Section 9.19    PUBLIC RECORDS POLICY

A. Many of the Health Department’s records fall under the requirements of Ohio Public Records Act that provides for lawful access to public records. Conversely, however, some records are strictly confidential and exempt from public record. This policy provides general guidelines to ensure that all employees of the Zanesville-Muskingum County Health Department understand and comply with the law.

B. If requested to provide a ZMCHD record to a member of the general public, news media or other person, employees shall refer the matter to the Health Commissioner or their designee. The Health Commissioner shall determine whether or not the requested record is a public record, or is exempted from the public records law and shall make requested public records available within a reasonable time frame.

C. In general, a public record shall be made available for inspection to any person during the department’s normal business hours. Also upon request, the department will make copies of public records available, at the cost of 8 cents per copy, within a reasonable time.

D. Any request shall be honored promptly and without delay, as much as is practicable. If a particular record is under the care of a public official who is not available due to being absent from the premises for any reason, the person requesting the record will be informed of such and will be given a time and date that the request can be honored.

E. The department shall not disclose any information from records which is lawfully confidential including:

   - **medical records**: any document or combination of documents (except births, deaths, and the fact of admission to or discharge from a hospital) that pertains to the medical history, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment;

   - **confidential law enforcement investigatory records** meaning any record that pertains to a law enforcement matter of a criminal, quasicriminal civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of the identity of an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source’s or witness’s identity, and endanger the life of physical safety of the confidential informant;

   - **child fatality review records** provided to, statements made by review board members during meetings of, and all work products of the child fatality review board, other than summary statistical report prepared by the review board;

   - **employee social security numbers**;

   - **employee home address**;

   - **employee medical records**;

   - **birth certificates involving adoption**;

   - **records the release of which is prohibited by state or federal law**;
F. Any person may make a request to inspect or receive a copy of a public record. When making a request, the requesting party shall be asked to submit the request in writing, on the form titled Request for Release of Public Records. Alternatively, the request may be made by letter with the requesting party asked to provide the following information:

- The name of the individual or organization making the request;
- The date of the request;
- A list of the specific records sought to be inspected or copied;
- The medium of the request including paper, physical inspection, e-mail, computer disk; and
- Whether the record is to be picked up by the requesting party or mailed to a mailing address provided by the individual or organization making the request.

G. The person requesting the record shall not be required to identify him/herself or file any written request in order to receive public records.

H. If a requesting party cannot, or will not submit the request in writing, the appointing authority shall so note, and ask the requesting party to verbally provide the above information so that the request can be processed in accordance with the requesting party’s preference. The appointing authority shall record the information that is provided verbally by the party on the titled Request for Release of Public Records.

I. The person requesting the record may choose the method of duplication, as long as it is the same medium upon which the office keeps it, or some other means that is a normal part of the operation of the office.

J. In accordance with the request, a person may choose to obtain a copy of a public record through e-mail, computer disk, or other electronic medium, if the record is otherwise retained and recorded electronically as a part of the department’s normal operations. If the record is retained and recorded electronically by the department, the appointing authority will make such public records available through this medium. If records are not retained electronically, the appointing authority shall so inform the requesting party and make such records available through “hard copy” [paper] record.

K. Upon request, the department will transmit a copy of the public record to any person by United States mail, within a reasonable time after receiving a request. In such case, the department shall require the person making the request to pay in advance the cost of postage and other supplies used in mailing.

L. The ZMCHD may refer requests for payroll and employment records to the County Auditor, or if the records are available at the ZMCHD, may prepare, make available, and/or copy lawfully public employment and payroll records, upon the request of any person.

M. The owner of a medical record or a legal guardian may obtain medical records after signing a written release form and showing proper identification. Full details of medical record care and release are contained in the Zanesville-Muskingum County Health Department Clinic Medical Records Transfer Procedure.

N. Personnel files are public records and must be released upon request with certain exceptions. These exceptions are: protected medical information, social security number, and records specifically compiled in reasonable anticipation of litigation. Records that pertain to employee discipline are public records and must be released upon request.

O. All information on a death record is public record and is available to the public. The exception to the public records law is the Fetal Death record, which contains information for medical and health use only. Certified copies of the fetal death certificate will contain fetus, parent, disposition, physician/certifier and cause of death information only.
P. The certificate of Live Birth is a public record with the exclusion of the Information for Medical and Health Use only section. All certificates involving adoption are not public record. Information for the Medical and Health Use Only section may only be obtained by the person themselves, their parents, or a person of direct lineage.

Q. The Health Commissioner or designee, at their option, may waive any or all provisions under this policy when a request to inspect or obtain copies of records is made by another governmental agency or a court order.

R. Ohio Revised Code 3705.23 (A)(1) states that a fee ($17.00) and a signed application must be provided before issuing a certified copy of birth and death records.

S. Fees:
   - Copies: 8 cents a copy
   - Birth & Death Records $17.00
   - E-mail: free
   - Burn a CD: Actual cost to be determined annually by Fiscal Officer
   - Standard Mail: Actual cost to be determined annually by Fiscal Officer
   - Priority Mail: Actual cost to be determined annually by Fiscal Officer
   - Next Day Air: Actual cost to be determined annually by Fiscal Officer

Approved by Board of Health: June 28, 2007
REQUEST FOR RELEASE OF PUBLIC RECORDS

DATE __________________

________________________________________________________________________________

NAME OF PERSON/ORGANIZATION MAKING REQUEST

________________________________________

________________________________________

ADDRESS

________________________________________________________________________________

CITY                                                                  STATE                                               ZI

LIST OF INFORMATION REQUESTED:

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I, _______________________________, hold harmless and indemnify the Zanesville-Muskingum County Health Department against any and all claims, suits or actions arising from the inspection or release of such records.

Signed: _______________________________

Date :   ________________________________

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