

## **TUSCARAWAS METROPOLITAN HOUSING AUTHORITY PUBLIC RECORDS POLICY**

It is the policy of the Tuscarawas Metropolitan Housing Authority, hereafter referred to in this Policy as "TMHA" that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. It is the missioner of TMHA to comply with the state's Public Records Act. Any denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the public records request is in writing, the explanation will also be in writing. TMHA will review and update record retention schedules regularly.

### **Section 1: Definition of a Public Record**

TMHA in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of TMHA are public unless they are exempt from disclosure under the Ohio Revised Code. TMHA by nature of its operations, administers contracts with the Federal Department of Housing & Urban Development, and some records kept by TMHA may be applicable to the Federal Privacy Act.

### **Section 2: Request of Public Records**

Each request for public records should be evaluated for a response using the following guidelines:

No specific language is required to make a request. TMHA has developed a Public Records Request written form, and the requester will be asked if he/she would be willing to make the request in writing in order to enhance the identification, location, and delivery of the request for both the requester and TMHA. Use of this Public Record Request form is optional and not required under the law. The requester does not have to provide his or her identity or the intended use of the requested public record.

The requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and will attempt clarification. If the requester refuses to clarify an ambiguous or overly broad request, or if the request for inspection or copies is such that the custodian cannot reasonably identify what records are being requested, TMHA may deny the request. However, the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

TMHA does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying.

### **Section 3: Availability of Public Records**

Public records are to be available for inspection during TMHA's regular business hours, with

the exception of published holidays or posted office closure notices. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are located or archived; and the necessity for any legal review of the records requested.

#### **Section 4: Availability of Public Records Policy including Records Retention Schedules**

TMHA's Public Records Policy will be available in the main administrative office via hard copy. Individual schedules are on file with records retentions custodian.

#### **Section 5: Process for Releasing Public Records**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. If the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as retrieval and equipment allows. [If more copies are requested, an appointment should be made with the requester indicating when the copies or computer files can be picked up.]

All requests for public records must either be satisfied or be acknowledged in writing by TMHA within three business days following the office's receipt of the request. If a request is deemed beyond "routine," such as seeking a voluminous number of copies or requiring extensive research and retrieval, the acknowledgement must include the following:

- A. An estimated time range it will take to satisfy the request.
- B. An estimated cost if copies are requested.
- C. Any items within the request that may be exempt from disclosure.

#### **Section 6: Denial of Public Records Request**

Any denial of public records requested must include an explanation. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, there must be a supporting explanation.

#### **Section 7: Costs for Public Records**

- A. Copies of requested records will be assessed a charge of \$0.10 per copy, to cover the cost of equipment, supplies, and record storage media cost.
- B. The definition of "copy" means one side of one page. A double-sided sheet is two copies.
- C. There is no charge for documents that are e-mailed in response to a request.
- D. Downloaded computer files to a compact disc will be \$1.00 per disc.
- E. Documents copied in response to a request may be faxed to a requester.
- F. Requesters may ask that documents be mailed to them. The actual cost of postage and mailing supplies will be added to the copy charge. Requesters will be asked to pay in advance for mailing costs.

### **Section 8: Maintenance of Public Records**

It is the policy of the TMHA that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 10 for the e-mail record policy).

- A. All public records will be maintained by the responsible employees according to public records law and approved retention schedules.
- B. While many records produced by TMHA are considered public record, Section 149.43 of the Ohio Revised Code states which records are not subject to public disclosure.
- C. Original copies of public documents shall not be given to the public except:
  - 1. By court order;
  - 2. By an investigator or
  - 3. By approval of the Board of Commissioners of TMHA
- D. If a citizen requests more than ten (10) public records in a month, the citizen shall submit a written letter to TMHA that she/he does not intend to use or forward this information for commercial purposes. Otherwise, that citizen will be limited to ten (10) public records requests per month.
- E. In processing a request for inspection of a public record, an office employee will accompany the requester during inspection to make certain original records are not taken or altered.

### **Section 9: Media Relations Regarding Public Records**

- A. TMHA shall respond to the media in a prompt and respectful manner.
- B. If the media requests a public record, this policy shall apply.

### **Section 10: E-Mails as Public Records**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the organization, functions, policies, decisions, procedures, operations of the office. Records in private e-mail accounts used to conduct public business are subject to disclosure.

The records custodian is to regard e-mails from private accounts as records of the public office, making them available for inspection and copying in accordance with the Public Records Act.

### **Section 11: Failure to Respond to a Public Records Request**

It is the mission of TMHA to comply with the provisions of the Public Records Act and the Federal Privacy Act. TMHA recognizes the legal and non-legal consequences of failure to properly respond to a public records request.

### **Section 12: General Exemptions from Ohio Public Record Law**

TMHA will adhere to the general exemptions from the Public Records Law in accordance to House Bill 9 (as signed by the Governor) listing the exemptions stated under O.R.C. 149.43 and under 2923.129.

File:/BD-BIZ/Public Records/Public Records Policy.doc

Tuscarawas MHA Records Retention Schedule  
TENANT / CLIENT RECORDS

4-01	Pre-applications and app. receipts that are not otherwise stored in Applicant or Participant Files	Retain 3 years after date removed from PHA waiting list	Paper
4-02	Applicant Records that are not otherwise stored in Participant Files	Retain 3 years after date of Formal Application	Paper
4-03	Participant Records that are not otherwise stored in Participant Files	Retain until printed to Paper Document	Electronic File
4-04	Participant Program Records Files	Retain 3 years after Date of Program Termination	Paper
4-05	Participant Program Records Files	Retain until printed to Paper Document	Electronic File
4-06	Participant Program Files where Client Owes a Debt to PHA	Retain 10 years after Date of Program Termination	Paper
4-07	Participant Program Files where Client Owes a Debt to PHA	Retain until printed to Paper Document	Electronic File
4-08	Inspection Records (See Participant Records Files)	Retain according to Participant File Retention	Paper, Electronic File
4-09	Correspondence with Tenants Affecting Program Participation	Retain in Participant Program Records File; and dispose under applicable schedule number	Paper
4-10	Correspondence with Tenants Affecting Program Participation	Retain until Printed to Paper Document	Electronic File
4-11	Correspondence with Tenants Affecting Program Participation	Retain until Printed to Paper Document	Electronic Mail
4-12	Correspondence with Tenants of Transient and Routine Nature	Retain until No Longer Administratively Needed	Paper
4-13	Correspondence with Tenants of Transient and Routine Nature	Retain until No Longer Administratively Needed	Electronic File
4-14	Correspondence with Tenants of Transient and Routine Nature	Retain until No Longer Administratively Needed	Electronic Mail

OTHER RECORDS

5-01	Correspondence (Unsolicited & Transitory) Received by the PHA	Delete or Retain until No Longer Administratively Needed	Paper
5-02	Correspondence (Unsolicited & Transitory) Received by the PHA	Delete on Receipt or Retain until No Longer Administratively Needed	Electronic Mail
5-03	Preliminary Drafts of Letters, Memoranda, Worksheets, Reports	Retain until No Longer Administratively Needed	Paper
5-04	Preliminary Drafts of Letters, Memoranda, Worksheets, Reports	Retain until No Longer Administratively Needed	Electronic File
5-05	Extra Copies, Photocopies used for Background Information, convenience of reference, or as a reading copy	Retain until No Longer Administratively Needed	Paper
3	Records Regarded to be of a Historical Nature	Retain Permanently	Paper

**Tuscarawas MHA Records Retention Schedule**

**FINANCIAL RECORDS**

2-01	Annual Budgets	Retain 10 years after Audit	Paper
2-02	Annual Budgets	Retain until Printed to Paper Document	Electronic File
2-03	General Depository Agreement	Retain until Replaced or Superseded	Paper
2-04	General Ledger	Retain 10 years after completed audit	Paper
2-05	General Ledger	Retain until Printed to Paper Document	Electronic File
2-06	Audit Report(s)	See Schedule No. 1-09	Paper
2-07	Retirement System Payment Records	Retain 10 years after completed audit	Paper
2-08	Bank Account Reconciliation Records	Retain 10 years after completed audit	Paper
2-09	Cancelled checks	Retain 10 years after completed audit	CD-ROM
2-10	Cancelled checks	Retain 10 years after completed audit	Paper
2-11	Investment Records	Retain 10 years after completed audit	Paper
2-12	Journal Vouchers and Supporting Records	Retain 10 years after completed audit	Paper
2-13	Petty Cash Record	Retain 10 years after completed audit	Paper
2-14	Housing Assistance Payments (HAP) Monthly Records	Retain 10 years after completed audit	Electronic File
2-15	Housing Assistance Payments (HAP) Monthly Records	Retain until Printed to Paper Document	Paper
2-16	Monthly Records Pertaining to Tenant Participation and Subsidy	Retain 10 years after completed audit	Electronic File

**PAYROLL & EMPLOYEE RECORDS**

3-01	Employee Earnings and Withholding Records	Retain 10 years after completed audit	Paper
3-02	Employee Earnings Records	Retain until printed to Paper Document	Electronic File
3-03	Retirement System Payment Records	Retain 10 years after completed audit	Paper
3-04	W-2 Forms	Retain 10 years after completed audit	Paper
3-05	Employee Quarterly 941 Forms	Retain 10 years after completed audit	Paper
3-06	Employee Quarterly 941 Forms	Retain until printed to Paper Document	Electronic File
3-07	Wage Records (See Board minutes)	Retain 10 years after completed audit	Paper
3-08	Wage Records (See Board minutes)	Retain until applicable fiscal year has been audited; then convert to paper file	Electronic File
3-09	Employee Leave Records	Retain 10 years after completed audit	Paper
3-10	Employee Leave Records	Retain until printed to Paper Document	Electronic File
3-11	Employee Personnel File(s)	Retain for 10 years after Employee Separation/Retirement	Paper
3-12	Application for Employment for Person Hired	Retain in Personnel File	Paper
3-13	Application for Employment for Person Not Hired	Retain 6 months after Applicable Position Hired	Paper
3-14	Employee Health Benefit Records	Retain 10 years after completed audit	Paper

**Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.**

Tuscarawas MHA Records Retention Schedule

1-32	PH4 General Publications	Retain until Updated and/or Superseded	Electronic File
1-33	Mail - Unsolicited and Transitory	Retain until no longer Administratively Needed	Paper
1-34	Mail - Unsolicited and Transitory	See asterisk description	Electronic Mail
1-35	Mailing Lists	Retain until Updated or Superseded	Paper
1-36	Mailing Lists	Retain until Updated or Superseded	Electronic File
1-37	Management & Operations Reports	Retain until Incorporated into Completed Annual Fiscal Audit	Paper
1-38	Management & Operations Reports	Retain until Printed to Paper Document	Electronic File
1-39	Manuals and Handbooks	Retain until Replaced, Superseded or Obsolete	Paper
1-40	Manuals and Handbooks	Retain until Replaced, Superseded or Obsolete	Paper
1-41	Policies Regarding Operational Functions	Retain until Replaced, Superseded or Obsolete	Electronic File
2	Policies Regarding Operational Functions	Retain until Information is no longer Current; Appraise for	Electronic File
	Photo File	Historical Value	Paper
1-43	Photo File	Retain until Information is no longer Current; Appraise for	Paper
	Records Requests	Historical Value	Electronic File
1-44	Records Requests	Retain 3 years after Request is Filled	Paper
1-45	Organizational Charts	Retain until Superseded	Paper
1-46	Organizational Charts	Retain until Superseded	Electronic File
1-47	Telephone Voice Mail Messages	Retain until no longer Administratively Needed	Audio
1-48	Telephone Call Detail Records	Retain 10 years after Audit	Paper
1-49	Telephone System Equipment Records	Continually updated and retained while Equipment is in Use	Paper
1-50	Travel Records	Retain 10 years after Audit	Paper
1-51	Travel Records	Retain until Printed to Paper Document	Electronic File
1-52	Opinions from Legal Counsel	Retain 3 years after Issue in File to which Opinion Pertains	Paper
1-53	Opinions from Legal Counsel	See asterisk description	*Electronic Mail
1-54	Civil Case Files	Retain 3 years after Settlement and Closure of Case & Appeals	Paper
1-55	Criminal Case Files	Retain 3 years after Settlement and Closure of Case & Appeals	Paper
3	Insurance Policies and Records	Retain 3 years after Applicable Audited Fiscal Year	Paper
1-57	Insurance Policies and Records	Retain until Printed to Paper Document	Electronic Mail

**Audited means the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.**

\*E-mail transmissions that do not meet the definition of a public record are deleted after they have been read. Public record e-mails of a transient nature are deleted when no longer administratively important. E-mails of an administratively important nature shall be archived and retained for two years. If, after the 2-year archival retention, some e-mails of administrative importance require longer retention, the e-mail content will be converted to a paper document and retained for the appropriate time commensurate with the retention schedule for the paper document.

Tuscarawas MHA Records Retention Schedule		Retention Period	Media Type
Number	Schedule Record Title and Description		
<b>ADMINISTRATIVE &amp; PROGRAM OPERATIONS RECORDS</b>			
1-01	PHA: Articles of Incorporation	Retain Permanently	Paper
1-02	Records regarding the Founding of the PHA	Retain Permanently	Paper
1-03	HUD Annual Plan(s)	Retain 10 years after HUD Approval	Paper
1-04	HUD Annual Plan(s)	Retain until approved by HUD; then convert to paper file	Electronic File
1-05	HUD Annual Contributions Contract(s) for Section 8 Voucher Program	Retain 10 years after Applicable Audited Fiscal Year	Paper
1-06	HUD Annual Contributions Contract(s) for Section 8 Voucher Program	See asterisk description	*Electronic Mail
1-07	Board of Commissioner Meeting Approved Minutes	Retain 10 years after Applicable Audited Fiscal Year	Paper
3	Board of Commissioner Meeting Approved Minutes	Retain until applicable fiscal year has been audited, then convert to paper file	Electronic File
1-09	PHA Audit Records	Retain 10 years after Applicable Audited Fiscal Year	Paper
1-10	PHA Audit Records	Retain until applicable fiscal year has been audited, then convert to paper file	Electronic File
1-11	TMHA Administrative Plan	Retain Currently Approved Plan Permanently	Paper
1-12	TMHA Administrative Plan	Retain Currently Approved Plan Permanently	Electronic File
1-13	Architect & Contractor Project(s) Contracts under \$50,000	Retain 5 years after Project Completion	Paper
1-14	Architect & Contractor Project(s) Contracts over \$50,000	Retain while Project Property is owned or for 5 years after sale	Paper
1-15	Architect & Contractor Project Unsuccessful Bids	Retain until Project is awarded	Paper
1-16	Property Records	Retain while property is owned or for 5 years after sale	Paper
1-17	Deeds	Retain while property is owned or for 5 years after sale	Paper
1-18	Easements	Retain while property is owned or for 5 years after sale	Paper
1-19	Property Bonds, Mortgages, Loans	Retain while property is owned or for 5 years after sale	Paper
1-20	Correspondence - General and Routine	Retain while property is owned or for 5 years after Pay Off	Paper
1-21	Correspondence - General and Routine	Retain until no longer Administratively Needed	Paper
2	Correspondence - Administratively Important	See asterisk description	*Electronic Mail
1-23	Correspondence - Administratively Important	Retain according to Retention Period of Schedule Number to which Correspondence is Applicable	Paper
1-24	Disaster Plans	See asterisk description	*Electronic Mail
1-25	Drafts for All Media	Retain until Updated or Superseded	Paper
1-26	Inventories for Durable Equipment	Retain until no longer Administratively Needed	Paper, *E-mail, E-file
1-27	Inventories for Durable Equipment	Retain Permanently, but update for obsolete and/or disposed items	Paper
1-28	General Orders, Directives, Policies, Rules, Regulations, Procedures	Retain Permanently, but update for obsolete and/or disposed items	Electronic File
1-29	General Orders, Directives, Policies, Rules, Regulations, Procedures	Retain until Superseded & Audited	Paper
1-30	General Orders, Directives, Policies, Rules, Regulations, Procedures	Retain until Superseded & Audited	Electronic File
1-31	PHA General Publications	Retain until Converted to Electronic File or Paper Document	Electronic Mail
		Retain until Updated and/or Superseded	Paper

Audited means the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 11223 O.R.C.

**TUSCARAWAS METROPOLITAN HOUSING AUTHORITY**  
**Public Records Policy Attachment**

REQUEST FOR PUBLIC RECORDS  
Attachment A

Date: \_\_\_\_\_

Name of Requesting Party (optional): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Information Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In what format would the requester prefer the records be produced:     Paper     Electronic (pdf)

How would the requester prefer to receive the records:     US Mail     In Person     email

Email address: \_\_\_\_\_

Signature of Requesting Party (optional): \_\_\_\_\_

Request for Public Records should be mailed to Tuscarawas Metropolitan Housing Authority, Attn: Public Records  
Custodian, 134 Second Street SW, New Philadelphia, OH 44663

**TMHA USE ONLY:**

**Charges:**

\_\_\_\_\_ pages at \$ \_\_\_\_\_ = \_\_\_\_\_

\_\_\_\_\_ pages at \$ \_\_\_\_\_ = \_\_\_\_\_

Other: \_\_\_\_\_ = \_\_\_\_\_

Total Charge: \_\_\_\_\_

Payment received by: \_\_\_\_\_

*Public Records Custodian*

\_\_\_\_\_

*date*

Board approved  
TBD