



OHIO TRANSIT RISK POOL **Public Records Policy**

Originally Adopted By OTRP Board: September 18, 2016

I. Purpose and Background

To comply with applicable state law and outline the policies and procedures of the Ohio Transit Risk Pool (“OTRP”) with regard to public records. In accordance with Ohio Revised Code Section 149.43(E)(2), a copy of this policy is contained in the Employee Handbook.

The OTRP is a joint self-insurance pool, organized under Ohio Revised Code Section 2744.081. OTRP is a non-profit corporation, but it may be subject to the requirements of Ohio Revised Code Section 149.43. In order to meet any compliance obligations under Ohio Revised Code Sections 149.43 and 149.431, OTRP keeps accurate and complete financial records of any moneys expended in relation to its performance of services it provides pursuant to a contract or other agreement with its members, and such contract or agreement and such financial records shall be deemed public records pursuant to, and subject to the requirements of, the Ohio Revised Code. As a result, the Board of Trustees has adopted this Public Records Policy to comply with any requirements imposed on it by the Ohio Revised Code with regard to public records. This policy will provide for access to records not exempt from disclosure by State and/or Federal law. To assist with transparency, many of the OTRP’s records are available at www.ohiotransitriskpool.org.

II. Policy

OTRP maintains many records that are used in its administration and operation. OTRP records and the ability to access them are a means to provide trust between the public and OTRP.

Under Ohio law, records are those items that meet all of the following elements:

1. Any document, device, or item, regardless of physical form or characteristic, including an electronic record;
2. Created or received by, or coming under the jurisdiction of a public office; and,
3. That documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office (this does not include records kept for our administrative convenience or outside the public functions that OTRP serves).

A “public record” is a “record” that is being kept by OTRP at the time a public records request is made, subject to applicable exemptions from disclosure found in State or Federal law.

In accordance with the Ohio Revised Code, the OTRP Records Commission has approved its Schedule of Records Retention and Disposition (RC-2) to identify these records. The Schedule identifies records that are stored on a fixed medium (paper, computer, film, as examples), created, received, or sent under the jurisdiction of OTRP, and that document the organization, functions, policies, decisions, procedures, operations, or other activities of OTRP (R.C. 149.011(G); R.C. 149.43(A)(1)).

We maintain records in a manner which allows us to provide the public prompt inspection of public records. We provide copies of these records within a reasonable amount of time during regular business hours, typically 9:00AM to 4:00PM on weekdays, excluding government holidays. A representative from OTRP may accompany the requester during inspection to make certain that original records are not taken or altered.

OTRP continually updates and addresses all education, training, disclosure, and policy requirements mandated by the Ohio Revised Code.

You may request a copy of our Schedule of Records Retention and Disposition, which will familiarize you with the types of records available.

III. Procedures

Fees:

OTRP, in accordance with Section 149.43 of the Ohio Revised Code, has established the following fees for providing copies or reproductions of public records maintained by OTRP:

1. The cost for reproductions of letter or legal size documents shall be \$0.05 per side for black-and-white and \$0.10 for color. Any production by CD will incur a \$1 charge for the cost of the CD. Advance payment may be required before any copies are prepared.
2. For photos, audio recordings, video recordings or records stored on media other than paper, the fee is the replacement cost or the reproduction (copying) cost. Reproduction costs exceeding those listed in the Paragraph immediately above may only be charged if a commercial or professional service is contracted to provide the copy.

Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records. If records are mailed to you, we may charge you, in advance, postage and the cost of mailing materials.

How to Make a Public Records Request:

We will provide prompt inspection of public records and copies of public records in a reasonable period of time. When you make a request, we may ask you to complete a “Public Records Request Form,” which will help us to locate the records and expedite your request. You are not legally required to fill out the form, identify yourself, or give the purpose of your request. If the records cannot be provided while you wait, we will contact you when the records are available.

Each public office that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department, or function. For OTRP, that employee is the Chief Executive Officer. The record custodian has reviewed our public records policy and confirmed receipt (R.C. 149.43(E)(2)).

1. Our public records policy, as well as our Schedule of Records Retention and Disposition (RC-2), is available at every location in which the public may access OTRP's records.
2. Our public records policy is published with our policies and procedures.
3. We display a poster which generally describes our public records policy at every location in which the public may access the records of OTRP.

Availability:

All public records maintained by OTRP and our current records retention schedule(s) shall be promptly prepared by the record custodian or their designee(s) and made available for inspection to any person during regular business hours, typically 9:00AM to 4:00PM on weekdays, excluding government holidays. Promptness is to be determined by the facts and circumstances of each public records request.

1. In order to identify, provide for prompt inspection, and provide copies of the requested items in a reasonable period of time, we may ask the requester to complete a form.
2. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
3. Although we may ask the requester to make the request in writing, for the requester's identity, and may inquire about the intended use of the information requested, the requester shall be advised that compliance with the requests is not mandatory; and the requester's refusal to complete a written request does not impair the requester's right to inspect and/or receive copies of the public record (R.C. 149.43(B)(5)). In addition, OTRP may only seek your identity and/or the intended use of the information if: 1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and 2) you are told that a written request is not required and that you may decline to reveal your identity or intended use.
4. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
5. In the event a request is made to inspect and/or obtain a copy of a record maintained by OTRP whose release may be prohibited or exempted by either State or Federal law, the request shall be forwarded to legal counsel for OTRP for research and/or review. The person submitting the request may be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released.

6. In accordance with Ohio Revised Code Section 149.43(B)(7), we may limit the number of public records mailed to you to 10, unless you certify in writing that you do not intend to use the records for commercial purposes. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
7. We will not provide copies of public records that we create or receive after your original request is completed.
8. Records, whose release is prohibited or exempted by either state or federal law, or are not considered public record as defined by R. C. 149.43(A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by OTRP that may not be inspected or copied:
 - Attorney-client privileged information and trial preparation records;
 - Social Security numbers;
 - Records of ongoing investigations;
 - Medical records;
 - BMV, CCH, or any records received over Ohio's Law Enforcement Automated Data System (LEADS);
 - Records that a judge ordered to be sealed per a statute;
 - Background checks provided to OTRP; and,
 - Peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, residential and familial information.

Mailed Requests for Public Records:

1. Upon receiving a written request for copies of a public record made in accordance with Section 149.43 of the Ohio Revised Code via the United States Postal Service, OTRP shall promptly respond to the request.
2. If payment does not accompany a mailed request, an authorized employee of OTRP shall, by any means practical, contact the requester and advise them that advance payment is required prior to providing copies of public records, and, in addition, the fee shall also include the cost of postage and the envelope (R.C. 149.43(B)(7)).
3. When practical, OTRP may forward copied records by any other means reasonably acceptable to the requester.
4. If a person requests a copy of a public record, OTRP shall permit the requester to choose to have the public record duplicated on paper or upon the same medium upon which OTRP maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of OTRP, or the responsible OTRP employee for the public record.
5. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means (R.C. 149.43(B)(6)).

Other than Mailed requests for Public Records:

Written or verbal requests for copies made by the public records requester or their designee shall be processed in the same manner as mailed requests.

Ambiguous or Overly Broad Requests for Public Records:

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the record custodian responsible for the requested public record cannot reasonably identify what public records are being requested, OTRP may deny the request. If denied, OTRP will provide the requester with an opportunity to revise the request after informing the requester how records are maintained by OTRP in the ordinary course of business.

Response and Denials:

If OTRP receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, OTRP shall notify the requester if one of the following applies, to the best of the ability of OTRP:

- The request involves records that have never been maintained by OTRP;
- The request involves records that are no longer maintained or have been disposed of or transferred pursuant to the Schedule of Record Retention and Disposition (RC-2);
- The request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
- If the record that is requested is not a record used or maintained by OTRP, the requester shall be notified that, in accordance with Ohio Revised Code Section 149.40, that OTRP is under no obligation to create or research records to meet public record requests.

An electronic record is deemed to exist only to the extent that a computer is already programmed to produce the record through OTRP's standard use of sorting, filtering, or querying features.

OTRP may deny a request for a record maintained by OTRP if the record that is requested is prohibited from release due to applicable State or Federal law. The record custodian or their designee shall consult their supervisor and/or legal counsel if they are unsure whether the record requested should be withheld from disclosure.

As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, OTRP shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing then the explanation shall also be provided in writing. The explanation shall not preclude OTRP from relying upon additional reasons or legal authority in defending an action commenced pursuant to Ohio Revised Code Section 149.43.

Redacting Exempted Records/Procedure:

1. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in Section 149.01 of the Ohio Revised Code (R.C. 149.43 (A)(11)).
2. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction (R.C. 149.43(B)(1)). If a request is ultimately denied, in part or in whole, OTRP shall provide the requester with an explanation, including legal authority, setting forth why the request was denied (R.C. 149.43 (B)(3)).
3. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the record custodian or their designee shall make available the information within the public record that is not exempt.
4. When making that public record available for public inspection or copying that public record, the record custodian or their designee shall notify the requester of any redaction or make the redaction plainly visible (R.C. 149.43(B)(1)).
5. The record custodian or their designee shall then reproduce a copy of the page with the redaction; the resulting copy shall be the page that is released to the requester.
6. The first reproduction page with the original redaction(s) made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

Grievances:

If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of a public record the person shall be advised that they may contact the Chief Executive Officer of OTRP. If the person is not satisfied after contacting the CEO, they shall be advised that they can contact the Chair of the OTRP Board of Trustees and that the Ohio Revised Code Section 149.43 provides a legal means for addressing their complaint in these disputes.

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➡ Certificate Request

Use the link below to request a certificate of coverage.

[Get A Certificate](#)

➡ Underwriting Data

Member controlled underwriting data for renewal.

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➡ Members Area

Email:

Password:

Welcome to the Ohio Transit Risk Pool!

Since 1994 we have provided stable property and casualty coverage for Ohio Political Subdivision transits. Our Pool is perfectly positioned to meet our members' risk management and coverage needs.

News and Announcements

Apr 1-3 OPTA Conference (Columbus Convention Center)

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