

Records

Purpose

To ensure proper filing, retrieval, confidentiality, and public access of records, and to outline the procedure for destruction of any records, as applicable by statute.

Policy

A county board shall adopt written policies and procedures which address confidentiality, access, duplication, dissemination, and destruction of personnel records, as well as records of individuals served in accordance with the Health Insurance Portability and Accountability Act, 42 U.S.C. 1320d, as in effect on the effective date of this rule and as applicable, the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as in effect on the effective date of this rule. Records shall be kept in accordance to O.R.C. § 149.43 and the Personal Information Systems Act, O.R.C. Chapter 1347.

It is the policy of the HCBDD to provide prompt and open access to all public records maintained by the HCBDD in accordance with Ohio Revised Code Section 149.43 (Ohio Public Records Act). Public requests will be met with openness that leads to a better-informed community, which enhances the relationship between the community and the Board. The HCBDD is dedicated to responding to all public records requests in a timely and efficient manner. The Superintendent is accountable for release of public records of the HCBDD.

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Reviewed: 5/23/16

Procedure

Retention and Destruction of Records

All records will be retained and/or transferred to a digital image dependent on the Records Retention Schedule (RC-2). Records will be destroyed per the retention schedule in place. This process includes audit reviews for consideration of readable digital images.

Definition of Record

In accordance with the Ohio Revised Code, the HCBDD defines records as: Any documents, device, or item as, regardless of physical form or characteristic, including an electronic record such as e-mail, that is created or received by, or comes under the jurisdiction of the HCBDD, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the HCBDD.

No person is to remove information or material, except if authorized by the Superintendent, IT Coordinator, and/or Records Officer or designee.

General Storage Rules

1. Maintain records in an appropriate storage form (i.e., paper, tape, CD, hard drive, network) for the approved length of time indicated by the Retention Schedule.
2. Records are to be organized in a manner consistent with standard record keeping systems (alphabetical, chronological, etc.).
3. Scanned records will be audited for clarity and completeness. Original paper documents will be shredded according to the retention schedule.
4. Store all records in a manner that permits the efficient retrieval of stored records and the efficient return of records borrowed from storage. Hard copy documents must be kept in a container created for storage such as a Bankers Box or filing cabinets. Boxed records must be labeled with type of records, department, destruction date (if applicable), record inclusion date(s), and schedule number. If the box contains multiple types of records, then an inventory of the enclosed records must be in each container.
5. Restrict access to stored records to those individuals who have an appropriate need and permission to retrieve the records. Use passwords for electronic records. IT will maintain backed up electronic records for disaster recovery purposes.
6. Computerized records shall be protected with a password and backed up. Contact IT Department for assistance.
7. When possible, format stored data to any new hardware or software system that will replace an old system to allow for future retrieval of information. When not possible, make arrangements to store data in another form for the full retention period.
8. Duplicate materials can be destroyed once they no longer serve an administrative or clerical function.
9. Records no longer needing to be retained will be destroyed by shredding; electronic records will be permanently removed from software.
10. A county board shall ensure that information about individuals served, including the individual's living arrangements and address, guardianship status, and guardian's address and contact information, is updated in the department's information systems within fifteen calendar days of the change.
11. A county board shall keep on file the documents used to determine eligibility for county board services of all persons who apply after July 1, 1991, whether or not such persons are found to be eligible. Information on persons found to be ineligible shall be maintained for five years after such determination is made.
12. A county board shall maintain fiscal records that are in compliance with county and state auditor's requirements pursuant to section 149.38 of the Revised Code.

Record Destruction

Records in any storage media form shall be destroyed when the record retention period is met. Hardcopy records will be destroyed by means of shredding until there is no possibility of reconstruction in order to protect privacy and confidentiality. Records with sensitive information needing to be shredded upon destruction date will not be placed in common trash receptacles.

Process

The following process shall be adhered to when destroying records:

1. The Ohio History Connection – LGRP will indicate on the Records Retention Schedule (RC-2) which records will require a Certificate of Records Disposal form (RC-3) prior to

disposal. Items not requiring an RC-3 form will be reviewed by the Records Administrator.

2. After a One-Time Disposal of Obsolete Records (RC-1) has been reviewed by the Ohio History Connection – LGRP and approved by the Auditor of State, you will no longer be required to send in an RC-3 prior to disposal.
3. Please contact the Ohio History Connection – LGRP if you wish to dispose of a record that is more than 50 years old, even if the RC-2 does not require an RC-3. While the age of the record is not the only factor that determines historical value, in general, records that are 50 years old or older are more likely to have historical value.
4. After approval from the Records Officer or designee, the records can be destroyed. Proper method of destruction is shredding, either using an agency shredder or by an outside company.
5. All electronic records scheduled for destruction will be deleted from all Board programs by the Records Officer or designee and/or IT.
6. The Board will make efforts to notify parents, guardians, or other relatives prior to destroying the records; and that, in absence of knowing or being able to contact parents, guardians, or other relatives, notice will be placed in the newspaper(s) of general circulation in the county, and failing a response with 30 days, the records will be destroyed.

Public Records & Requests

All public records will be organized and maintained in accordance with properly approved records retention schedules so that they are ready for inspection and copying. Record retention schedules will be updated regularly, as reflected in the HCBDD Records policy and posted prominently for public viewing.

Public records for these purposes include any records kept by the Board; exceptions include but are not limited to, medical records, trial preparation records, confidential law enforcement records, adoption, probation and parole proceedings, and release of records prohibited by Ohio or federal law.

Records regarding individuals with developmental disabilities who are eligible for services from or who are served by HCBDD are not public records and will be released only in accordance with state and federal law.

The HCBDD employees will follow the HCBDD's Public Records procedure in fulfilling requests for Public Records.

The HCBDD recognizes its responsibility as a public entity to provide information and education to the public through the media regarding individuals with developmental disabilities and the programs that serve them. Requests from the media will be fulfilled through the Public Information Officer.

Procedure

Requests for public records will be promptly referred to the Quality Services Manager or their designee, who will document the request.

Public records requests may be verbal or in writing. The requester is not required to make the request in writing or to provide their identity. Requests must identify the records requested with sufficient clarity to permit the HCBDD to identify, retrieve and review the records. If the request fails to sufficiently identify the records being requested, the Board will request clarification and will help in revising the request by informing the requestor of how the HCBDD maintains its records. The Board may ask a requestor to make the request in writing, may ask the requester's identity and may inquire about the intended use of the information requested to clarify a request, but only after informing the requestor that it is not mandatory to reveal the identity of the requester or the intended use. In keeping with the HCBDD's commitment to open access, every attempt should be made to provide as much of a public record as possible, and when necessary, only the least amount of information possible should be withheld.

The Quality Services Manager or their designee will coordinate with the Privacy Officer, as needed, and will work with the department that holds the public record to fulfill the request and complete any required redactions. The Superintendent will have final review of all records, and will seek legal counsel, if needed, before approving records for release.

A review of all public records requests is necessary to prevent the disclosure of personal information, confidential information, and other exempt information. If a public record contains information that is exempt from disclosure, the Quality Services Manager or their designee will visibly redact that information and make available all the information within the public records that is not exempt. Any denial of a public records request must include an explanation and supporting legal authority. If the request is made in writing, the denial and its explanation must be provided in writing. A redaction is considered a denial.

The HCBDD will place a hold on public records, and any other information in its possession, related to and/or in response to litigation, potential litigation, or an investigation. A record hold will ensure that the Board complies with all applicable state and federal laws, all administrative rules under the authority of such laws, court decisions, and court rules that pertain to the protection and preservation of such public records or other information.

All public records requests will be promptly prepared and made available for inspection to any person, at reasonable times, during regular business hours. Reasonable time will include retrieval time for the number of records requested, the necessity for any legal review and redaction, and other facts and circumstances of the records requested. The Board will not establish a fixed time before it will respond to a request for inspection or copy of public records. The number of public records requested by a single person will not be limited by the Board nor will the Board limit the number of public records that it will make available during a fixed time.

No original document will be permitted to leave the control of the HCBDD but may be inspected under supervision.

Upon request for copies, the HCBDD will make copies available within a reasonable period and will require payment in advance for the Board's cost for copying, delivery, postage, and transmission of records as follows: letter or legal-size copies (\$0.05 per page for black and

white and \$0.07 per page for color), larger copies based upon size, media costs (CD's, DVD's). The requester is not permitted to make their own copies.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook).

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