

Jerome Township, Union County, Ohio

Public Records Policy

Purpose and Intent

The purpose of this policy is to provide for orderly compliance the Ohio Public Records Act, Section 149.43 ORC. Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of Jerome Township, Union County, Ohio (the “Township”) to at all times fully comply with and abide by both the spirit and the letter of Ohio’s Public Records Act.

Public Record Defined

A “record” is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the Township that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Township.

A “public record” is a “record” that is being kept by the Township at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

Availability of Public Records

Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the Township that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three (3) business days following the Township’s receipt of the request.

Processing of Request

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the Township to identify, retrieve, and review the records.

The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record(s). It is the Township’s general policy that this information is not to be requested. However, the law does permit the Township to ask for a written request, the requester’s identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the Township’s ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester’s identity or intended use.

In processing the request, the Township does not have an obligation to create new records or perform a search or research for information in the Township’s records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Township’s standard use of sorting, filtering, or querying features. Although not required by law, the Township should consider generating new records when it makes sense and is practical under the circumstances.

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In processing a request for inspection of a public record, a Township employee may accompany the requester during inspection to make certain original records are not taken or altered.

In processing a request for paper copies, the Fiscal Officer will make arrangements for any copying of the requested documents. Generally, the following procedure will apply:

1. The requester may be asked to identify the records they wish to be copied by the use of some identifiable means that does not alter or deface the record (colored paper clips, adhesive notes, etc.). It is the requester's responsibility to provide these and make appropriate designations.
2. Once the requested records have been identified, the Fiscal Officer will coordinate duplication of the records. The requestor will not ordinarily be allowed to copy records themselves.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the Township and the public educated as to the Township's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

Electronic Records

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the Township are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

Denial and Redaction of Records

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Township cannot reasonably identify what public records are being requested, the request may be denied, but the Township must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the Township.

If the Township withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted, and the rest must be released.

When making public records available for public inspection or copying, the Township shall notify the requester of any redaction or make the redaction plainly visible.

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Copying and Mailing Costs

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is \$0.05 cents per page for black and white copies and \$0.15 for color copies. The charge for electronic files downloaded to a compact disc or data drive is \$1.00 per disc or drive. The Board of Township Trustees may, at its' discretion and in accordance with the applicable provisions of the Zoning Resolution, provide for fees for certain records within Schedule of Zoning Fees.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the Township determines that the record can reasonably be duplicated as an integral part of the Township's normal operations.

If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

Any fees paid to the Township for the costs provided herein shall be conveyed to the Fiscal Officer in accordance with the Township's normal operations.

Special Circumstances

There will be no access to records that are excluded from the definition of a 'public record.' Excluded records include but are not limited to medical records. Personnel files are considered public records and as such are subject to the Ohio Public Record Act. When personnel files are requested, the Fiscal Officer will make a good faith effort to inform all current employees whose files are included in the request.

In matters of litigation in which the Township is a party and/or where legal discovery is involved through the use of subpoenas, interrogatories or other requests, the Fiscal Officer will coordinate the legal discovery process with relevant Township officials or employees, the County Prosecutor's Office, and special legal counsel where applicable.

Managing Records

The public records of the Township are stored at the Township Hall or at other locations designed by the Fiscal Officer and are subject to records retention schedules. The Township's current schedules are available upon request from the administrative offices at the Township Hall, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

Questions concerning this policy, records retention schedules, or the Township's Records Commission should be directed to the Fiscal Officer, who has been designated as the public records officer.