



LL4-002

Public Records Policy

Effective Date:	9/26/2007	Revision Date:	10/24/2023	Audience:	Everyone
Owner:	Legal	Certifier:	Richard Stensrud	Co-Owner (s):	None
Document Links:	Purpose , Policy , Procedure , Definitions , Related Documents , Policy History				

Purpose

SERS receives [public records](#) requests from a variety of sources; including requests from the public, news media, and governmental agencies. This policy establishes SERS guidelines for compliance with Ohio’s Public Records Act.

Policy

As an entity created under the laws of the State of Ohio, SERS recognizes that it is subject to the requirements of the Ohio Public Records Act (“the Act”) and will respond to all requests for public records in accordance with the Act. SERS has two primary obligations under the Act: upon request, SERS (1) must permit prompt inspection of public records, and (2) will provide copies of public records within a reasonable amount of time.

In order to protect confidential member information and information SERS is contractually obligated to keep confidential, SERS Legal staff will review all requests for [records](#) to determine if documents responsive to the request are “public records” as defined in the Act. SERS Legal staff will remain apprised of how records are maintained at SERS and how the records are accessed in the ordinary course of SERS’ business. If Legal staff determines that a request is ambiguous, SERS will notify the requestor that he or she may revise the request.

In order to avoid the potential for misunderstanding between SERS and the requester as to the scope of the request or the identity of the public records requested, SERS may ask, but not require, that the request be made in writing. If SERS asks that the request be placed in writing, SERS will inform the requester that the written request is not mandatory, but will assist SERS in identifying the records requested and confirming that the request has been fulfilled. If a request is ambiguous, SERS will notify the requester that he or she may revise the request.

In processing the request, SERS does not have an obligation to create new records or perform new analysis of existing information. An electronic record will be deemed to exist so long as a computer is readily programmed to produce the record through simple sorting, filtering, and querying. The record will be made available as a public record so

long as the record is used in the regular course of SERS business and is not otherwise exempt from disclosure. SERS does not have a duty to provide records that are acquired after a request for records is complete.

SERS will provide copies of a public record on any medium requested as long as the medium is available as an integral part of the operations of SERS or the original record is kept on that medium. If requested, SERS will send copies of records via ordinary U.S. mail, facsimile, overnight mail, or email.

No request will be denied based upon the identity or residence of the requestor, the requestor's intended use of the record, or the failure of the requestor to place their request in writing. SERS will only deny a request for public records if SERS Legal staff determines that the denial is permitted under the Act. SERS will make the denial in writing and cite legal authority for the denial. Should a SERS record contain information that is exempt from disclosure, SERS shall provide the requester those parts of the record that are not exempt, and clearly identify sections that have been redacted.

Publication

In accordance with Ohio's Public Records Act, SERS shall distribute this Public Records Policy to its "records custodian." The records custodian shall acknowledge in writing receipt of the Policy.

SERS shall also post this Public Records Policy (in poster form) in an area of SERS' building accessible to the public. Further, the Policy shall be placed on SERS' website and in the SERS Employee Handbook.

Procedure [Responding to Public Records Request](#)

Responding to Public Records Request

SERS receives public records requests from a variety of sources; including requests from the public, news media, and governmental agencies. This document establishes SERS procedure for responding to requests for public records.

Handling requests

1. Initial Contact

When a request for public records is made, SERS employees should ask that the request be placed in writing in order to assist SERS in identifying the records requested. SERS employees shall inform the requester that placing their request in writing is not a requirement. SERS employees will also not require a requestor to state their name, or their intended use of the record.

If the requestor refuses to make the request in writing, the employee should contact the Legal Department.

2. Records Request Processing

The request and any information obtained from the requestor should immediately be forwarded to SERS Legal Department or to the Senior Manager - External Communications. SERS Legal or Communications staff shall enter the request

into the Public Records dashboard on the Public Records team site. The following information shall be included when entering the request:

- a. Request Name (titled in the following format: YEAR.MM.DD – name of requesting entity if known)
- b. Requesting Person or Company (if known)
- c. A description of the request
- d. External Contact Name
- e. Assigned To (Legal staff member that is working on the request)
- f. Records Request Status (open, closed)
- g. Date of Request
- h. Date Completed (when applicable)
- i. Comments (if any applicable)

Written requests will be imaged and uploaded to the request's document set on the Public Records team site.

Legal will issue a standard letter acknowledging receipt of the request and informing the requestor that SERS will respond in a reasonable period of time. This document is also uploaded to the request's document set on the Public Records team site.

3. Review

SERS Legal will determine whether there is a responsive record, and if so, whether it is a public record or whether a statutory exemption prevents release of the record in question.

Requests for release of members' names and addresses are processed in accordance with R.C. 149.43 and Rule 3309-1-45.

4. Response

Legal shall coordinate the reply, except: (1) if the request is made by the news media, the reply should be coordinated through SERS' Communications Coordinators; and (2) if the request is made by the General Assembly or other governmental entity, the reply should be coordinated through SERS' Government Relations Officer. The Senior Manager – External Communications and Government Relations Officer shall notify Legal who will advise on disclosure as provided for herein.

After review, SERS Legal shall contact the requestor in one of the following ways:

- a. If the cost of copying and mailing the records is less than \$5, the records shall be furnished to the requestor free of charge.
 - b. While SERS will not generally charge for the cost of copying and mailing records responsive to a public records request, SERS does reserve the
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right to charge for these costs. In that event, an invoice shall be sent to the requestor detailing the costs and providing instructions for payment. Records shall not be sent to the requestor until the invoice has been paid in full.

- c. If the request is denied, SERS shall give the requestor the legal basis for the denial in writing.
- d. If portions of the document are redacted, those portions shall clearly be marked, and SERS shall explain to the requestor in writing why portions of the record are redacted.
- e. If the request is ambiguous or does not adequately describe the records sought, SERS shall deny the request in writing, but shall inform the requestor they may make another request. If deemed helpful to identify the records sought, SERS shall also explain how SERS records are maintained in the office, and how records are accessed in the normal course of business.

Copies of records may be provided on any medium requested so long as the medium is available as an integral part of SERS' operations or the original record is kept on that medium. Copies may be sent via ordinary U.S. mail, email, facsimile, or overnight mail. SERS shall attempt to send copies in a manner the requestor prefers, if possible. SERS may not charge the requestor for employee time spent responding to a request, but may charge the actual cost of copying the records as well as any postage and mailing supplies. The actual cost of a paper record is five cents per page.

5. Response Processing

All response documents and correspondence with the requester are uploaded to the request's document set on the Public Records team site. If the response includes extensive records in paper form, the records shall be scanned and the file uploaded to the request's document set on the Public Records team site.

The status of the request is updated to closed on the Public Records dashboard.

6. Inspection

If the requestor seeks inspection of the records, during SERS normal business hours, a SERS employee shall accompany the requestor to an appropriate spot within the building to view the records. The SERS employee shall stay with the requestor at all times. Under no circumstances may the requestor make copies of the records on their own; the SERS employee shall make any copies requested.

7. Record Retention

- a. Public record request responses involving third party trade secrets (or information otherwise exempt from disclosure under Ohio's public record law) for which SERS has a contractual obligation to keep confidential, shall be considered a record related to obligations under the contract and shall be assigned Record Class LEG1000.

- b. Public record request responses that do not include redactions of third-party information shall be assigned Record Class ADM1000.

Following inspection of the records, the status of the request is updated to closed on the Public Records dashboard.

Definitions

Public Record – any record kept by SERS that is not exempt from disclosure under the Ohio Public Records Act.

Record – any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of SERS, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of SERS.

Related Documents and Information

Statutes: 149.43, 3309.22

Rules: 3309-1-45

Document Links: [Purpose](#), [Policy](#), [Procedure](#), [Definitions](#), [Related Documents](#), [Policy History](#)

Forms: ---

Policy History

Version 1 – September 26, 2007 – Created – Approved by Jim Winfree

Version 2 – August 20, 2013 – Reviewed – Approved by Lisa Morris

Version 3 – May 17, 2016 – Reviewed – Approved by Richard Stensrud