

# **WASHINGTON TOWNSHIP'S PUBLIC RECORDS POLICY**

Effective August 10, 2015

## **I. PURPOSE OF PUBLIC RECORDS POLICY**

Washington Township maintains many records pertaining to the administration and operation of Washington Township. So as to ensure that all members of the public have access to those records as required by Ohio law, the Board of Trustees of Washington Township has adopted a Public Records Policy. This policy explains the process by which a person may inspect and obtain copies of those records maintained by Washington Township which are not exempt from disclosure by Ohio law.

## **II. RECORDS CUSTODIAN**

The Township Fiscal Officer is the official Public Records Custodian of all records which are centrally maintained by the Township. Department heads are the official custodians of all records maintained within their departments. However, all public records requests must be directed to the appropriate Department Head or Township Fiscal Officer.

## **III. INSPECTION**

### **A. Availability of Records for Inspection**

All public records, unless exempted by law, which are maintained by the Township and are responsive to a request for inspection, shall be promptly prepared and made available for inspection to any person during regular business hours which are typically 8:00 A.M. to 4:30 P.M. Monday through Friday. The time for compliance with a request for the inspection of public records will depend upon the availability of requested records, the manner in which they are kept, the volume of records requested and, if necessary, time for legal review.

### **B. Methods of Request**

A request to inspect public records may be made verbally or in writing. Unless specifically required or authorized by state or federal law, the Public Records Custodian may not limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public records. However, the Public Records Custodian may ask a requester to make the request in writing, may ask for the requester's identity and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and the requester may decline to reveal the requester's identity or intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the Public Records Custodian identifying, locating or delivering the records sought by the requester.

If the requester makes an ambiguous or overly broad request or has difficulty making a request for copies or inspection such that the Public Records Custodian cannot reasonably identify what records are being requested, the Public Records Custodian will inform the requester that the public records requested is denied, but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by Township employees.

#### **IV. COPYING OF PUBLIC RECORDS**

##### **A. Availability of Copies of Public Records**

The requester may request the Public Records Custodian to make copies of public records. Requested copies will be produced within a reasonable period of time.

Public records will be copied only by the Public Records Custodian or other authorized persons. To help prioritize and manage requests, records requests should be limited to no more than ten separate requests. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian's discretion. Under no circumstances will the requester be permitted to make the copies of any public records. Requests to copy a certain number of public records on a given page, by "reducing" copy size or otherwise, may be met at the discretion of the Public Records Custodian.

##### **B. Transmitting Copies of Public Records**

A requester may request that copies of public records be transmitted by U.S. Mail or by any other means of delivery or transmission within a reasonable period of time.

The requester may choose to have the public records duplicated upon paper, upon the same medium upon which the Public Records Custodian keeps the records or upon any other medium upon which the Public Records Custodian determines that the records can be reasonably duplicated as an integral part of the normal operations of the Township. When the requester makes a choice of how the records are to be duplicated, the Public Records Custodian shall provide a copy of the records in accordance with the choice made by the person seeking the copies.

##### **C. Cost of Copies and Delivery**

Copies made on letter or legal size paper will be made at a cost of \$0.05 per page. If the Public Records Custodian uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be "at cost," without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

The requester shall also pay, in advance, the cost of postage or delivery if the copies are transmitted by other than United States mail and to pay, in advance, the cost incurred for other supplies used in mailing, delivery or transmitting the copies. Payment for public records requests must be made prior to the actual copying of the records.

##### **D. Redaction of Information**

If the public record contains information that is exempt from disclosure under Ohio law, the Public Records Custodian shall make available all of the information within the public records which is not exempt. If redaction of any information is not plainly visible, the Public Records Custodian shall notify the requester of any redaction. Any redaction shall be deemed a

denial of a request to inspect or copy the redacted information except if federal or state law authorizes or requires the redaction.

When any redaction is required, the Public Records Custodian shall make a copy of the record, perform the redaction and then make a copy of the redacted material which will then be given to the redactor. The requester will not be charged for the initial copy of the public record.

**V. DENIAL OF A PUBLIC RECORDS REQUEST**

Under certain circumstances, records may not be within the definition of a "public record" or may be exempt from production and copying under Ohio law. In these situations, the public record request will be denied. The Ohio Revised Code requires that if any request is denied, an explanation shall be given including legal authority as to why the request was denied. A denial of a written request shall be given in writing. Written reasons for denial will not be given for verbal public records requests.

**VI. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST**

The Township recognizes the legal and non-legal consequences of failure to properly respond to a public records request. The Township's failure to comply with a request may result in a court ordering the Township to comply with the law and to pay the requester's attorney's fees, court costs and damages.

**VII. RECORDS RETENTION SCHEDULE**

A copy of the Township's current Records Retention Schedule is available for inspection at the Township Government Center, 8200 McEwen Road, Dayton, Ohio.

**VIII. APPLICABLE LAW**

The provisions of this Public Records Request Policy are governed by Section 149.43 of the Ohio Revised Code, the provisions of which shall govern the inspection and copying of public records maintained by Washington Township. If there is any conflict between this policy and the provisions of the Ohio Revised Code, the provisions of the Ohio Revised Code shall control.

**IX. GRIEVANCE**

If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of a public record, the person will be advised that: (a) they may contact the Public Records Custodian; or (b) Ohio Rev. Code Section 149.43(c)(1) provides a legal means for addressing a complaint in these disputes.

**X. AMERICAN WITH DISABILITIES ACT (ADA) COMPLIANCE**

The Township and its employees will facilitate requests made by all persons, regardless of handicap or disability. Employees authorized to release public records will make all reasonable accommodations to ensure that public access is not denied based on a handicap or disability.

**XI. POSTING**

This policy will be posted in the Township's administration building. If applicable, the Township will incorporate this policy into all handbooks or policy manuals furnished by the Township to its employees.

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