

# CLERK OF THE COURT OF COMMON PLEAS



MARYELLEN O'SHAUGHNESSY, CLERK OF COURTS

Franklin County Courthouse  
373 South High Street, 23<sup>rd</sup> Floor  
Columbus, OH 43215

## **Public Records Policy**

### **Introduction**

It is the policy of the office of Maryellen O'Shaughnessy, Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio, to encourage and facilitate open, equal access to the public records entrusted to the office. Openness leads to a better informed citizenry. Making public information readily accessible is good policy that promotes transparency and fosters better government. This office will adhere to Ohio's public records laws in a fashion consistent with the Rules of Superintendence for the Courts of Ohio, Ohio Rules of Procedure, and the local Rules of Practice adopted by the Franklin County Court of Common Pleas and the Tenth District Court of Appeals.

This office recognizes a need to balance the public's right to access against the expectations of individual citizens to privacy. In administering this public records policy, the office of the Clerk will not knowingly disclose, or publish on the internet, private information deemed protected under the laws of the State of Ohio or of the United States of America as those laws may be from time-to-time revised. Presently, as of September 29, 2007, we will not knowingly disclose or publish any person's: (a) social security number or other federal tax identification number; (b) driver's license number or state identification number; or (c) banking or other financial account numbers. Parties and their representatives are encouraged to refrain from including such protected private information in new filings.

Exceptions to openness, that is, records or parts thereof deemed by law not to be public records subject to disclosure are detailed in Section 149.43 of the Ohio Revised Code. In the spirit of our policy to encourage and facilitate open, equal access, exceptions to openness will be construed in their narrowest sense. Any withholding of public records or redaction of portions of public records in response to an otherwise valid request will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If a request for inspection and copies of public records is in writing, our response and our explanation, if any, for less than full disclosure will also be in writing.

## **Public Records in the Care and Custody of the Office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio**

The Ohio Revised Code defines public records to include the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records in the care and custody of the office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio are public unless they are specifically exempt from disclosure under the Ohio Revised Code, the Rules of Superintendence for the Courts of Ohio, Ohio Rules of Procedure, or the local Rules of Practice adopted by the Franklin County Court of Common Pleas and the Tenth District Court of Appeals.

### **General Availability of Public Records for Inspection and Copying**

As required by Ohio law, records in the care and custody of the office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio are organized and maintained so that they are readily available for inspection and copying. Our record retention schedules, as approved by the Franklin County Records Commission, are updated regularly and are available for inspection from our Compliance Officer, the managers of each of our legal divisions and auto title branches, and at each records storage location.

### **Making Public Records Requests**

1. While no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow this office to identify, retrieve, and review the records. If it is not clear what records are being sought, one of our records custodians will contact the requester for clarification, and will attempt to assist the requester to understand the manner in which the office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio keeps its records.

2. Any person who makes a request to inspect or copy the public records in the care and custody of the office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio does not have to submit a records request in writing. Nor does the person making a request have to prove his or her identity or reveal the intended use of the information requested. The general policy of this office will be to not require identification and to not inquire as to the purpose of the request. This office, while recognizing that valid records requests do not need to be in writing, may ask for written clarification, if necessary, to identify the specific records being sought. In instances where this office asks for written clarification, the requestor will retain the option not to make the request in writing.

3. Court decisions, applicable statutes, and rules of procedure require parties to cases before the respective courts and the representatives of those parties, including the attorneys of record, to obtain copies of transcripts and depositions from the court reporter who transcribed them originally. Any person requesting copies of transcripts and depositions that have been filed with this office will be referred to the court reporter unless that requester furnishes satisfactory proof that the requester is not a party to the action in which the transcript or deposition has been filed. This requirement does not by itself limit the ability of any person to inspect a transcript or deposition at our offices.

### **Hours of Operation for Inspecting Public Records**

The public records in the care and custody of the office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio are available for inspection during our regular business hours—that is, from eight a.m. to five p.m., Monday through Friday, except on official holidays as determined and published by the Franklin County Board of Commissioners.

### **Policies and Practices for Responding to Public Records Requests**

1. The policy and practices of the office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio Public are to make records available for inspection promptly. Copies of public records will be made available within a reasonable period of time. “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.

2. This office will evaluate the estimated length of time required to gather the records. Routine requests to inspect public records in the care and custody of this office will be satisfied immediately, if it is feasible to do so. Routine requests include, but are not limited to, requests for access to the following:

- a. current court files and the content of those files;
- b. regular reports relating to business practices, finances, personnel matters and policies, etc., which reports do not require special compilation or information systems programming; and
- c. case management data and docket information that does not require special compilation or information systems programming.

3. Public records requests for fewer than twenty pages of copies or for records that are readily available in an electronic format and can be e-mailed or downloaded easily, will be processed as quickly as equipment and personnel resources allow.

4. For requests of greater scope, we will advise the requester as to when copies, computer files, or reports, can be picked up at our offices; or when they will otherwise be

furnished. The specific location among our multiple locations will be identified. We will respond to all requests for public records within three business days following the office's receipt of the request by either:

- a. fulfilling or satisfying the request as we understand it; or
- b. acknowledging the request in writing and advising the requester what portions of the request can be fulfilled or satisfied in what time frame.

5. In those instances where a request is significantly beyond "routine," such as one that requires a voluminous number of copies or extensive research, we will specifically include in the acknowledgement a statement of the following:

- a. an estimated number of business days it will take to satisfy the request;
- b. an estimated cost if copies are requested; and
- c. an identification of any items within the request that may be exempt from disclosure.

6. If we deny a public records request we will furnish an explanation, including legal authority, of our reasons for doing so. If portions of a record are public and portions are exempt and need to be redacted, the non-redacted portions of the record will be released and each redaction will be explained, including identification of legal authority that requires or supports the redaction.

### **Costs for Responding to Public Records Requests**

1. Those seeking copies of public records in the care and custody of the office of the Clerk of the Franklin County Court of Common Pleas and Court of Appeals for the Tenth Appellate District of Ohio will be charged only the actual cost of making copies as follows:

- a. the actual cost of producing paper copies, including cost of supplies and equipment, but excluding labor, is computed at ten cents per page;
- b. the charge for furnishing copies in a medium other than paper will be the actual cost of the supplies necessary to do so; and
- c. there will be no charge for documents that are furnished by e-mail.

2. Requesters may ask that documents be mailed to them, in which case they will be charged the actual cost of the postage and mailing supplies.