

SOPEC

Sustainable Ohio Public Energy Council



**Southeast Ohio Public Energy Council
(DBA Sustainable Ohio Public Energy Council)**

RECORDS POLICY

I. INTRODUCTION

It is the policy of Southeast Ohio Public Energy Council (DBA Sustainable Ohio Public Energy Council) (“SOPEC”) to provide prompt and open access to all public records maintained by SOPEC, in accordance with Ohio Revised Code Section 149.43, which is also known as the Ohio Public Records Act or the “Sunshine Laws”.

II. PUBLIC RECORDS

SOPEC, in accordance with Ohio Revised Code Section 149.011(G), defines records as including the following: Any document - paper, electronic (including, but not limited to, email), or other format that is created or received by, or comes under the jurisdiction of SOPEC, that documents the organization, functions, policies, decisions, procedures, operations, or other activities of SOPEC. All records of SOPEC are public unless they are exempt from disclosure under the Ohio Revised Code.

It is the policy of the SOPEC that, as required by Ohio law, records will be organized and maintained so that they are readily accessible for inspection and copying.

III. RECORD REQUEST

Each request for public records should be evaluated for a response using the following guidelines:

- A.** The requester must identify the records requested with sufficient clarity to allow SOPEC to identify, retrieve, and review the records. If the requester makes an ambiguous or overly broad request, or has difficulty in making a request for public records, the request may be denied. If it is not clear what records are being sought, SOPEC staff must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which SOPEC maintains its records.
- B.** The requester does not have to put a records request in writing, and does not have to provide their identity or the intended use of the requested public record. However, the records custodian may ask for a written request and may ask for the requester’s identity and/or intended use of the information requested if:
 - 1.** It would benefit the requester by helping the public office identify, locate, or deliver the records being sought; and
 - 2.** The requester is informed that a written request and the requester’s identity and intended use of the information requested are not required.
- C.** Public records are to be available for inspection during regular business hours, with the exception of published holidays. In processing a request for inspection of a public record, a SOPEC employee or SOPEC counsel must accompany the

requester during inspection to make certain that original records are not taken or altered. Public records must promptly be made available for inspection. Copies of public records must be made available within a reasonable period of time.

“Prompt” and “reasonable” take into account all of the facts and circumstances surrounding the response, including but not limited to the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review and/or redaction of the records requested.

All requests for public records must either be satisfied or acknowledged by SOPEC staff following SOPEC’s receipt of the request. If the request for records was in writing, the acknowledgment shall also be in writing.

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted, and the rest of the record will be released. Redactions must be accompanied by a supporting explanation, including legal authority. If the original request was in writing, the explanation for any denial and/or redaction will also be in writing.

IV. FEES FOR PUBLIC RECORDS

Those seeking public records will be charged only the actual cost of making copies.

The charge for paper copies is ten cents (\$0.10) per page, or the amount required by law.

The charge for downloading computer files to a compact disc is one dollar (\$1.00) per disk, or the amount required by law.

There is no charge for documents sent via email.

Requesters may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies, in addition to the charges set under the costs in this section. A requester may be required to pay in advance for the costs involved in providing copies of records.

V. EMAIL

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of SOPEC. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of SOPEC are instructed to retain their emails that relate to public business and to copy them to the SOPEC Records Custodian.

The SOPEC Records Custodian is to treat the emails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules, and making them available for inspection and copying in accordance with the Ohio Public Records Act.

For more information regarding email records, please see SOPEC's Email Policy.

VI. RECORDS COMMISSION

SOPEC will establish a SOPEC Records Commission to serve as the local records commission for the SOPEC Council of Governments, according to the following:

- A.** The SOPEC Records Commission will be composed of three (3) members of the SOPEC Board of Directors.
- B.** The SOPEC Records Commission will meet at least once annually to review the SOPEC Records Policy and the official Records Retention Schedule (RC-2). The SOPEC Records Commission will also review the SOPEC Records Management Record, inventory of records, compliance with the policy, and provide recommendations for improvements to records management.

VII. SOPEC RECORDS MANAGEMENT RECORD

The SOPEC Records Custodian will maintain a SOPEC Records Management Record according to the following requirements:

- A.** The SOPEC Records Management Record will contain an initial Records Inventory documenting records that have been accounted for as well as identifying records that are missing or incomplete.
- B.** The SOPEC Records Management Record will contain annual internal audits of SOPEC employment, financial, operational, and meeting records. These annual audits will be used to update the Records Inventory.
- C.** The SOPEC Records Management Record will document the destruction of records according to the approved Records Retention Policy, as well as the destruction of records requiring the submission of Ohio Form RC-1 (one time disposal of obsolete records) or Ohio Form RC-3 (Certificate of Records Disposal) in accordance with the Ohio Revised Code. Records destroyed under these circumstances will be removed from the Records Inventory.
- D.** The SOPEC Records Management Record will document the approved Records Retention Schedule and any revisions submitted to the Ohio History Connection and State Archives - Local Government Records Program.

VIII. DESTRUCTION OF RECORDS

Records can only be destroyed in accordance with the following requirements:

- A.** Records that are described in the Records Retention Schedule contained in this policy and not requiring the submission of Ohio Form RC-3 can only be destroyed after the retention period of the record has expired.
- B.** Records described in the Records Retention Schedule contained in this policy and requiring the submission of Ohio Form RC-3 can only be destroyed after the retention period of the record has expired and after Ohio Form RC-3 has been submitted to the Ohio History Connection, State Archives - Local Government Records Program. The record can only be destroyed thirty (30) days after submitting the form unless the State Archives requests the record be preserved or transferred.
- C.** Records not described in the Records Retention Schedule contained in this policy cannot be destroyed until Ohio Form RC-1 has been filed with and approved by the Ohio History Connection, State Archives - Local Government Records Program and the Ohio State Auditor.
- D.** Records destroyed according to this policy will be documented in the SOPEC Records Management Record along with copies of the submitted and approved Ohio RC-1 and Ohio RC-3 forms.

IX. AMENDMENTS TO RECORDS RETENTION SCHEDULE

The Records Retention Schedule contained in this policy can only be amended in accordance with the following requirements:

- A.** Any modifications to the Records Retention Schedule, including adding, removing, or altering the language describing the Record Type, Retention Period, or Retention Method, must first be approved by the Records Commission during a public meeting.
- B.** Modifications of the Records Retention Schedule that are approved by the SOPEC Records Commission must then be submitted on Ohio Form RC-2 to the Ohio History Connection, State Archives - Local Government Records Program and the Ohio State Auditor.
- C.** Modifications to the Records Retention Schedule are official if they are approved by the SOPEC Commission and the Ohio History Connection, State Archives - Local Government Records Program and the Ohio State Auditor. The SOPEC Records Commission and Records Custodian must be notified of any changes to records requiring the submission of Ohio Form RC-3 prior to destruction.

- D.** Modifications to the Records Retention Schedule in this policy will be documented in the SOPEC Records Management Record along with copies of the submitted and approved Ohio RC-2 Form.

X. RECORDS RETENTION SCHEDULE

SOPEC staff, members of the SOPEC Board of Directors and SOPEC General Assembly, and all outside entities that provide services to SOPEC through service agreements and contracts, will preserve and provide to the SOPEC Records Custodian the original records, or copies of the records, as specified in the SOPEC Records Retention Schedule attached hereto. The SOPEC Records Custodian will maintain, provide access to, and dispose of the records according to the approved schedule.