

## PUBLIC RECORD CUSTODIAN RESPONSIBILITIES AFTER A REQUEST HAS BEEN MADE

The custodian must:

- promptly prepare the public records. R.C. § 149.43(B).
- make available all public records for inspection by any person during regular business hours. R.C. § 149.43(B).
- upon request, provide copies, at cost, of public records within a reasonable period of time. R.C. § 149.43(B).
- upon request to send copies of the public records by mail, shipping costs may be charged to the person making the request. R.C. § 149.43(B).
- produce copies must be on paper, on the same medium which it is kept, or any other specified medium, so long as is available in the public office's normal business operations. R.C. § 149.43(B)(2).

If the custodian of the public records determines that a part or all of the record cannot be disclosed due to confidentiality, the custodian must:

- disclose the non-exempted material. *State ex rel. Outlet, Inc. v. Lancaster Police Department* (1988), 38 Ohio St. 3d 324; *State ex rel. Dispatch Printing Co. v. Wells*, (1985), 18 Ohio St. 3d 382; *State ex rel. NBC v. Cleveland* (1988), 38 Ohio St. 3d 79.
- identify the nature of any document or information withheld or redacted. *See generally, State ex rel. National Broadcasting Co., Inc. v. City of Cleveland* (1992), 82 Ohio App. 3d 202, 611 N.E. 2d 838.
- state the reasons for withholding or redacting the information. *See generally, State ex rel. National Broadcasting Co., Inc. v. City of Cleveland* (1992), 82 Ohio App. 3d 202.

The custodian which fails to promptly prepare for public record and make it available for inspection or the failure to make and provide copies of a public record in a timely fashion after being requested to do so is subject to:

- a lawsuit to obtain a judgment ordering compliance with such request. R.C. § 149.43(C).
- pay the attorney fees and costs that the person requesting the information incurred in bringing such lawsuit. R.C. § 149.43(C).

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