

Are There Any Limitations?

- Cannot interfere/disrupt services
- Block access
- Secure areas where video recording is prohibited
- No greater access to facility
- Establish policies
- Limit business in public areas
- Content Neutral

Are There Any Limitations?

**What
About
Employees
Recording
One
Another?**

- Confidential Information
- Work-related
- Discipline
- Asked to Leave
- Public Records

Introduction and Current State of Public Records

The Standard for Public Records In Ohio

“The rule in Ohio is that public records are the people’s records and that officials in whose custody they happen to be, are merely trustees for the people.”

Public Record Auditors



A public record auditor is a person who targets public officials or offices with numerous, large and high-volume public records requests in the hopes of catching public record violations to cash in on.

Public Record Auditors

Common issues public records auditors look for:

- Over-denial of records;
- Unspecific support for record denials;
- Failure to inform requester how documents are stored or other failures to communicate with the requester;
- Shortcomings in storing documents on personal devices;
- Inaccurate and outdated retention schedules.

Public Record Auditors

Potential solutions for managing public records auditors:

- Charge the actual costs of producing records;
- Permit them to inspect in person;
- Be open to communicating with them before outright denying requests;
- Stick to written communications;
- Be explicit and exhaustive when denying any public records requests.



Public Record Auditors

No duty to create new records

No duty to search every record for requested information

No duty to provide in-depth explanation of office's software and data systems

Top Ten Tasks to Establish Public Records Compliance

- #10. Create or update public records policy and records commission;
- # 9. Revise records retention schedules;
- # 8. Post public records policy in main office;
- # 7. Create and display poster to inform public of location of policy and requests;
- # 6. Provide policy to all personnel with responsibility for public records;



Top Ten Tasks to Establish Public Records Compliance

- # 5. Include records policy in employee manual or handbook;
- # 4. Have an attorney available to assist in responses for “legal authority”;
- # 3. Develop guidelines for processing and responding to public records requests;
- # 2. Determine and designate key personnel who will be responsible for public records training and act as designees for elected officials; and
- # 1. TRAIN - TRAIN - TRAIN all staff on the records retention policy and procedure.

Open Meetings Act Auditors

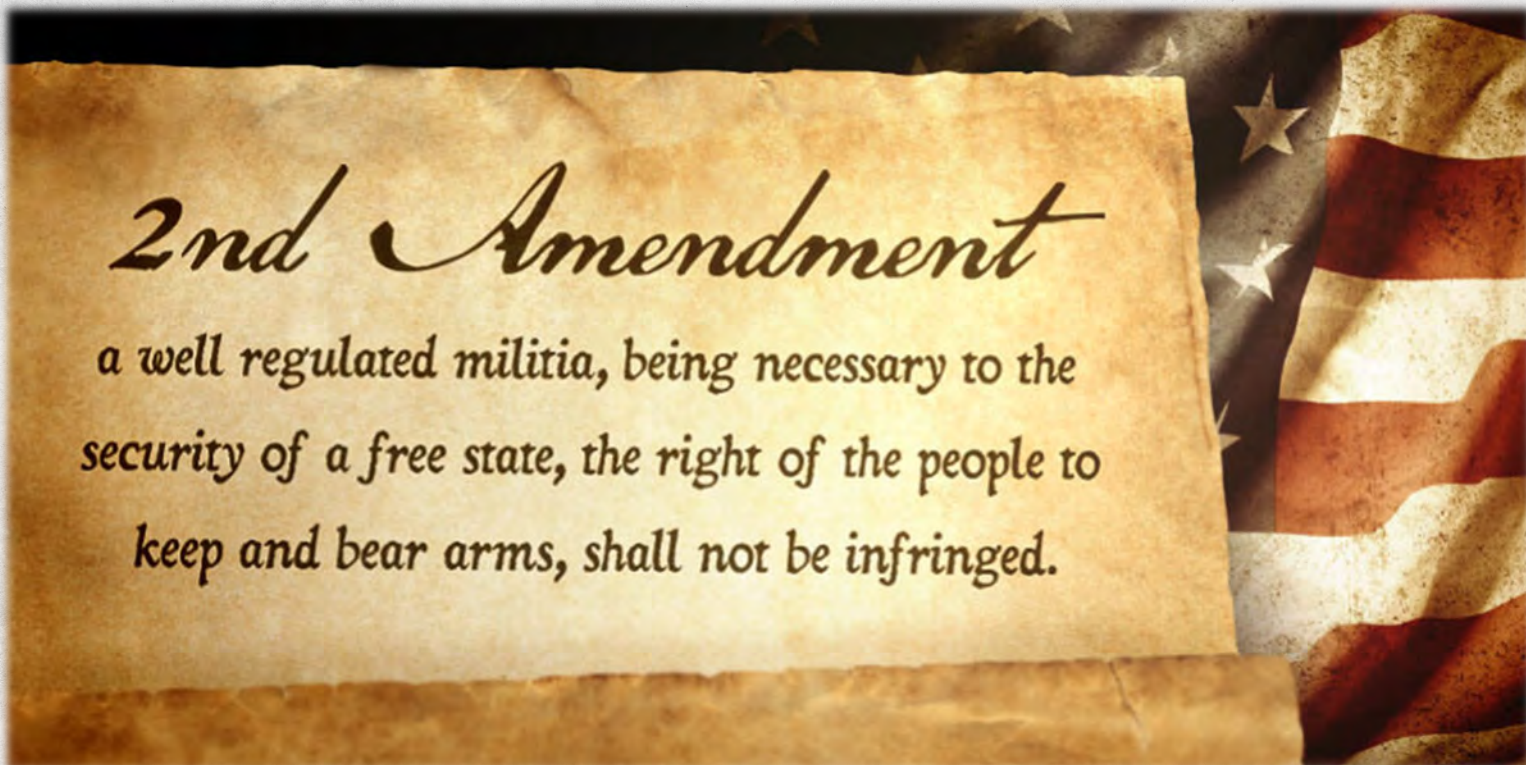
- ❖ Common issues open meetings act auditors look for:
 - Improperly noticing executive session
 - Failing to record accurate meeting minutes
 - Texting, whispering, and other secretive communications



Open Meetings Act Auditors

- ❖ **Potential solutions for managing open meetings act auditors:**
 - Retrain staff regarding accurate meeting minutes.
 - Refresh yourself on proper language for moving into executive session.

Second Amendment Auditors



Thank You!

IF YOU HAVE ANY QUESTIONS, PLEASE ASK!

Benjamin S. Albrecht

7775 Walton Parkway, Suite 200

New Albany, Ohio 43054

PH: 614-221-1216

balbrecht@fisheldowney.com

www.fisheldowney.com

