

Subject: Response to 12/12/2022 Colombo PRR
Date: Tuesday, March 7, 2023 at 1:22:31 PM Eastern Standard Time
From: Lawrence, Julia
To: AO Records
Attachments: image001.png

EXTERNAL SENDER

Ms. Colombo,

This email responds to your public records request dated 12/12/2022 for the following records:

1. Records sufficient to identify the names and job titles of each employee permanently or temporarily assigned to the Public Integrity Division, or of those permanently or temporarily working in support of those assigned to the Public Integrity Division.
2. Records sufficient to identify the relationship and relative rank of each position within the Public Integrity Division, such as an organizational chart.
3. Records sufficient to identify any job openings within the Public Integrity Division.
4. Records sufficient to identify the Office of the Ohio Secretary of State's actual or prospective budget for the Public Integrity Division (including, but not limited to, relevant employee salaries and investigation expenses).
5. Records sufficient to identify all costs and expenses incurred by the Public Integrity Division (including, but not limited to, relevant employee payments and investigation expenses).
6. Records sufficient to identify the total number of pending investigations, as of the date of this request, before or being conducted by the Public Integrity Division.
7. Records sufficient to identify the total number of resolved investigations, as of the date of this request, (including, but not limited to, investigations resulting in referrals to local prosecutors or the Ohio Attorney General's Office) before or conducted by the Public Integrity Division and the final disposition of each investigation.

Your request is denied as overly broad. The Ohio Public Records Act requires that a requester identify the records he or she is seeking with "reasonable clarity" so that the public office can identify responsive records based on the manner in which it ordinarily maintains and accesses the public records it keeps. See *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788; *State ex rel. Morgan v. New Lexington*, 112 Ohio St. 3d 33, 2006-Ohio-6365, 857 N.E.2d 1208. Your request is overly broad because you have not identified with reasonable clarity the records of our office which you seek. Rather, you have identified the type of information you would like to be contained *within* records. The Ohio Public Records Act provides for access to records, but it does not obligate a public office to search for records containing selected information. "A public office is not obligated to seek out and retrieve those records, which would contain the information of interest to the requestor." *State ex rel. Fant v. Tober*, 1993 Ohio App. Lexis 2591; see also *State ex rel. Kesterson v. Kent State Univ.*, 156 Ohio St. 3d 22, 2018-Ohio-5110; *State ex rel. Dillery v. Icsman*, 92 Ohio St.3d 312, 314, 2001 Ohio 193. "A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request." See *State ex rel. Griffin v. Sehlmeier*, 2022-Ohio-2189 citing *State ex rel. Shaughnessy v. Cleveland*, 149 Ohio St.3d 612, 2016-Ohio-8447, 76 N.E.3d 1171. Furthermore, a public office is under no duty to create new records by searching for and compiling information that may be of interest to the requester. *State ex rel. White v. Goldsberry*, 85 Ohio St.3d 153, 707 N.E.2d 496 (1999). Therefore, your request is overly broad for purposes of the Ohio

Public Records Act.

If you wish to revise your request, you may do so and our office will respond in accordance with Ohio law. For your reference, and to aid you in identifying records kept by this office, you may view the current retention schedules for the Ohio Secretary of State, which are maintained by the Ohio Department of Administrative Services (DAS). These may be accessed at the following location:

<https://apps.das.ohio.gov/RIMS/Schedule>

Sincerely,

Julia Lawrence | Assistant Chief Legal Counsel
Office of the Ohio Secretary of State

Office: 614.728.9505

Teams: 614.6968881

[OhioSoS.gov](https://www.ohiosos.gov)

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

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