

PUBLIC RECORDS POLICY AND RECORDS RETENTION SCHEDULE

INTRODUCTION

As a public office in the State of Ohio, the Port of Greater Cincinnati Development Authority (“Port Authority”) adheres to the Ohio Public Records Act (ORC 149.43), which provides for prompt inspection of public records and requires that copies of existing public records be provided within a reasonable period of time.

The Port Authority retains the right to amend its public records policy at any time in accordance with the Ohio Public Records Act.

DEFINITIONS

The Port Authority, in accordance with Ohio Revised Code 149.43 and 149.011, defines “public record” as any document or item, regardless of physical form or characteristic, created under the jurisdiction of and kept by public office, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of that office.

Electronic mail (“e-mail”) is simply one format for creation and storage of a document. Documents in e-mail format are records as defined by Ohio Revised Code 1306.01 when their content relates to the business of the office. It is therefore the content, rather than format, that defines whether a document is a public record. E-mail documents are to be treated in the same fashion as records in other formats and should be given the same retention schedules.

All records of the Port Authority are considered public unless they are specifically exempt from disclosure under the Ohio Revised Code.

POLICY

Availability of Public Records

The Port Authority shall organize and maintain all public records in a manner that serves both the administrative needs of the office and the public’s interest in the availability of such records for inspection and copying.

Public records will be available for prompt inspection during regular business hours, and copies of public records must be made available within a reasonable time. “Prompt” and “reasonable” take into account the volume of records requested, location of records, need for legal review, and any other factors which reasonably impact the time for satisfying a public records request.

Form and Clarity of Requests

Requesters are encouraged to make any and all public records requests to the Port Authority in written form. While the requester is not required to put a records request in writing, a written request enables the Port Authority to identify responsive records with greater speed and accuracy.

The requester need not identify himself or herself, and will not be required to disclose the intended use of the requested information. While the Port Authority respects the right of requesters to withhold their identity, it does require that requesters provide a means for communication with them about their request, and to ultimately identify the location where responsive public records are to be forwarded. Said means of communication may consist of an e-mail address, mailing address or P.O. Box, or telephone number.

Although no specific language is required to make a public records request, the requester must at least identify the records requested with sufficient clarity to allow the Port Authority to identify, retrieve and review the records. If it is not clear what records are being sought, the Port Authority will contact the requester for clarification, and assist the requester in revising the request by informing the requester of the manner in which the office maintains its records. Further, if the Port Authority determines in its reasonable judgment that additional information would enhance its ability to identify, retrieve, and deliver responsive records, the Port Authority may ask the requester for any or all of the following: (1) to put the request in writing; (2) provide his or her name and address; and (3) explain the purpose or intended use of the information, all provided that the requester is informed that any written request is not mandatory and that the requester may decline to reveal his or her identity, address, and the intended use of records.

Pre-Release Review

The Port Authority has a duty to review any and all records deemed initially responsive to a public records request. This pre-release review is required to prevent disclosure of personal information that may be protected by state and federal privacy laws (e.g. account numbers, medical information), and confidential records which must not be disclosed under penalty of law (e.g. certain investigatory, criminal, and education records). Additionally, documents must undergo a pre-release review to identify material protected by attorney-client and executive privilege, as well as to redact critical security and infrastructure records. Such records may be exempt from public disclosure under the Ohio Public Records Act.

Time for Satisfying Public Records Requests

Responses to public record requests will be completed within a reasonable time taking into account the scope of the request; the level of difficulty of identifying, compiling, and reviewing potentially responsive records, and the operational needs of the Port Authority.

Routine Requests: Routine requests will be satisfied in an expedient manner. Routine requests include requests for materials that do not require either an extensive search for responsive documents or detailed pre-release review.

Non-Routine Requests: If a request is deemed to be beyond routine, such as seeking a voluminous number of copies or requiring an extensive pre-release review or search for materials, the Port Authority shall acknowledge receipt of the request in writing. Further, the written acknowledgement will include the following: (1) an estimate of the time it will take to satisfy the request; (2) an estimated cost to be borne by the requester if the request is fulfilled;

and (3) identification of the type of items within the responsive records that may be exempt from public disclosure.

All requests for public records will be either fully responded to or acknowledged in writing by the Port Authority within three (3) business days following receipt of the request.

Costs for Public Records Requests

The Port Authority will only charge its actual cost for copies, unless the cost is otherwise set by statute:

- a. The first ten (10) pages of regular 8.5" x 11" pages will be provided at no charge.
- b. All pages thereafter, eleven cents (\$.11) per page. Two-sided photocopies shall be charged as a single page.
- c. Documents which require copies larger than 8.5" x 11" may require the payment of an additional fee which shall reflect the actual costs of copying.

Upon request, the Port Authority shall provide copies of public records via the U.S. mail or by any other means of delivery transmission. The requester may be charged for postage and mailing supplies for records delivered via mail. The Port Authority may transmit documents electronically if in the Port Authority's discretion, electronic transmission is feasible. There will be no charge for documents that are transmitted electronically. The Port Authority may require prepayment of the cost of copies in addition to costs associated with mailing such copies.

Denial of Requests

If a request is denied, in whole or in part, the requester shall be provided an explanation including the legal authority setting forth why the request was denied. If the public records request is in writing, the explanation must be in writing. Any information that is exempted from disclosure will be redacted from the document and the reason for the redaction will be noted.

RECORDS RETENTION SCHEDULE

General Administrative Records

Agendas	2 years
Annual Budget	Permanently
Budget Preparation Documents	Until budget is in effect
Compliance Reports	5 years
General Correspondence	1 year and no longer of administrative value

Executive Correspondence	2 years and no longer of administrative value
Board Member Correspondence	1 year and no longer of administrative value
Equipment Inventory	Until superseded
Expense Records	2 years
General Policies/Directives	Until superseded
Grant Files	1 year after grant awarded and complete
Leases	5 years after expiration
Licenses/Certifications	1 year after expiration
Annual Management/Operations Reports	2 years
Manuals/Handbooks	Until superseded
Maps	1 year after completion of project
Minutes of Meetings	Permanently
Press/News Release	3 years
Receipts/Receipt Books	Until audited
Records Requests	2 years
Speeches/Presentations	5 years
Telephone Records	2 years

Employee Records

Personnel File	7 years after separation
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Payroll

Employee Earning Record	Personnel File
Employee Income Tax Withholding Cert.	3 years after separation
Withholding Payment Record	4 years
Employee Pay Records	Personnel File
Employer Quarterly Federal Tax Return	4 years

Payroll Journal/Record	Permanently
Reports to Retirement Systems	Permanently
State Income Tax Report	10 years
Tax Withholding Reports	4 years
W-2 Forms	4 years
W-4 Forms	Until superseded or employee separation

Personnel

Application for Employment (hired)	Personnel File
Application for Employment (not hired)	3 years
Continuing Education Certification	Personnel File
Employment contract/agreement	Personnel File
Injury Report	Personnel File
Performance Evaluation	Personnel File
Job description	1 year after superseded or employee separation
Training	Personnel File
Letter of Resignation	Personnel File
Personnel Actions	Personnel File
Promotion or Disciplinary Action	Personnel File
Unemployment Compensation File	4 years after final payment
Worker's Compensation File	7 years after final payment

Financial Records

Accounts Ledger	4 years after audit
Annual Financial Reports	Permanently
Annual Report to Auditor of State	4 years
Balance Sheets	2 years
Bank Deposit Records	2 years after audit
Bids – Successful	10 years after project
Bids - Unsuccessful	2 years after selection

Bond Issue Ledger	Permanently
Material Bond Records (see Port Authority Post-Issuance Compliance Monitoring Policy)	As long as bonds are outstanding plus 3 years
Computer Generated Financial Reports (Monthly, Quarterly, Semi-Annual)	Until next report generated
General Ledger	10 years
Insurance Policies	Permanently
Permits	1 year after final expiration or denial
Property Inventories	3 years
Reconciliation Sheets (Bank Accounts)	2 years after audit
Retirement System Records	Permanently
Transmittal of Wage and Tax Statement	4 years after audit
Travel Expense Records	2 years

Legal Records

Case Files	5 years after case closed and no further appeals can be filed
Land Purchase Agreements	Permanently
Development Agreements	5 years after completion of project provided no action pending
Other Contracts	3 years after expiration,

	provided no actions pending
Deeds/Easements	Permanently
Legal Notices	5 years
Legal Opinions	Permanently
Liability Waivers	Permanently
Settlements	3 years after execution provided no further action required
Legal Correspondence	5 years and no longer of administrative value