**Section 5176.425 Requests for Review of Denials − Public Access Counselor**

a) *A person whose request to inspect or copy a record is denied by the Board may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review shall be in writing, be signed by the requester, and include a copy of the request for access to records and any response from the Board.* (Section 9.5(a) of FOIA)

b) *A person whose request to inspect or copy a record is made for a commercial purpose may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a record was treated by the Board as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the Board properly determined that the request was made for a commercial purpose*. (Section 9.5(b) of FOIA)

c) *Within 7 business days after the Board receives a request for review from the Public Access Counselor, the Board shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor.* (Section 9.5(c) of FOIA)

d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Board may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy.* (Section 9.5(d) of FOIA)

e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the Board.* (Section 9.5(d) of FOIA)

f) *In addition to the request for review, and the answer and response to the request, if any, a requester or the Board may furnish affidavits or records concerning any matter germane to the review.* (Section 9.5(e) of FOIA)

g) *A binding opinion from the Attorney General shall be binding upon both the requester and the Board, subject to administrative review under* Section 5176.435. (Section 9.5(f) of FOIA)

h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable.* (Section 9.5(f) of FOIA)

i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Board will either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under* Section 5176.435. *If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under* Section 5176.435. (Section 9.5(f) of FOIA)

j) *If the Board discloses records in accordance with an opinion of the Attorney General, the Board is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA.* (Section 9.5(f) of FOIA)

k) *If the requester files suit under* Section 5176.430 *with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor.* (Section 9.5(g) of FOIA)

l) *The Attorney General may also issue advisory opinions to the Board regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the* Executive Director of the Board or the Board's Chief Legal Counsel, *which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Board in order to assist in the review. If the Board relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Board is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.* (Section 9.5(h) of FOIA)