**Sunshine Laws and StaRS Frequently Asked Questions**

These questions are organized with the public office FAQs from the bulletin as Q&A 1-7 and the remainder of the Q&A pertaining to auditor questions.

**Public Office FAQs**

Q1: How do I register for online Sunshine Laws training?

A1: Use the following link to register for online training: <https://sunshinelaw.ohioattorneygeneral.gov/>

Q2: Do I need to participate in the StaRS initiative?

A2: Public offices are required to be compliant with all applicable Sunshine laws. However, the best practices portion that will recognize achievements in open government beyond what the law requires, is optional.

Q3: I am a county prosecutor, will my StaRS rating be for only my office or the entire county?

A3: The StaRS rating will be for each public entity (i.e. city, county, etc.). Ratings will not be provided for separate elected offices. Testing of separate elected offices will impact the overall StaRS rating for the public entity.

Q4: Will I be penalized for not having an online presence?

A4: Because it is a suggested best practice, having an online presence is an opportunity to earn more stars. But because it is not statutorily required, if your entity *does not* have an online presence, it will not receive an audit comment.

Q5: I am a county auditor fulfilling a request for a copy of a map. I am providing a copy at the time the request is made and I am not making any redactions. Am I required to log this request and keep a copy?

A5: The nature of the work the office conducts and its public record policy would be factors in determining the need to log and copy the request. As maintaining maps is within the day to day functions of the office the immediate fulfillment of the request would likely not require making an entry in the log. In addition, there were no required redactions, so the Auditor’s recommendation for keeping copies of the response would not be necessary.

Q6: I am a treasurer for a very large school district. Does the Auditor’s recommended best practices require that my school hire an additional employee to handle all public records requests and maintain the log?

A6: No. Each public office handles its responsibilities under the Act a little bit differently. Some entities do employ a separate public records officer to coordinate and respond to all public records requests. Other entities have several employees, often one in each department/division, that respond to public records requests in addition to their other job duties. How to utilize staff and resources is a management decision to be made by each entity. Generally, using a public records log will work in any environment. In this case, the school district may want to assign a point of contact in each building to handle public records requests and maintain a method of tracking requests.

Q7: I run a city building department. Do I need to log requests for applications for a permit and information submitted as part of that application? Do I need to log when I issue a permit?

A7: No. Requests for applications and issuances of permits are outside of the scope of logging recommendations. Public offices, however, may want to log requests for copies of permits if copies are not immediately provided to the requestor. As a best practice, the logging of this request does increase transparency initiatives.

**Auditor FAQS**

Q8: I am testing a county (city, village, township, etc.) and as required we are also testing separate departments, agencies, elected officials, and oversight boards with separate public records policies/practices within the county for compliance. There were no issues with compliance for the county commissioners, however one of the other departments, agencies, elected officials, or oversight boardswithin the county was not in compliance with at least one the sunshine laws tested. How does this impact our StaRS testing?

A8: If one of the separate departments, agencies, elected officials, or oversight boards in the county is not compliant then the county, etc. as a whole would be considered not compliant. Therefore, StaRS best practices will not be tested for the entity or any of the separate departments, agencies, elected officials, or oversight boards being tested for compliance. When writing up the non-compliance citation, it will be important to identify which department, agency, elected official, or oversight board was not compliant with the sunshine laws.

Q9: Compliance procedure 2 requires auditors to determine if public record requests were fulfilled within a “reasonable” period of time. What should auditors consider “reasonable”?

A9: Keep in mind that usually, no two record requests are the same. What would be considered a reasonable period of time to fulfill a request of all utility vouchers for a particular year is going be different than the time to fulfill a request for one month’s revenue ledger. When in doubt, auditors should consult with their AOS regional assistant legal counsel (IPAs contact the Regional Chief Auditor) to determine if requests were fulfilled within a reasonable time.

Q10: StaRS best practice 1 is the consideration of a public office’s method to track public record requests. The procedure asks the auditor to determine if the public office tracks requests and what method is used by selecting a number of requests throughout the year. What if the public office we are testing had no public requests in the period under audit, do we still evaluate if the best practice was implemented?

A10: Yes. We would consider the best practice even though there were no requests. If the client has established a tracking method, we should determine if the method satisfies the requirements of the best practice. If the method does satisfy the requirements of the best practice, then auditors should consider the best practice as met.

Q11: StaRS best practice 3 has the auditor determine if the public office provides an acknowledgement to the requestor, when the request is received, that is consistent with the manner in which it was made. To make this determination, auditors are asked to select a number of requests throughout the year for evidence the acknowledgment was provided. What if the public office we are testing had no public requests in the period under audit, do we still evaluate if the best practice was implemented?

A.11: See the answer in Q&A 10 above as the same reasoning would apply.

Q12: StaRS best practice 3 has the auditor determine if the public office provides an acknowledgement to the requestor, when the request is received, within a reasonable period of time. To make this determination, the auditor is asked to select a number of requests throughout the year to determine if the acknowledgement was provided within a reasonable period of time. What should the auditor consider is a reasonable period of time to provide the acknowledgement?

A.12: See the answer in Q&A 9 above as the same reasoning would apply.