

3750-90-01**Applying for access to information.**

Any person who seeks to review or obtain copies of information submitted to the emergency response commission or a local emergency planning committee shall submit a written request to the information coordinator of the commission or committee:

(A) Requests for information.

- (1) A person who requests to receive information submitted under Chapter 3750. of the Revised Code by a facility owner or operator shall submit a separate application for each facility for which information is being requested and shall specify both the facility and address for which information is being requested and the particular types of documents requested.
- (2) An officer or employee of the state or a political subdivision acting in an official capacity may have access to tier II information by submitting a written request to the commission or committee.
- (3) An affected community water system may have access to tier II information by submitting a request to the commission or committee. Upon receipt of a request for tier II information, the commission or committee shall make available such information to the affected community water system.

The term "affected community water system" in this section means a community water system (as defined in section 1401(15) of the Safe Drinking Water Act) that receives supplies of drinking water from a source water area, delineated under section 1453 of the Safe Drinking Water Act, in which a facility that is required to prepare and submit an inventory form under Chapter 3750-30 of the Administrative Code is located.

- (B) Until such time as the commission has its own staff and office, only public employed authorized representatives of the commission or committee shall copy information in the files of the commission or committee.
- (C) A person who, either in person or by mail, requests to obtain a copy of a material safety data sheet submitted under Chapter 3750. of the Revised Code by a facility owner or operator shall submit a separate application for each facility for which a material safety data sheet is being requested.
- (D) Information that is subject to protection under section 3750.09 of the Revised Code and rules adopted by the commission under Chapter 3750-60 of the Administrative Code as trade secret information or confidential business information shall be kept in files that are separate from those containing information that is not so protected and shall not be made available to any person requesting information under this chapter.

- (E)) The original copies of information submitted to the commission or committee shall not be removed from the custody and control of the commission or committee.
- (F) The commission or committee may require any person who requests to personally review information submitted under Chapter 3750. of the Revised Code to schedule an appointment for that purpose with the information coordinator of the commission or committee at least twenty-four hours before arriving at the office of the commission or committee for the review.
- (G)) Any person who seeks access to information in the files of the commission or a committee shall submit a written application on a form provided by the commission or committee. The person also shall provide the person's name and current mailing address on the application and may be requested by the commission or committee to provide basic demographic information on the form to assist in the evaluation of the information access provisions of this chapter. Requester can seek information in e-mail or letter on company letterhead, but must include all information contained on the commission or committee approved application request form. Application forms may be obtained by mail or in person or by request by telephone at the office of the commission or committee during regular business hours. Upon receipt of a request for an application by telephone or mail, the information coordinator shall promptly provide an application to the person who requested the application.
- (H) The application form shall provide the applicant with a means of indicating that the applicant's name and address are to be kept confidential. If the applicant so indicates, that information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility and shall be withheld from any log of information requests kept by the commission or committee.
- (I) Neither the commission nor committee shall charge any fee for access to review information in the files when no copies or computer searches of that information are requested.
- (J) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant. Those seeking copies of public records may be charged only the actual cost of making copies and not labor. The charge for paper is five cents

per page. The commission or committee may waive the charges if fewer than two hundred fifty pages are copied.

- (K) When the commission or the committee receives a request for access to review or obtain copies of information in the files, the commission or the committee shall not routinely notify the owner or operator of the facility involved, but instead shall either keep a log or file of requests for the information or shall place a copy of each completed application form in the file for the facility to which the application pertains. Such a log or file shall be available for review by the public and by the owners and operators of facilities required to submit information to the commission or committee.
- (L) The commission or committee shall make copies of the requested public records available within a reasonable period of time.
- (M) The commission or committee shall not share, except as otherwise authorized by division (A) of section 3750.22 of the Revised Code, any vulnerability assessment or other security-sensitive information the commission or the committee receives pursuant to division (A) of section 3750.22 of the Revised Code and that assessment or information is neither a public record under section 149.43 of the Revised Code nor subject to the mandatory disclosure requirements of section 149.43 of the Revised Code.

Effective: 8/3/2019

Five Year Review (FYR) Dates: 08/03/2024

CERTIFIED ELECTRONICALLY

Certification

07/24/2019

Date

Promulgated Under: 119.03
Statutory Authority: 3750.02(B)(2)(c)
Rule Amplifies: 3750.10