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Ohio Public Records: Your Rights and Responsibilities

Public records laws are intended to promote transparency in government, a vitally important element in a citizen-directed government such as ours. Access to federal government records are covered by the Freedom of Information Act, or FOIA, but each state also has laws governing their own records. In Ohio, public records laws are part of the Sunshine Laws along with open meeting laws, which prohibit secret meetings of government. They apply to not only state agencies, but also local government, such as counties and municipalities, public universities, and school districts. As employees of the University of Cincinnati and citizens of Ohio, we have a dual stake in Ohio’s public records laws. We are citizens who have an interest in how our government is protecting us and using our tax dollars. But we are also custodians of public records and therefore have a responsibility to the rest of the citizenry to protect and maintain those records.

Know the Law

Unlike some laws that can sit on the books untouched for decades, this one tends to be unusually dynamic as it is continually tested in Ohio’s courtrooms. Case law often determines how the legislation is interpreted and has resulted in significant changes to the laws in the past. Cases are listed in Records Quarterly as they are decided. If you page to the Leg & Reg section of this issue, you’ll see that there have been seven cases decided just since December, 2012.

Required Agency Policy

Public offices are required to draft and display a public records policy outlining how they respond to public records requests. Offices are also required to have a records retention schedule and make it available to requestors so that they can properly form their request. Both of these requirements were written into law in 2007.

Making and Responding to Requests

Anyone can make a public records request in Ohio regardless of citizenship. Requestors are not required to disclose the reason for the request, nor do they have to provide their name. Requests can be verbal or written and records can be photocopped, delivered electronically or viewed in person. Requestors need to ask for specific records,
not just information, so it is important to understand what records the office creates and how they are organized. That is where the records retention schedule will help. If the office deems the request “overly broad” the requestor will be given the opportunity to revise it.

Public offices can charge for the actual costs of photocopying, packaging and delivery before records are delivered, but cannot charge for labor expended to fill the request or similar “service” costs. The law does not give a specific time period in which requests must be answered, but states that they must be filled within a “reasonable amount of time.” A public office does not have to create records that do not exist in order to fill a request. Offices must cite a legal authority if any or all of the request is denied or if information is redacted.

It’s important to understand that FOIA only applies to our federal government and not to Ohio or other state governments and is not the proper vehicle for requesting state records. Confusion about the right way to secure government records often causes delay and frustration for both requestors and agencies. However, it is as important for U.S. Citizens to understand FOIA and Federal Privacy Act legislation as it is to understand their own state’s laws. For more information, see the resource links at the end of this article.

Exemptions
Some groups of records are exempt from public disclosure according to the law. Records that are protected from disclosure by other legislation, such as student records (FERPA), and health records (HIPAA) are exempt. Infrastructure and security records are exempt through Ohio’s antiterrorism bill. Other groups of exempt records are specified in the public records law. There are several of these exemptions, but those mostly related to UC’s records include:

- Trial preparation records
- Intellectual property records
- Donor profile records
- Peace officer familial information

*The Ohio Sunshine Laws Manual* outlines all exceptions to the law. A link to it can be found in the resources section of this article.

Corrective Action
Requestors who do not receive a satisfactory response to an Ohio public records request can seek restitution in the form of a mandamus action. A successful mandamus compels the public office to comply with the request as directed by a judge. Requestors can also seek attorney fees and statutory damages. Fines for the illegal destruction of public records that were subject to the request can be awarded through a civil action according to ORC 149.351, Prohibiting damage or destruction of records.

Familiarize Yourself with UC’s Policy
In response to the 2007 legislative changes, UC established a policy outlining the ways and means in which we accept and respond to public records requests. It is very important for all UC personnel to know where to find the policy so that requestors can be properly advised when inquiring about records requests. There is a link to the policy in the resources section of this article and a summary follows.

Our policy states that the Office of General Counsel is responsible for receiving and responding to requests for public records. While the policy reinforces the fact that requests need not be in writing, it is suggested that a written request can be valuable for clarifying the requestor’s needs and gives three points of contact. If a request is made directly to a University office, General Counsel should be contacted promptly. The University strives to respond in some way to requests within three business days. Charges will only be assessed for the actual copy costs associated with the request and physical inspection.

*(Continued on page 4)*
of the records can be done within regular business hours. Any redactions or exemptions will be cited by law in a transmittal letter.

Have a Records Retention Schedule
Ohio Public Records Laws require public offices to have a records retention schedule available to show requestors so they know what records are maintained by the office and how they are organized. This allows requestors to properly state their request and reduces confusion and delay.

At UC we currently write unique records retention schedules for each department. Records coordinators within the departments work with the University Records Manager to inventory their records and develop minimum retention periods that are legally defensible and that allow records to be maintained for administrative purposes. If you don’t know where to find your retention schedule, contact Records Management for assistance. It’s important that records retention schedules be reviewed and updated as necessary as they are both a guide for department and the public.

Resources

UC Public Records Policy—Office of General Counsel
http://www.uc.edu/content/dam/uc/gencounsel/docs/PublicRecordsPolicy.pdf

Ohio Sunshine Laws Manual—New edition just released this week.

Ohio Revised Code 149.43, Availability of public records for inspection and copying
http://codes.ohio.gov/orc/149.43

Ohio Revised Code 149.351, Prohibiting damage or destruction of records.
http://codes.ohio.gov/orc/149.351

Ohio Attorney General Sunshine Laws
http://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws

Ohio Auditor of State Open Government Unit
http://www.auditor.state.oh.us/services/opengov/default.htm

Freedom of Information Act
http://www.ftc.gov/foia/index.shtm

FOIAonline—Requests
https://foiaonline.regulations.gov/foia/action/public/home

Federal Privacy Act
http://www.ftc.gov/foia/privacyabout.shtm

Workshops

The next campus-wide Introduction to Records Management workshops will be held in the Fall.

These workshops and custom workshops can also be brought to your department. To set up your own presentation, contact Janice.

Introduction to Records Management
During this workshop we will discuss the benefits you will receive from efficiently managing your records, UC’s records program, your role as a keeper of public records, the definition of a "record," how to perform records inventories, the development of records retention schedules and proper means of records disposal.

Electronic Records
During this workshop we will discuss the unique characteristics of electronic records, retention of electronic records, recordkeeping systems, special considerations for websites, databases, and business applications, and disposal of electronic records including transfer to the University Archives.

Managing Email
During this workshop we will discuss how to determine if an email message is a university record, retention of email, the characteristics of UC’s email system, managing the inbox, and storage methods.

UC Appoints New VP of Legal Affairs

On March 11, 2013, UC President Santa J. Ono appointed Kenya Mann Faulkner as the University’s new Vice President of Legal Affairs and General Counsel. Faulkner comes to UC from the State of Pennsylvania, where she served as Inspector General since January, 2011. She will begin at UC on April 1, 2013. You can read the press release at http://www.uc.edu/news/NR.aspx?id=17460.
Social Media and the Ohio Electronic Records Committee

Ever since those lovely punch cards were introduced to organizations as a business tool in the 1940s, records managers have faced unique dilemmas, challenging us to fit new electronic methods into our old models of recordkeeping or to come up with new ways of managing information and technologies. Admittedly, the lightning fast pace of technological advancement oftentimes catches us unaware and we end up backtracking and trying to catch up after realizing that the new media is producing information that needs to be managed. From punch card automation to mainframes to personal computers to mobile devices, each new technology has presented new issues and has required us to think creatively about how to deal with their related records.

The Ohio Electronic Records Committee (OhioERC) tackles these challenges by researching issues and crafting guidelines for Ohio’s government and government-funded organizations to use in their own policy and procedure creation. As UC Records Manager, I have been a member of the OhioERC since 2006, serving as Secretary from 2008-2012. For me, this experience has been extremely valuable and frankly very eye-opening as I am exposed to quandaries others are facing and we may face very well in the future at UC. The first quarterly meeting of 2013 was held on Wednesday, January 16, at the Ohio History Center in Columbus. The Committee is very close to releasing a new guideline on cloud computing and an updated version of the Electronic Records Management guideline, one of the very first produced. A subcommittee is working to update the current Managing Web Content guideline and discussion ensued about the need to update the current Managing Email guideline.

The newest manifestation of the technology phenomenon is internet computing and most recently, the use of social media, such as Facebook and Twitter, in business environments. Along with the use of social media come many, many questions, particularly in our case when it comes to public records. The OhioERC’s newest guideline, Social Media: The Records Management Challenge, addresses many of the records management related issues that are tied to the use of social media in government organizations. In October, the OhioERC offered workshops to public records employees based on the new social media guideline, complete with a template for engaging social media, which was very well received as a practical take-away. Since then, we have been asked to present this workshop at other Ohio venues.

A look at the chart maintained by UC’s Web Communications department, a part of Government Relations and University Communications, shows just how pervasive social media has become at the University. Web Communications has issued guidelines and recommendations for the use of social media as well as guides for student and general users. However there is not a policy in place to govern social media use or the management of content as records and that should be our next step. Topics in the OhioERC guideline that need to be addressed via policy include how to capture content, ownership and control of data, retention and disposition, public records requests, legal issues, preservation, and security. These represent just a handful. Did you realize that there are this many issues connected to each of your business tweets or wall posts? Frankly, it makes me long for those punch cards.
When do I Dispose of Records?

In my recent records management workshops several questions came up as to when precisely records should be disposed of based on retention periods.

With very few exceptions, minimum retention periods are calculated in increments of years, so generally, you want to dispose of records on an annual basis that coincides with the cycle in which the records were created. At the University of Cincinnati, our records are created based on one of three cycles—a straight calendar year, a fiscal year or an academic year.

A calendar year, of course, runs from January 1—December 31. Examples of records created in a calendar year include personnel records, and general correspondence.

UC’s fiscal year begins on July 1. We are currently in fiscal year (or FY) 2012-2013, which began on July 1, 2012 and ends on June 30, 2013. The fiscal year can also be termed by the year in which it ends, so you may also see the current year called “FY2013.” Financial, budget, and accounting records are generally created within a fiscal year.

The academic year begins with the fall semester and includes fall, spring, and summer semesters. Under the old quarter system, a one-year cycle would include fall, winter, spring, and summer quarters. In monthly terms, that coincides with approximately September—August. Curriculum records, student enrollment and financial aid records and class scheduling records are examples that fall in this cycle.

If you do straight January-December calendar disposition, keep the current year’s records and however many prior years according to the retention. For example, if a record has a retention period of four years, you keep the current year’s records plus records from the four previous years. In 2013, you would retain records from 2013, and the previous four years, 2012, 2011, 2010, and 2009, but you can dispose of records from 2008 and prior years. The top chart on the next page provides easy reference. In the left column find the row for the year in which the records were created or when the retention period began if it was preceded by an active period. Then follow the row to match the column that states the record’s retention period. The year in that cell is the year in which you can dispose of the records.

The rules for fiscal and academic year disposition are the same, keep the current year’s records and the past years based on retention, but the calculation is a bit different based on the beginning and end dates of the cycle. In a fiscal year, disposition happens in July; in an academic year, disposition happens in September. The middle and bottom charts on the next page show when to dispose of records on these cycles.

These charts give you the earliest time at which you can dispose of records based on their minimum retention and their creation cycle. You might have records that fit all of these cycles, but do you want to take the time to physically dispose of records in January, July, and September? Maybe, but maybe not. Consider the volume you are creating and storing and the resources you have for performing the disposition, including costs associated with shredding and labor.

This article is intended to give you options, but don’t make it too confusing. What is most important is that you keep your records at least as long as your retention states and that you stay consistent with your disposition procedures. The simplest procedure is to dispose of records each January based on the calendar year in which they were created, regardless of their creation cycle. That does mean that you may keep some records up to six months after you can legally dispose of them, so you’ll need to balance the risks associated with that and your ability to consistently follow the procedure.

As always, feel free to contact Records Management for any help with disposition or any other records related issue.
### Calendar Year Disposal (January 1—December 31)

<table>
<thead>
<tr>
<th>If records were created or became inactive in or before:</th>
<th>1 year</th>
<th>2 years</th>
<th>3 years</th>
<th>4 years</th>
<th>5 years</th>
<th>6 years</th>
<th>7 years</th>
<th>10 years</th>
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### Fiscal Year Disposal (July 1—June 30)

<table>
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<tr>
<th>If records were created in fiscal year</th>
<th>1 year</th>
<th>2 years</th>
<th>3 years</th>
<th>4 years</th>
<th>5 years</th>
<th>6 years</th>
<th>7 years</th>
<th>10 years</th>
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### Academic Year Disposal (~September—August)

<table>
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<tr>
<th>If records were created in academic year</th>
<th>1 year</th>
<th>2 years</th>
<th>3 years</th>
<th>4 years</th>
<th>5 years</th>
<th>6 years</th>
<th>7 years</th>
<th>10 years</th>
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Program News

Schedule Development

New Schedules:
- Libraries Reappointment, Promotion, and Tenure Committee
- College of Medicine Student Affairs & Admissions

Updated Schedules:
- Public Safety
- General Counsel
- Clermont Library
- Clermont Outreach Services

Draft Schedules
- University Libraries Nominations and Elections Committee

Records Transfers

College of Nursing Alumni Files
Accession No. UA-12-08, 11 boxes
Chronological files of College of Nursing alumni records, including correspondence to and from alumni and family members, admission and registration records, transcripts, photographs, news clippings, references, recommendations, logs of transcripts issued, enrollment information, certificates. 1891-1940.

University Libraries Reference Department
Accession No. UA-12-10, 2 boxes

University Libraries Communications Department
Accession No. UA-12-11, 1 box

University College
Accession No. UA-12-13, 1 box

College of Business
Accession No. UA-12-14, 2 boxes
Records of the College of Business including Dean’s Correspondence, Assessments and accreditation records, 1989-2010.

Department of Psychology
Accession No. UA-12-15, 4 boxes
Records of UC’s Psychology Department including information on accreditation, graduate students, faculty, and faculty awards, 1967-2011.

Board of Trustees Supporting Papers
Accession No. UA-12-17, 4 boxes
Supporting papers of the UC Board of Trustees including presentations, board committee minutes, meeting agendas, and informational reports, 2007-2010.

NCA Accreditation Documents
Accession No. UA-12-19, 1 box
Accreditation documents, assembled by the University of Cincinnati Libraries for the North Central Association Accreditation, 1999.

UC Records Management Objectives

- To promote the administrative efficiency at the University by removing inactive or obsolete records from offices.
- To protect the University by ensuring compliance with all internal, state, and federal policies regarding the creation and disposition of University records.
- To ensure that all documents of administrative or historical value are rightfully preserved through transfer to the University Archives.

Promote, Protect, Preserve
DAAP Event Programs
Accession No. UA-12-23, 1 box
Programs and advertisements from two 2012 DAAP events.

UC President’s Cabinet Minutes
Accession No. UA-13-01, 1 box
Minutes of meetings of the President’s Cabinet, 2009-2012.

College of Nursing and Health
Accession No. UA-13-02, 81 boxes
Records of the College of Nursing and Health, including class and student records, administrative records, and curriculum records, 1940-2004.

UC Clermont College, College Relations Department
Accession No. UA-13-03, 5 boxes
Bulletins, handbooks, course schedules, and newsletters from Clermont College. Collection includes electronic and hard copy versions of publications.

Human Resources and Office of Information Security Team with Records Management to Present Workshops
On February 19 and 21, University Records Manager Janice Schulz teamed up with Director of Human Resources Operations Alecia Trammer and Information Security Officer Emily Morgan to present Introduction to Records and Information Management workshops. Normally a solo gig spearheaded by Schulz, Trammer and Morgan made these workshops unique in that different but aligned perspectives were offered as to the management of information at the University. Trammer discussed the management of personnel records, including what records should appear in a personnel record, retention of personnel files, and employees right to access their own files. Morgan talked about UC’s data protection policy, the importance of secure information storage, paper shredding services, and electronic file shredding. We are all happy to make this presentation to your department either as a group or individually. Please feel free to contact any of us to schedule.

Office of Information Security to Hold Shredding Events
UC’s Office of Information Security will hold two FREE shredding events this spring. The West Campus event will be held on April 25, 2013 on McMicken Commons. The East Campus event will be held on May 16, 2013 behind the Eden Avenue garage. Staff from the Office of Information Security will be on hand during the events to accept your records. All UC departments can bring paper records that have met their minimum retention period according to approved records retention schedules. Make sure to complete and submit a Certificate of Records Disposal for any records you are shredding on that day. If you do not have a records retention schedule for the records you wish to dispose of, contact Records Management to generate a schedule or to submit a Certificate of One-Time Disposal before the event. Please remove all large metal items, such as paper clips, binder clips, and hanging folder guides, and remove paper from three-ring binders. Staples are acceptable. For further information, please contact Emily Morgan, Information Security Officer, at Emily.Morgan@uc.edu.

Department Self-Assessment Now Available
A department self-assessment is now available on the Records Management website at http://libraries.uc.edu/libraries/arb/records_management/documents/RIM-self-evaluation.pdf. Records Management has developed this self-evaluation guide for departments to use as an overview of the basic components of a records management program. Using this guide will assist departments in assessing the status of their records management procedures and in identifying problem areas and setting priorities for improvements.

Faxing to Records Management Eliminated
A recent decision was made to eliminate the Archives fax machine due to a dramatic decrease in genuine use and an increase in “spam” receipts. Any communications for Records Management can be sent to Janice via email at schulz.janice.rm@gmail.com or campus mail to Archives-Mail Location 113.
Records in the News

State and Local

New county engineer says office records sabotaged
Athens Ohio Today, January 15, 2013
Newly elected Athens County Engineer Jeff Maiden says he found records in disarray — and in some cases missing — after taking office Jan. 7, and is using the word “sabotage” to describe how they got that way.

Social media post getting public officials in trouble
A high-ranking state official is in hot water over a recent posting she made on Facebook, illustrating the tightrope public officials must walk while using the relatively new technology.

Ohio auditor scolds CIC over poor records-keeping
Youngstown Vindicator, February 1, 2013
The auditor’s office has repeatedly attempted to obtain financial records from the Youngstown Central Area Community Improvement Corp. (CIC) for the period between July 1, 2009, and June 30, 2011, for a regular report without any success, said Carrie Bartunek, an auditor spokeswoman.

Ohio SC denies writ seeking records from former AG’s office
Legal Newsline, February 6, 2013
The Supreme Court of Ohio, denied the writ of mandamus filed by a petitioner seeking copies of records from former state Attorney General Richard Cordray’s office relating to the claim that State Representative Danny R. Bubp simultaneously held two public offices.

Cleveland school district lacks attendance records,
Ohio auditor calls for further investigation
Cleveland Plain Dealer, February 11, 2013
Cleveland is one of nine school districts across the state that improperly "scrubbed" their student attendance data in the 2010-11 school year, according to a long-awaited report released Monday by Ohio Auditor Dave Yost.

Clermont Co. recorder warns residents of property deed schemes
Cincinnati Enquirer, February 11, 2013
An increase in calls requesting the cost for obtaining a “certified” copy of a property deed led to the discovery of a scheme occurring in Clermont County.

Ohio Auditor reports Northridge tampered with attendance records
WDTN News, February 11, 2013
Northridge LSD is one of four more districts Ohio's state auditor, Dave Yost, reported Monday removed poor-attendance students from their rolls. Yost also identified Canton, Cincinnati and Winton Woods city schools.

Ohio Auditor Dave Yost briefs state school board on attendance audit
Cleveland Plain Dealer, February 12, 2013
The Cleveland schools did not account for truant students properly, Ohio Auditor Dave Yost told the state school board today, but he said the state should consider changing the rules for counting them.

Woman To Face Charges For Allegedly Dumping Documents Containing Others’ Personal Information
10TV.com, February 13, 2013
Resident Brad Morgan said he looked inside of the bags and found dozens of documents from the Public Storage facility on Morse Road. Many of the papers contained personal information of current and former customers.

IN OUR SCHOOLS: CPS could lose $40M over data ‘scrubbing’
Cincinnati Enquirer, February 13, 2013
Cincinnati Public Schools could lose up to $40 million in state funding in the current fiscal year because state officials say it thumbed its nose at rules about reporting attendance.

IN OUR SCHOOLS: CPS responds on 'data scrubbing'
Cincinnati Enquirer, February 14, 2013
Cincinnati Public Schools Superintendent Mary Ronan on Wednesday downplayed the possibility that the district could lose up to $40 million in state funding for alleged data scrubbing of student attendance records.
Former Clinton Township Fiscal Officer Sentenced
Ohio Auditor of State, February 15, 2013
Former Clinton Township (Franklin County) Fiscal Officer Rebecca Christian was sentenced today to four years in prison for her theft of nearly $138,000 in township funds.

Police properly subpoena cell phone data, 9th District rules
Akron Legal News, February 25, 2013
Police properly subpoenaed a cell phone company’s data that showed a suspect’s movements, the 9th District ruled recently. Patrick Griffin appealed his murder conviction, asserting among other arguments that the trial court should have suppressed location information obtained from his cell phone provider. The court overruled his assignments of error and upheld his conviction.

Elected officials look to embrace technology
Akron.com, February 28, 2013
With their constituents increasingly turning to electronic devices to communicate and retrieve information, some local elected officials are trying to do the same.

Yost slams how schools report data
The Columbus Dispatch, February 28, 2013
State Auditor Dave Yost, whose office investigated data-scrubbing among school districts throughout the state, called on the Ohio Department of Education yesterday to fix the “just-trust-me” system in which districts report their numbers.

Ohio Internet cafe records full of holes, red flags
The Herald-Dispatch, March 03, 2013
Most Ohio Internet cafes provided incomplete information to the state and most of the businesses’ operators who can be identified have spotty financial backgrounds or criminal histories, a newspaper investigation has found.

Special counsel hired in record-sealing case
Journal News, March 1, 2013
Lyons has sealed 3,402 criminal cases since 2007, according to court records. A local newspaper has sued the judge in the Ohio Supreme Court asking to unseal all the records the judge may have erroneously sealed.

Ohio woman altered GED scores for relatives
CantonRep.com, March 5, 2013
A judge has handed two years of probation to a former Ohio Department of Education employee who admitted that she altered scores on the state high-school equivalency exam to benefit family members and friends.

Supreme Court rules against Scioto County records request
Columbus Dispatch, March 7, 2013
The Ohio Supreme Court today batted down a request by a Portsmouth businessman seeking deed and other information from Scioto County Auditor Craig Opperman.

Two charter school officers indicted for spending $148K on trips, other unapproved expenditures
WCPO.com, March 6, 2013
Cincinnati College Preparatory Academy Superintendent Dr. Lisa Hamm and contracted treasurer Stephanie Millard have been indicted on 26 counts of theft in office, unauthorized use of property, tampering with evidence and tampering with records.

Higher Education

Bill would close University of Wyoming presidential candidate records
Star Tribune, January 24, 2013
One day after a district court ruled the University of Wyoming must disclose the names of finalists in its president search, a Laramie legislator introduced a bill to keep the names confidential.

Penn State University board of trustees candidate calls blocking of Freeh contract ‘despicable’
TribLive, February 7, 2013
A candidate for the Penn State University board of trustees is continuing his crusade for records that state Education Secretary Ron Tomalis says he doesn't have about the Louis Freeh investigation of the Jerry Sandusky scandal.

‘Illegal’ exchange of med student’s records between university, hospital prompts lawsuit
The Southeast Texas Record, February 12, 2013

(Continued on page 12)
Leg & Reg
Legislative and Regulatory Affairs Affecting Records and Information Management

Ohio Public Records Cases

Relator entitled to statutory damages in the amount of $400.00 in association with Public Records request.
Decided 12/5/2012

State ex rel. Morabito v. Cleveland, 2012-Ohio-6012.
The court denies the application for a writ of mandamus in a public records case because the matter is moot. The city released all requested, non-exempt, existing records. Relator did not show a sufficient public benefit to be awarded attorney fees, nor did she fulfill the prerequisites for statutory damages.
Decided 12/19/2012

Mandamus—Jurisdictional-priority rule—Under the jurisdictional-priority rule we lack jurisdiction to resolve relator’s mandamus claim—Cause dismissed.
Decided 1/16/2013

Mandamus—Public records—Attorney-client privilege—Motion to strike statements in affidavit denied because statements made were sufficiently based on affiant’s personal knowledge—Documents covered by attorney-client privilege were properly withheld—Writ denied.
Decided 1/29/2013

(Continued from page 11)
A lawsuit filed Feb. 4 in the Houston Division of the Southern District of Texas claims the school failed to accommodate his disability as well as removed him from classes after acquiring apparent misinformation about the plaintiff from the hospital, which had him as a patient.

LSU rebuffs public records request
The Advocate, February 13, 2013
LSU will continue to keep secret the names and qualifications of candidates in the running to become the university’s next president after rejecting a public records request from The Advocate.

UCF sued over Greek Life suspension
Central Florida News 13, February 25, 2013
In a statement released Sunday, attorney Justin Hemlepp said UCF violated the state’s Sunshine Law.

Sharing information without consent abuse of power
The Daily Iowan, February 25, 2013
An investigation released last week by the Des Moines Register revealed that the University of Iowa has shared federally protected information about the academic records of its students with the Johnson County Sheriff’s Office for more than two decades.

Online student news site sues University of Central Florida for access to records, meetings
Student Press Law Center, February 27, 2013
A student-run online news organization at the University of Central Florida has filed a lawsuit against the school alleging violations of Florida’s public records and open meetings laws.

Otterbein campus police won’t release records
Columbus Dispatch, February 28, 2013
The university and its police officials have refused to release records such as incident reports, maintaining that the private college is exempt from the Ohio public records act and wants to protect student privacy.

Records on Purdue’s presidential search still tightly wrapped
jconline.com, March 6, 2013
More than eight months since Mitch Daniels was named president of Purdue University, details still are slim on the 10-month search process.
State ex rel. Andrews v. Chardon Police Dept., 2013-Ohio-338
EXTRAORDINARY WRITS - original action for writ of mandamus; public records request; R.C. 149.43; summary judgment; post-action disclosure of records.
Decided 2/4/2013

State ex rel. Patituce & Scott L.L.C. v. Cleveland, 2013-Ohio-704
Public records writ rendered moot by release of records. The court did not award statutory damages or attorney fees.
Decided 2/26/2013

State ex rel. Gambill v. Opperman, Slip Opinion No. 2013-Ohio-761
Mandamus—Public records—Public record intertwined with copyright-protected software.
Decided March 7, 2013

Ohio General Assembly
H.B. No. 15 - To amend section 2933.52 of the Revised Code to exempt under certain circumstances a parent of a minor child or a person acting in loco parentis from the prohibition of the interception of wire, oral, or electronic communications.
Introduced 1/30/13. Assigned to the Judiciary Committee
http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_15

H.B. No. 72—To amend several sections of the Revised code to modernize records maintenance in county recorders offices.
Introduced February 20, 2013. Assigned to State and Local Government Committee
http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_72

S.B. No. 60—To amend section 2923.129 of the Revised Code to eliminate the journalist access exception from the general prohibition on the release of confidential records relative to the issuance, renewal, suspension, or revocation of a concealed handgun license.
Introduced 3/5/2013. Assigned to the Criminal Justice Committee
http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_60

S.B. No. 61—To enact section 149.451 of the Revised Code to prohibit a law enforcement agency from making available to the general public on the internet a motor vehicle accident report that contains a minor's personal information without redacting or encrypting the personal information.
Introduced 3/5/2013. Assigned to the Public Safety, Local Government & Veteran Affairs Committee
http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_61

Ohio Public Records Mediation Program
The Ohio Attorney General’s office has established a mediation program to assist citizens and government organizations to come to agreement on public records issues before mandamus action becomes necessary.
http://www.ohioattorneygeneral.gov/About-AG/Organizational-Structure/Constitutional-Offices/Public-Records-Mediation-Program

HIPAA Changes
Under HIPAA changes effective March 26, 2013, PHI of persons deceased more than 50 years is no longer protected. See the final rule at http://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf
University Archives News

Gifts to the University Archives

Carl A. Huether - Genetic Counseling Program Materials
Accession No. UA-12-06
OhioLink Finding Aid Available

UC Professor of Biology Dr. Carl A. Huether was the visionary behind the establishment of a graduate program in genetic counseling at the University of Cincinnati. Dr. Huether was director of the genetic counseling program from 1982 to 1992 and afterwards remained a vital part of the program as a professor, advisor and advocate for medical genetics. In 2007 after 41 years as a member of the biology faculty, Dr. Huether retired and the first ever endowment fund for a graduate program in genetic counseling was established. Dr. Huether donated his materials on the genetic counseling program to the University Archives this spring.

Patricia A. Renick papers
Accession No. UA-12-07, 9 boxes
Finding Aid Available

No w available in the ARB library are the papers of Patricia A. Renick, sculptor and professor of fine art at the University of Cincinnati for 31 years. She remained an emeritus professor after her retirement in 2001 until her death at age 75 in 2007. Renick was born in Lake- land Florida and completed degrees at Florida State University and The Ohio State University. Patricia A. Renick began teaching at the University of Cincinnati in 1976 first as an associate professor in design and later in art. In 1970 she held her first solo exhibition and throughout the 1970’s was invited to have two more solo exhibitions including a major solo exhibition at the Cincinnati Art Museum in 1974. She is known for her signature works which have a biomechanical nature and are large in scale.

Cincinnati Kindergarten Alumane Association
Accession No. UA-12-09, 1 box
OhioLink Finding Aid Available

Records, 1897-1966, including membership lists, meeting minutes, and pamphlets on kindergarten and nursery school education.

Southwest Ohio Folklore Collection
Accession No. UA-13-01
OhioLink Finding Aid Available

The Southwest Ohio Folklore Collection features a diverse sampling of folklore. The collection includes folklore of Southwestern Ohio and features information on various ethnic groups that are found within the region.

The Southwest Ohio Folklore Archive was donated to the Urban Studies Collection by Edgar Slotkin, professor emeritus of English at the University of Cincinnati. Dr. Slotkin earned his Ph.D. from Harvard University in 1977 and has since contributed extensively to studies of English and Folklore. For more on Dr. Slotkin's work, see his profile on the UC website.

For over four decades, Dr. Slotkin collected the writings of his students, compiling a unique sampling of folklore from Cincinnati and the surrounding region. This collection is rich and dynamic, featuring everything from proverbs and legends to graffiti and humor. The materials are a major contribution to understanding the culture and folklore of Greater Cincinnati and will serve as an excellent research tool for folklorists and curious researchers alike.