



PUBLIC RECORDS REQUESTS GUIDELINES

Records Custodian: Dawn M. Wenk, Vice President of Administration & General Counsel

Signature of Records Custodian: *Dawn M. Wenk* Date: 4/29/2020

Introduction

The Port Authority acknowledges and appreciates that openness leads to a better-informed citizenry, which leads to better government and better public policy. The Port Authority will fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act at all times.

Defining Public Records

The Port Authority, in accordance with the Ohio Revised Code, defines records as including the following: a document in any format—paper, electronic (including, but not limited to, business e-mail)—that is created, received by, or comes under the jurisdiction of the Port Authority that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Port Authority.

A "public record" is a "record" that is kept by the Port Authority at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records are organized and maintained in such a way that they can be made available for inspection and copying.

Response Timeframe

Public records are made available for inspection promptly during regular business hours. Copies of public records are made available within a reasonable period of time taking into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the Port Authority that requests for public records are generally acknowledged or, if feasible, satisfied, within three business days following the Port Authority's receipt of the request.

Handling Requests

No specific language is required to make a request for public records. However, the requestor must identify the records requested with sufficient clarity to allow the Port Authority to identify, retrieve, and review the records.

The requestor does not have to put a records request in writing, provide their identity, or the intended use of the requested public record(s). The law does, however, permit the Port Authority to ask for a written request, the requester's identity, and/or the intended use of the information requested if: (1) a written request for disclosure of identity or intended use would benefit the requester by enhancing the Port Authority's ability to identify, locate, or deliver the public records; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal their identity or intended use. A sample records request form is attached.

A request for public records may be submitted to the Records Custodian by e-mail to: contactus@toledoport.org; by mailing to: One Maritime Plaza, 7th Floor, Toledo, Ohio, 43604 Attn: Records Custodian; or by calling (419) 243-8251.

In processing the request, the Port Authority does not have an obligation to create new records or perform a search or research for information in its records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Port Authority's standard use of sorting, filtering, or querying features. Although not required by law, the Port Authority may consider generating new records as it deems appropriate and practical under the circumstances. In processing a request for inspection of a public record, a Port Authority employee may accompany the requester during their inspection to make certain original records are not removed or altered.

The most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website (www.ohioattorneygeneral.gov/YellowBook) for the purpose of keeping Port Authority employees and the public educated as to the Port Authority's obligations under the Ohio Public Records Act, the Ohio Open Meetings Act, and records retention laws.

Electronic Records

Electronic records are treated in the same fashion as records in other formats, such as paper or audiotape. All Port Authority employees and representatives are required to retain their email records and other electronic records in accordance with applicable records retention schedules.

Denial and Redaction of Records

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Port Authority cannot reasonably identify the public records being requested, the request may be denied, at which time the Port Authority will provide the requester an opportunity to revise the request by informing them of the manner in which records are maintained and accessed by the Port Authority.

If the Port Authority withholds, redacts, or otherwise denies requested records, it will provide an explanation, including legal authority, for the denial. If the initial request was made in writing, the explanation must 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 inspection or copying, the Port Authority will notify the requester of any redaction or make the redaction plainly visible.

Copying and Mailing Costs for Public Records

Those seeking public records are charged only the actual cost of the copies, not labor.

The charge for paper copies is seven cents (\$0.07) per page.

The charge for downloaded computer files to a compact disc is \$1.00 per disc.

There is no charge for e-mailed documents.

A requester may be required to pay in advance for the actual costs involved in providing copies.

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 Port Authority determines that the record can reasonably be duplicated as an integral part of the Port Authority's normal operations.

If a requester asks that documents be delivered, they may be charged the cost of the postage and mailing supplies, or other costs of the delivery.

Managing Records

The Port Authority's records are subject to records retention schedules. Its current schedules are available at One Maritime Plaza, Toledo, Ohio, which is readily available to the public as required by Ohio Revised Code §149.43(B)(2).



Public Records Request

Name of Requester (Optional):

Description of requested records:

Desired format to receive responsive public records (paper, electronic, or in-person inspection):

If you are requesting an in-person inspection of records, please provide your contact information so we may contact you to make those arrangements:

If you are requesting paper copies of records, the cost is \$.07 per page and payment is required prior to the release of the records. Please provide the address to which you would like the copies mailed. If you prefer to pick the copies up, please provide your phone number, and you will be contacted to coordinate a time for pick up at the Port Authority's office:

If you are requesting electronic copies, please provide your e-mail address and the requested records will be e-mail to you at no charge:

For Port Authority use only

Date request received: _____

Initials: _____