

CLARK COUNTY CORONER'S OFFICE PUBLIC RECORDS POLICY

(Revised September, 2009)

Applicable records

All records of the Clark County Coroner's Office are public records, unless specifically exempt from disclosure under Ohio Revised Code. "Record" includes not only any document, but also information stored electronically under the jurisdiction of this office and which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. If the content of an e-mail or other electronic communication meets the definition of a public record, it is subject to disclosure.

As defined by Ohio Revised Code 313.10, except as provided for next-of-kin, journalists, and insurers, and as provided for use of photographs for medical, legal, or educational purposes, the following are not public records:

- (a) Preliminary autopsy and investigative notes and findings made by the coroner or by anyone acting under the coroner's direction or supervision;
- (b) Photographs of a decedent made by the coroner or by anyone acting under the coroner's direction or supervision;
- (c) Suicide notes;
- (d) Medical and psychiatric records provided to the coroner, a deputy coroner or a representative of the coroner or a deputy coroner under section 313.091 of the Revised Code;
- (e) Records of a deceased individual that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code;
- (f) Laboratory reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16.

Record Requests

Any "person" including corporations and governmental agencies can make a records request.

- Requests to inspect public records may be made in person, by telephone during normal Monday – Friday business hours, by mail, by e-mail, or by fax.
- Requests for copies of public records must be made in writing and may be submitted by mail, by e-mail, by fax, or by delivery in person during normal Monday – Friday business hours.

The Public Records Custodian is the County Coroner. Public records requests may be directed to the County Coroner or any Investigator of the Clark County Coroner's Office. No other employee of the Clark County Coroner's Office is authorized to respond to or fulfill any public records request. Any public records request made to an employee or representative of the Clark County Coroner's Office, other than the County Coroner and any Investigator of the Clark County Coroner's Office, shall not be considered as a properly made request, and any response made by any such employee or representative is unauthorized under this policy.

Request for Public Records

When submitting a request for public records:

- The requester need not disclose his/her motive.
- The requester need not reveal his/her identity.
- The requester must identify records with sufficient clarity to allow the office to identify and retrieve them. Requests should describe the records desired, rather than the information sought. If it is not clear what records are being sought, the requester will be asked for clarification and will be assisted in revising the request by informing them of the manner in which the office maintains and accesses its records.

Request for Full and Complete Records

Although exempt from release to others, a decedent's next of kin or an insurer may request a copy of the full and complete records of the coroner with respect to a decedent.

Such requests must be in writing and, in the case of an insurer, must include:

- The name of the deceased person.
- The type of policy to which the request relates.
- The name and address of the insurer.

Request by a Journalist to View Records

A journalist may submit a request to view preliminary autopsy and investigative notes and findings, suicide notes, or photographs of the decedent made by the coroner or by anyone acting under the coroner's discretion or supervision. The journalist shall not copy the records. [ORC 313.10 (D)]

Such a request must be in writing and must include:

- The journalist's name and title.
- The name and address of the journalist's employer.
- A statement that the granting of the request would be in the best interest of the public

Production of Requested Records

Records will be made available promptly for inspection and copies, if requested, will be made within a reasonable period of time. "Promptly" and "reasonable period of time" take into account the volume of records requested, where the records are stored and time for any legal review and/or redaction. With any public records request, the Clark County Coroner's Office reserves the right to consult with legal counsel prior to the release of such public records. This is to allow the Clark County Coroner's Office to comply with laws prohibiting the release of certain records (such as medical records).

Records prepared for inspection may be inspected during regular business hours.

Copies of records will be provided on paper, on the medium on which they are kept, or in any other medium the office determines it reasonably can duplicate the records as an integral part of normal operations.

If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. Denial of all or any part of any public record requested shall include an explanation for the denial, including legal authority. This will include an explanation of each redaction.

Costs for Records

Viewing (inspection) of public records - No charge

Copies of records:

Paper copies - 25 cents per page, minimum charge \$1 (Exception: 1 copy of records to next of kin - No charge)

Faxed copies - 5 cents per page

Downloaded computer files on a compact disc - \$1

Electronic records e-mailed to the requester - No charge

Mailing of record copies - actual cost of postage and mailing supplies

Payment must be received prior to issuance of any record copies and may be made by cash, check, or money order payable to Board of Clark County Commissioners.