



PERRY METROPOLITAN HOUSING AUTHORITY

26 Brown Circle Drive, Crooksville, Ohio 43731

Public Housing/ADM Office

(740) 982-5991
(740) 982-1274 FAX
TTY: 711 or 1-800-750-0750



Section 8 - HCV Office

(740) 982-8021
(740) 982-8025 FAX
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PUBLIC RECORDS POLICY

1. **PURPOSE:** The Perry Metropolitan Housing Authority (Perry MHA) acknowledges that it maintains many records that are used in the administration and operation of the Housing Authority. In accordance with state law, Perry MHA has adopted a Schedule of Records Retention and Disposition that identify these records. The schedules identify records that are created, received or sent under the jurisdiction of Perry MHA and document the organization, functions, policies, decisions, procedures, operations and other activities of the Housing Authority Ohio Revised Code (O.R.C.) 149.011(G), O.R.C. 149.43 (A) (1). The records maintained by Perry MHA and the ability access them are a means to provide trust between the public and the Housing Authority.

2. SCOPE:

- a. Perry MHA's Public Record policy is made available to the public upon request.
- b. Perry MHA displays a poster in the lobby of its developments (2) located in Crooksville and Roseville, Ohio (OH034-001 and OH034-02) which generally describes the Public Record policy.

3. FEES:

Perry MHA, in accordance with Section 149.43 of the Ohio Revised Code, has established the following fees for providing copies or reproductions of public records maintained by Perry MHA:

- a. For photocopies of either letter or legal size documents, the fees shall be \$.05 per photocopy calculated from the first photocopy. Advance payment is required before any copies are prepared. The charge for a certified copy of public records is \$1.00 per page.
- b. For any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
- c. Established costs/fees under this policy shall be clearly posted and visible to the public.
- d. The *Freedom of Information Act* waiver provision, 5 U.S.C. Section 552(a) (4) (A) (111), directs agencies to furnish documents free or at a reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the requester... If an individual /group request a waiver of the copy fees, that individual/group must complete a waiver form obtained from Perry MHA. This form will then be submitted to the Executive Director and/or the Board of Directors for approval. If approved, the Housing Authority will waive the cost of copies.



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4. AVAILABILITY:

a. All public records maintained by Perry MHA shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of Perry MHA's current records retention schedule. O.R.C. 149.43(b)(1): promptness is to be determined by the facts and circumstances of each public records request]. Regular business hours at Perry MHA are Monday through Friday (except holidays) from 9:00 a.m. to 4:00 p.m.

b. For the purpose of enhancing the ability of Perry MHA to identify, provide for prompt inspection as well as provide copies of the requested items in reasonable period of time, Perry MHA shall provide to the requester a "Request for Public Records" form for the requester to complete:

1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for local review.
2. Although Perry MHA may ask the requester to make the request in writing, confirm the requester identity and inquire about the intended use of the information being requested, the requester shall be advised that:
 - a. The requests are not mandatory; and
 - b. The requester's refusal to complete the "Request for Public Records" form does not impair his/her right to inspect and/or receive copies of the public record ORC149.43 (B)(5)
3. Any person, including corporations, individuals and even governmental agencies, may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.

c. In the event a request is made to inspect and/or obtain a copy of a record maintained by Perry MHA, whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for Perry MHA for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by Perry MHA.

d. Records whose release is prohibited or exempted by either state or federal law or not considered public records as defined by R.D> 149.43 (A) (1) shall NOT be subjected to public inspection. The following represents a partial list of records maintained by Perry MHA that may not be inspected or copied:

1. Client files (with the exception of the client requesting their own files)
2. Health information, neither Client nor employee
3. Infrastructure record (the configuration of a public office's critical systems)
4. Law enforcement investigations
5. Communications with legal counsel and records compiled in anticipation of litigation
6. Records containing information that was specifically compiled in reasonable anticipation of civil or criminal action or proceeding
7. Security record (information that was used to protect or maintain the security of a public office against attack, interference or sabotage).
8. Social Security numbers



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5. PUBLIC RECORDS REQUESTS

Written or verbal requests for copies of public records will be processed as follows:

- a. Perry MHA shall verify that the request for public record has made been in accordance with Section 149.43 of the Ohio Revised Code.
- b. If payment for the cost of reproducing the copies is not enclosed with the request, Perry MHA will contact the requestor and advise them that advance payment is required prior to providing copies of public records which must also include the cost of postage and envelope
- c. If practical, Perry MHA may forward copied records by any other means reasonably acceptable to the requester. The requester can choose to have the public records duplicated on paper or upon the same medium upon which Perry MHA maintains the public record or upon any other medium on which the record can be reasonably duplicated as an integral part of the normal operations of Perry MHA.
- d. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any type of duplication (O.R.C. 149.43 (B)(6))

6. RESPONSE and DENIALS

a. Requests for inspection and/or copies of public records which are not maintained by Perry MHA will be processed as follows:

1. The requester will be notified in writing that one of the following applies:

- a. The request involves records that have never been maintained by Perry MHA
- b. The requests involves records that are no longer retained by Perry MHA
- c. If the record being requested is not a record used or retained by Perry MHA, the requester will be notified in writing that Perry MHA is under no obligation to create records to meet public records requests in accordance O.R.C. 149.40

b. If a requester makes an ambiguous or overly broad request or has difficulty in making the request for copies or inspection of public records such that Perry MHA cannot reasonably identify what public records are being requested, such request may be denied. The requester will be given the opportunity to revise the request and will be advised as to the manner in which records are maintained by Perry MHA in the ordinary course of business (O.R.C. 149.43 (13)(2))

c. Perry MHA may deny a request for a public record maintained by the Authority if the record is prohibited from release due to applicable state or federal law; the requester will be notified in writing of the applicable statutory exclusion.

d. Perry MHA will consult its legal counsel if any uncertainty exists regarding the request for public records.

e. Redaction (obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in Section `149.011 of the Ohio Revised Code (149.43:

1. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction as cited in O.R.C. 149.43 (B)(1)



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2. If the request is ultimately denied, in part or in whole, Perry MHA will provide the requester with an explanation, including legal authority, setting forth why the request was denied (O.R.C. 149.43 (B)(3))

f. If the public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, Perry MHA will make available only the information within the public record that is not exempt.

g. When making that public record available for public inspection or copying, Perry MHA will notify the requester of any redaction or make the redaction plainly visible (O.R.C. 149.43 (B)(1))

h. Perry MHA will reproduce a copy of the page with the redactions; the resulting copy will be the page that is released to the requester.

7. REMEDY

a. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may contact the Deputy Director, Executive Director and/or the Board of Directors.

b. If the person is not satisfied after contacting the Deputy Director, Executive Director and/or the Board of Directors, they will be advised the Ohio Revised Code 149.43 provides a legal means for addressing their complaint in these types of disputes (O.R.C. 149.43©(1)(2))

8. PUBLIC RECORD TRAINING

Perry MHA continues to update and address all education, training, disclosure and policy requirements mandated by O.R.C. 109.43 and 149.43 (E)(1)(2)

9. ATTACHMENTS TO POLICY

There are three (3) attachments to this policy, labeled A, B and C

a. Attachment A is Request for Public Records form

b. Attachment B is Public Records Unavailable form

c. Attachment C is Waiver of Public Record Fees

Date Approved 11-8-07

Resolution No. 07-047