OCCUPATIONAL THERAPY COMPACT COMMISSION (OTCC)
Public Records Request Policy and Procedures

Effective Date:	**Scope:**
TBD	This policy applies to all Commissioners, officers, committee members, Commission staff, legal counsel, contractors, and other individuals acting on behalf of the OTCC who create, receive, maintain, or have access to Commission records. This policy applies to records maintained in any format, including paper documents, electronic files, emails, correspondence, meeting materials, minutes, financial records, contracts, reports, and records maintained by third-party service providers on behalf of the Commission.

Purpose

The purpose of this policy is to establish procedures for receiving, reviewing, processing, and responding to public records requests directed to the Occupational Therapy Compact Commission (OTCC). This policy promotes transparency, accountability, and public access to Commission records while protecting confidential, privileged, and legally exempt information.

Policy Statement

The OTCC is committed to making its official records available for public inspection as permitted by applicable law. Public records requests shall be handled consistently, impartially, promptly, and in accordance with the OTCC rules, bylaws, policies, and applicable federal and state laws.

Records may be withheld or redacted only when authorized or required by applicable law or other controlling legal authority.

Nothing in this policy shall be interpreted to expand or restrict public access beyond the requirements of applicable law.

Definitions

A. Public Records Request: A request from an individual or entity seeking access to, inspection of, or copies of records maintained by or on behalf of the OTCC.
B. Commission Records: Documents, communications, data, and other recorded information created, received, or maintained in connection with Commission business, regardless of physical form or storage location.
C. Records Custodian: The Executive Director, the OTCC's Secretariat, or another individual designated by the OTCC to coordinate the receipt, review, and fulfillment of public records requests.
D. Confidential or Exempt Records: Records or portions of records that are protected from public disclosure by applicable law, privilege, the Occupational Therapy Compact, Commission rules, or other controlling legal authority. See policy on "Records Exempt from Disclosure."
E. Requestor: Any individual or entity submitting a request for Commission records.

Responsibilities

Executive Director

1. Serve as the primary point of contact for public records requests or designate a Records Custodian.
2. Ensure that requests are logged, tracked, and processed in accordance with this policy.

3. Coordinate with Commission staff, legal counsel, and relevant third parties to identify responsive records.
4. Ensure that records are reviewed for confidentiality, privilege, and applicable disclosure restrictions before release.
5. Maintain documentation of requests, responses, fees, and any records withheld or redacted.

Legal Counsel

1. Will be consulted when a request presents questions concerning the applicability of public records laws, the interpretation of the Compact, the disclosure of confidential information, privilege, statutory exemptions, or other significant legal issues.
2. Will review proposed withholdings or redactions when necessary to ensure compliance with applicable law.
3. Will advise the Commission regarding disputed requests, threatened litigation, and other matters presenting material legal risk.

Commissioners, Committee Members, Staff, and Contractors

1. Promptly forward public records requests to the Executive Director or designated Records Custodian.
2. They shall cooperate in identifying and preserving responsive records and shall not independently deny requests or release potentially confidential Commission records without authorization.

Procedures for Submitting Public Records Requests

A. Requests may be submitted through the Commission's published email address: info@otcompact.gov
B. A request should reasonably identify the records sought and provide sufficient information to allow the Commission to locate them. The Commission may seek clarification when a request is ambiguous, overly broad, or otherwise insufficient to identify the requested records.
C. Requestors shall not be required to explain their purpose or justify their interest in the requested records unless applicable law expressly permits such a requirement.

Procedures for Documenting Public Records Requests

A. Upon receipt, the Records Custodian shall document the date of initial receipt, requestor contact information if provided, description of the records sought, assigned tracking number if applicable, and subsequent actions taken.

Procedures for Processing and Responding to Public Records Requests

1. Acknowledge the request. Confirm receipt when appropriate and advise the requestor if clarification is needed.
2. Identify responsive records. Contact relevant personnel and search reasonably accessible Commission records, including records maintained electronically or by authorized service providers.
3. Determine applicable requirements. Identify the laws, Compact provisions, rules, and other legal authorities governing access to the requested records.
4. Review records. Evaluate responsive records for disclosure restrictions, confidentiality, privilege, personal identifying information, and applicable exemptions.
5. Consult legal counsel. Refer requests involving uncertain legal issues, sensitive records, or disputed disclosure questions to counsel.

6. Prepare the response. Provide access to releasable records, arrange inspection or copying, and redact or withhold protected information as appropriate.
7. Document completion. Record the date of response, records provided, any fees assessed, and the legal basis for any denial or redaction.

The Commission shall make reasonable efforts to respond promptly, considering the scope and complexity of the request, the volume of records, and the need for legal review. The Records Custodian shall communicate the anticipated timeline to the requestor, subject to applicable legal requirements.

Electronic and Third-Party Records

A. Public records requests may include emails, text messages, electronic correspondence, digital files, meeting recordings, databases, and other electronically maintained information relating to Commission business.
B. Commissioners, staff, and contractors shall cooperate in identifying and preserving responsive records within their possession or control.
C. Records maintained by a contractor or service provider on behalf of the Commission shall be considered during the search for responsive records, subject to applicable law and the Commission's contractual rights and obligations.
D. The Commission is not required to create a new record, conduct research, or generate information that does not exist unless applicable law requires otherwise. The Commission shall, however, provide existing records in the requested format when required by applicable law and reasonably available.
E. Requests involving the CompactConnect system or other databases shall receive additional review when necessary to protect restricted practitioner information, system security, or information that applicable law or policy prohibits from public disclosure.

Fees

A. The Commission may charge reasonable fees for duplication, media, postage, or other costs to the extent permitted by applicable law.
B. Any applicable fees shall be calculated consistently and communicated to the requestor before incurring substantial costs when practicable.
C. The Commission shall not impose fees that are prohibited by applicable law. Fees shall not be used to discourage or unreasonably impede public access.
D. If a request is expected to involve substantial costs, the Records Custodian may provide an estimate and seek confirmation from the requestor before proceeding.

Denials and Disputes

A. Any denial, in whole or in part, shall be based on a documented legal justification.
B. When required by law, the Commission shall provide written notice of the denial, identify the applicable legal basis, and explain any available review or appeal rights.
C. Requestors may seek clarification or reconsideration by submitting a written explanation to the Executive Director.
D. Disputed requests, threatened legal action, or requests involving substantial legal uncertainty shall be referred to Commission legal counsel.
E. Nothing in this policy limits a requestor's statutory or other legal rights to challenge a denial or seek judicial review.

Records Retention

A. Records responsive to a pending request shall be preserved until the request has been resolved and any applicable legal preservation requirements have been satisfied.
B. The Commission shall retain records in accordance with its records retention schedule, applicable law, contractual obligations, and any litigation hold or other legal preservation directive.
C. No record shall be altered, destroyed, concealed, or removed from Commission custody to avoid disclosure in response to a public records request.
D. When a request concerns records subject to an investigation, audit, litigation, or other legal proceeding, the Records Custodian shall consult legal counsel regarding preservation obligations.

Policy Review:
This policy will be reviewed annually to ensure its relevance and effectiveness. Any updates or changes to the policy will be communicated to all Delegates and staff.

This policy was originally approved by the OTCC Executive Committee in XXX 2026. It became effective on TBD 2026.

POLICY REVISION HISTORY			
Date of Revision	**Revised by (author)**	**Final approval authority**	**Effective Date of Revised Policy**