Tips for responding to a public-records request

These suggestions* for responding to a public-records request are designed to help public offices comply with their duties under the Public Records Act in a way that benefits the requester.

- **Establish a system for processing and responding to requests.** A good system starts with a request log or another method of tracking the requests received by your office. At a minimum, document:

    o The exact wording of the request, when it came in, how it came in, the name of the requester (if known), and the requester's contact information.

    o All communications between your office and the requester, all internal communications, and all steps taken by your office.

    o The records you produced, and when and how they were provided.

    Make sure your office's employees are aware of your public-records system and follow it.

- **Don't put requests on the back burner; keep your responses moving.** For requests that involve a large volume of records, consider producing records on a rolling basis, sending out groups of records as they're ready, not waiting until everything is ready. A public-records log or other system of tracking requests is a great way to stay on top of responses.

- **Communicate with requesters.** A little communication goes a long way. Acknowledge a request as soon as you receive it so the requester knows, at a minimum, that your office has it and will begin working on it.

- **Keep "cheat sheets" of common issues and exemptions.** Such "cheat sheets" will make it faster and easier for your office to respond. The Sunshine Laws Manual, produced annually by the Ohio Attorney General's Office, has a sample list of personnel file exemptions and issues. Offices are encouraged to start with this list and to create their own list(s) of exemptions that are common to their offices' records.

- **Know the specific requirements you must follow when denying a request.**

    o If you deny a request because it's overly broad or ambiguous, you must explain to the requester how your office organizes and maintains its records, and you must give the requester the chance to revise and resubmit the request.

    o If you redact or withhold information because it's covered by an exemption, you must tell the requester what legal authority allows you to claim this exemption. An exemption "cheat sheet" makes this step easier.

    o If you are challenged in court about a response, the court will start with the presumption that all public records are open to the public; you have the burden to show otherwise.

- **Work with requesters to achieve a win-win solution.**

- o If you deny a request because it's overly broad or ambiguous, think about what information would best help a requester understand your office's records and how you maintain and search for records.

- o Consider asking requesters why they want the records. Requesters don't have to tell you why they want records or how they intend to use them (with some narrow exceptions), but knowing the requester's goal may help you respond faster and more effectively.

- o Remember that discussing a request, instead of going back and forth with responses or turning to the courts, is more productive for everyone.

* This information is strictly for practical use; it is neither legal advice nor an opinion on whether a public office's response complies with the Public Records Act. Only a court can decide whether a public office has complied with its legal obligations under the act.