

**ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES  
BOARD OF CUYAHOGA COUNTY (ADAMHS BOARD)**

**POLICY STATEMENT**

**SUBJECT: PROCESSING REQUESTS FOR PUBLIC RECORDS**

**EFFECTIVE DATE: September 23, 2020**

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**PURPOSE**

To provide direction to all members of the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County regarding how to process requests for public records and to strictly adhere to the Ohio's Public Records Act.

**POLICY**

**1. Definitions:**

- a. "Public record" means a document kept by the ADAMHS Board office, with certain exemptions as defined in Ohio Revised Code section 149.43, and is one that is:
  - i. Stored on a fixed medium (paper, electronic, or other format); and
  - ii. Created, received by, or comes under the jurisdiction of the ADAMHS Board office; and
  - iii. That documents the organization, function, policies, decisions, procedures, operations or other activities of the ADAMHS Board.
- b. "Requester" means the person or entity making the request for a public record from the ADAMHS Board.

**2. General Rules of Law:** All public records responsive to a public records request made pursuant to Ohio Revised Code section 149.43 shall be promptly prepared or made available for inspection to any person at all reasonable times during regular business hours, with the exception of published holidays.

- a. "Prompt" and "reasonable" take 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.
- b. Records will be organized and maintained so that they are readily available for inspection and copying.

**3. Receiving the Public Records Request:** All requests for public records, from whatever source, made in whatever manner to any staff of the ADAMHS Board shall be immediately forwarded to the Director of External Affairs, or if the Director of External Affairs is not present, to the Chief Executive Officer and/or to a member of staff Executive Council.

**4. Information from the Requester:** After informing the Requester that a written request is NOT mandatory and that the Requester may DECLINE to reveal the Requester's identity or the intended use, the Director of External Affairs shall ask the Requester:

- a. To make the request in writing;

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- b. For the Requester's identity; and
- c. To state the intended use of the information requested.

The Director of External Affairs must notify the Requester when the reduction of the request to writing, or the disclosure of the identity of the Requester, or the disclosure of the intended use of the record would benefit the Requester by enhancing the ADAMHS Board's ability to identify, locate, or deliver the public records sought by the Requester.

**5. Reviewing the Public Records Request:** Upon receipt of the request for public records, the Director of External Affairs, the Chief Executive Officer and any other relevant personnel shall evaluate the request to determine:

- i. Whether the request is for a "public record" which is kept by the ADAMHS Board.
- ii. Whether the request is for a "public record" which is exempted from disclosure as enumerated in the federal or state law.
- iii. Whether any redactions must be made to the public records.
  - 1. If redactions are required and are not plainly visible, notice must be given to the Requester about the redactions.
- iv. Whether the request is ambiguous or overly broad.
  - 1. If a Requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the ADAMHS Board cannot reasonably identify what public records are being requested, the Director of External Affairs may deny the request but shall provide the Requester with an opportunity to revise the request by informing the Requester of the manner in which records are maintained by the ADAMHS Board and accessed in the ordinary course of the public office's or person's duties.
- v. Whether the request should be denied.
  - 1. If the request is denied, the Director of External Affairs shall provide the Requester with an explanation, including legal authority explaining why the request was denied.
  - 2. If the initial request was in writing, the explanation also shall be provided to the requester in writing.

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- vi. The reasonable amount of time it will take to promptly prepare and make available or permit inspection of the record during regular business hours;
- vii. If copies are requested, the reasonable amount of time it will take to make copies available and the choices of medium (for example: hard copy, fax audiotape, etc.) upon which the record can be duplicated as an integral part of the normal operations of the ADAMHS Board office;

**6. Responding to Requester Regarding Inspection:** The Director of External Affairs shall inform the Requester of the most reasonably prompt manner of providing access to inspect the public records and shall make provisions within the ADAMHS Board office for the logistics. If this notification is oral, the Director of External Affairs shall document that said information was provided.

**7. Process for Providing Copies:**

- a. **Payment process:** If copies of the public records are requested, the Director of External Affairs may request that Requester pay in advance, the cost of duplicating the public record. If the Requester has requested the public record to be mailed, the cost of United States postage and other mailing supplies beyond a standard envelope will be charged to the Requester.
- b. **Cost:**
  - i. The charge for paper copies is 5 cents per page
  - ii. The charge for downloaded computer files to a compact disc is \$1.00 per disc
  - iii. Duplication costs for other media will be determined at the time of the request.
  - iv. There is no charge for documents that are e-mailed.
- c. **Acknowledgment of payment:** The Director of External Affairs shall immediately forward the funds received to the ADAMHS Board Fiscal Department with a copy of the invoice indicating the nature and amount of funds received. If the Requester tenders cash, a receipt shall be immediately issued by the ADAMHS Board to the Requester at the time the cash is tendered and prior to the tendering of the record.

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- 8. Request to Review ADAMHS BOARD Personnel File:** Any request made to review an ADAMHS Board personnel file, or to obtain copies of records contained in an ADAMHS Board personnel file, shall be processed according to this Policy. The Director of External Affairs will notify the ADAMHS Board staff person whose file has been the subject of a public record request.
- 9. Notice to ADAMHS Board Contract Service Provider involved in a Request:** The Director of External Affairs will notify an ADAMHS Board Contract Service Provider that is affected by a public records request made of the ADAMHS Board.
- 10. Policy Not to Interfere with Regular Business Opportunities:** For the purposes of this Policy, documents and records which are normally exchanged on a regular basis in a normal course of business with ADAMHS Board Contract Service Providers, constituents and those engaged in a business relationship with the ADAMHS Board do NOT have to be exchanged pursuant to the processes of this Policy. However, duplication costs may be applicable as determined by the ADAMHS Board Chief Executive Officer.
- 11. Inclusion and Display of Policy:** This Policy must be included in the ADAMHS Board Human Resources Policy Manual and must be displayed in a poster format in the ADAMHS Board offices.
- 12. Failure to Respond to a Public Records Request:** The ADAMHS Board 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 such a failure to comply may cause, ADAMHS Board's failure to comply with a request may result in a court ordering the ADAMHS Board to comply with the law and to pay the Requester's attorney's fees and damages.

**Supersedes and retires:** Processing Requests for Public Records, Effective April 26, 2017.

**Reference:** Ohio Revised Code section 149.43, Ohio Attorney General's Office.

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*Rev. Benjamin F. Gohlstin, Sr*  
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**Rev. Benjamin F. Gohlstin, Sr.**  
**ADAMHS Board Chair**

DocuSigned by:  
*Scott S. Osiecki*  
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**Scott S. Osiecki**  
**ADAMHS Board Chief Executive Officer**

**September 23, 2020**  

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**Approval Date**

**September of 2023**  

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**Review Date**