copying, scanning, 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 not produced, 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.
  
- (6) Contacting Office of Legal Affairs:
 

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/</u> Sharon L. Gaber, Ph.D. President</p> <p><u>May 18, 2018</u> Date</p> <p><i>Review/Revision Completed by:</i> <i>Office of Legal Affairs</i></p>	<p><b>Policies Superseded by This Policy:</b></p> <ul style="list-style-type: none"> <li>• <i>3364-10-02, effective January 1, 2008</i></li> </ul> <p>Initial effective date: January 1, 2008</p> <p>Review/Revision Date: review August 1, 2011, revision May 18, 2018</p> <p>Next review date: May 18, 2021</p>
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