

AKRON MUNICIPAL CLERK OF COURTS – SANDRA KURT

PUBLIC RECORDS REQUEST

Effective Date: 5/30/2024

Reviewed:

POLICY:

The Akron Municipal Clerk of Courts shall make a court record available by direct access, promptly acknowledge any person's request for direct access, and respond to the request within a reasonable amount of time.

Except for requests for bulk distribution pursuant to SupR.46, the Akron Municipal Clerk of Courts shall permit a requestor to have a court record duplicated upon paper, upon the same medium upon which the court or clerk keeps it, or upon any other medium the court or clerk determines it can be duplicated as an integral part of the normal operations of the Clerk's office.

The Akron Municipal Clerk of Courts shall mail, transmit, or deliver copies of a requested court record to the requestor within a reasonable time from the request. The Clerk reserves the right to limit the number of court records it will mail, transmit, or deliver per month. The Clerk reserves the right to limit the number of court records provided per month when the request is for commercial purposes. The Clerk does not consider news reporting, the gathering of information to assist citizens in the understanding of court activities, or nonprofit educational research a "commercial purpose."

The Akron Municipal Clerk of Courts will charge the actual costs incurred in responding to a request for direct access to a court record. Any individual requesting non-certified copies of public records will receive copies 1-10 at no charge but will be required to pay a fee of ten cents (\$.10) per page thereafter. All certified copies shall be one dollar (\$1.00) per page, including certification and seal. The authentication of certified documents shall be an additional five dollars (\$5.00). CDs and USB drives shall be two dollars (\$2.00) each. There is no charge for e-mailed documents.

The Akron Municipal Clerk of Courts may require a deposit of the estimated actual costs before providing the requested record(s).

The Akron Municipal Clerk of Courts will redact personal identifiers from all requested copies. Personal identifiers are defined as:

- Social Security Numbers
- Financial Account Numbers (defined as bank, tax, debit card, charge card, and credit card numbers)
- Employer and employee identification numbers
- Juvenile Victim Name(s) in an abuse, neglect, or dependency case. Records containing the juvenile's initial will not be redacted.

All written public requests will be kept for two (2) years from date of receipt pursuant to RC-2 (COC-19).

Original documents are not permitted to be taken out of the Akron Municipal Clerk of Courts Office.

Customers who personally appear at the Akron Municipal Clerk of Courts Office to obtain copies and/or make a request on-line shall complete a Public Request Form prior to viewing case documents and obtaining copies. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

Court personnel are required to “sign out” cases prior to removing the original court file or documents from the Records Department.

The Clerk of Courts will hold copies for pick up for five (5) business days (not including the day the copies were requested). After five (5) business days, the copies will be destroyed, and a new request will be required.

The Akron Municipal Clerk of Courts and/or designee attends yearly Sunshine Law training for the purposes of keeping employees of the office, and the public, educated as to the office’s obligations under the Ohio Public Records Act and records retention laws. This policy is reviewed every two (2) years and included in the employee handbook which is individually acknowledged by each Clerk of Courts employee.

Remote Access

The Akron Municipal Clerk of Courts will offer remote access to specific court records.

The Clerk reserves the right to block or redact document images in the record via remote access. The same redacted information as stated in direct access will be applied to the remote access records except for victim information. Victim information is blocked via remote access.

The Clerk shall include a notice that the filing exists and is available in the Clerk of Court’s Records Department and/or through online record request.

Bulk Distribution

The Akron Municipal Clerk of Courts will respond to a public records request for bulk data in a reasonable amount of time.

The Akron Municipal Clerk of Courts reserves the right to determine if the request for data would require a new data compilation.

If a new data compilation is required, the clerk will comply with Sup. Ct. Rule 46 in that the Clerk may consider if creating the new compilation is an appropriate use of its available resources and is consistent with the principles of public access.

If the Clerk chooses to create a new compilation, personnel costs may be required in addition to actual costs. The Clerk may require a deposit of the estimated actual and personnel costs to create the new compilation.

The Clerk shall maintain a copy and provide public access to any new compilation created. Once the Clerk has recouped the personnel cost to create the new compilation from the original requestor, the Clerk may later assess only actual costs.

All bulk data record requests will be kept for two (2) years from date of receipt pursuant to RC-2 (COC-19).

Court Record Definitions:

1. "Actual costs" means the cost of depleted supplies; records and storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.
2. "Court record" means both a case document and an administration document, regardless of physical form or characteristic, manner of creation, or method of storage.
3. "Case document" means a document and information in a document submitted to the court or filed with the Clerk of Courts Office in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentations prepared by the court in the judicial action or proceeding, such as journals, dockets, and indices subject to the exclusion in the division Sup. Ct. R. 44(c) (2).
4. "Case file" means the compendium of case documents in a judicial action or proceedings.
5. "File" means to deposit a document with the Clerk's office, upon the occurrence of which the Clerk time or date stamps and dockets the document.
6. "Administrative document" means a document and information in a document created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations organization, or other activities of the court, subject to the exclusions in Sup. Ct. R.44(G)(2).
7. "Personal identifiers" means social security numbers, financial account numbers, including but not limited to bank, tax, debit card, charge card, and credit card numbers; employer and employee identification numbers and a juvenile's name in abuse, neglect, or dependency cases, except for the juvenile's initials or a generic abbreviation such as "CV" for a child victim.
8. "Public access" means both direct and remote access.
9. "Direct access" means the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours of the Akron Municipal Clerk of Courts office.
10. "Remote access" means the ability of any person to electronically search, inspect, and copy a court record at a location other than the Akron Municipal Clerk of Courts office.
11. "Bulk distribution" means the distribution of a compilation of information from more than one court record.
12. "New compilation" means a collection of information obtained through the selection, aggregation, or reformulation of more than one court record. The term "new compilation" does not include a collection of information produced by a computer system that is already programmed to provide the requested output.

Definitions of records exempt from Public Records Requests:

- a. A document or information in a document exempt from disclosure under state, federal, or local law or ordinance.
- b. Personal identifiers, as defined in Sup. Ct. R. 44 (H).
- c. A document or information in a document to which public access has been restricted pursuant to Sup. Ct. R. 45(E).
- d. Except as relevant to a juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitments files, post-adjudicatory residential treatment facility report, and post adjudicatory releases of a juvenile's social history.
- e. Notes, drafts, recommendations, advice and research of judicial officers and court staff.
- f. Forms containing personal identifiers, as defined in Sup. Ct. R. 44 (H) or filed pursuant to Sup. Ct. R. 45.
- g. A document or information in a document describing the type or level of security in a court facility, including a court security plan and a court security review conducted by the court or the court's designee or the Supreme Court.
- h. An administrative or technical security record-keeping document or information.
- i. Test questions, scoring keys, and licensing, certification, or employment examination documents before the examination is administered or if the same examination is to be administered again pertaining to employment with the Clerk of Courts.
- j. Computer programs, computer codes, computer filing systems and other software owned by the Clerk of Courts.
- k. Genetic test results, i.e. DNA records.

Forms:

The following forms are specific to this policy:

1. Public Records Request form