

OHIO TURNPIKE COMMISSION
PUBLIC RECORDS POLICY AND PROCEDURES

I. POLICY

It is the policy of the Ohio Turnpike Commission to strictly comply with the Ohio Public Records Statute, O.E.C. Section 149.43 for all requests for public records maintained by the Commission. These statutes currently require that public records be open to inspection by any member of the general public. The denial of a public records request must be submitted in writing, reviewed and approved by the General Counsel and provide a specific legal basis for the denial of the records request.

Public records are defined to include any record, document, paper, electronic or other form of record that is created or received by, comes under the jurisdiction of the Commission that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Commission. All records of the Commission are public, unless they are specifically exempt from disclosure under the Ohio Revised Code or federal law.

Employees of the Commission are responsible for ensuring that all records are maintained in an organized and efficient manner in order to facilitate their availability and identification in the event of a public records request. Records are also required to be maintained in accordance with the Commission's record retention schedules which shall be readily available for public inspection.

Employees of the Commission are discouraged from conducting Commission business using private e-mail accounts, phones or other personally owned electronic devices unless there are extenuating circumstances that require them to work outside of the office. Records created using personal hand-held devices or private e-mail accounts are subject to disclosure as a public record under the provisions of this policy, and should be maintained in accordance with the Commission's record retention schedules.

II. PROCEDURES

All employees of the Ohio Turnpike Commission are required to comply with the requirements of this policy and procedure, and Ohio's Public Records Law. Upon receiving any request for a public record, whether submitted in writing or verbally, the employee should report a request for information to one of the following officers:

1. Executive Director
2. Public Affairs & Marketing Manager
3. General Counsel

A request for records made by a reporter, or other member of the media must be directed to the Public Affairs & Marketing Manager for a prompt response. A record of the type of information requested shall be maintained by the Department that responded to the request for information. This record should include the date of request and records requested.

A request for public records is not required to be made in writing, nor does the person requesting the record need to provide their identity or explain why they are making the request. It is sufficient for a member of the media or public to make a request verbally, however, the employee responsible for providing the records is responsible for preparing a cover letter or other record documenting what information was provided in response to the request. The Commission will ask that a request be made in writing, that the requester's identity be disclosed or that the requester's intended use be disclosed only (1) after informing the requester that the requester may decline; and (2) when a written request or disclosure of identity or intended use would benefit the requester by enhancing the ability of the Commission to identify, locate or deliver the public records sought. To the extent that a request for records is unclear or confusing, the Legal Department will contact the person making the request to obtain clarification, and the person making the request will be provided with an explanation of the manner in which the Commission maintains its records. A response to a record request should be made promptly or within a reasonable period of time. The terms "prompt" and "reasonable" depend on the nature and volume of the information requested. If the records responsive to the request are not readily available, the person requesting the information should be advised of the existence of records, the cost (to be paid in advance) and the expected/approximate date of completion. Records should be made available for inspection promptly and during regular business hours. Copies of public records must be 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, and the necessity for any legal review of the records requested.

Records maintained or generated by the Ohio State Highway Patrol ("OSHP") should be requested directly from the OSHP. (<http://www.statepatrol.ohio.gov/index.htm>)

Records that are requested in electronic format and are maintained by the Commission in such format should be provided to the requesting person in electronic format.

The General Counsel must be consulted in the event a question arises with respect to the confidentiality of any records requested or the denial of a request for records. Requests for voluminous records should also be directed to the General Counsel for a response. In matters of litigation involving the organization where legal discovery is involved through the use of subpoenas, interrogatories or other requests, the Legal Department will coordinate the legal discovery process with the Department Head where the files may be located.

The Ohio Turnpike Commission charges five cents per page for each copy. Additional

charges may be assessed in the case of requests for video or tape recording duplicates. Payment for copies or tapes must be made prior to the records being produced.

Additional charges may not be assessed other than the actual out-of-pocket costs incurred by the Ohio Turnpike Commission. Questions regarding this policy should be directed to the Executive Director or General Counsel.

Employees who fail to comply with this policy are subject to appropriate disciplinary action up to and including termination.

Send an electronic records request to: recordrequest@ohioturnpike.org

Effective Date: September 29, 2007