

GOSHEN TOWNSHIP TRUSTEES

PUBLIC RECORDS POLICY

Adopted December 11, 2007

I. Purpose:

The Goshen Township Trustees and all Offices and Agencies maintain various records that are utilized to support the accountability of our Government. In accordance with Ohio Revised Code 149.38 and the local Records Commission, we have adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc) that are created, received or sent under the jurisdiction of the Board of Trustees which document the organization, functions, policies, decisions, procedures, operations or other activities of the office. The Goshen Township Trustees have adopted a Public Records Policy to ensure all Public Records responsive to the request are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.

II. Scope:

- A. Each office, department or division that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
- B. Each Office/Agency has a copy of the public records policy. R.C. 149.43 (E)(2).
- C. This Public Records Policy, as well as the Schedule of Records Retention and Disposition for each Office/Agency is available at every location in which the public may access public records.
- D. Goshen Township Offices and Agencies display a poster which describes the availability of Public records at every location in which the public may access the records.

III. Fees:

The Goshen Township Trustees, in accordance with Section 149.43(B)(6) of the Revised Code, has established the following fees for providing copies of reproductions of public records maintained by the offices, department and divisions.

Media	Cost
Paper (sizes 8.5 x 11 through 11 x 17)	First five (5) pages free, \$0.10 per page for black and white copies thereafter
VHS/DVD	\$5.00 per
CD-R/Floppy Disc (includes photos)	\$0.30 per

IV. Availability:

- A.** All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours. (R.C.149.43(B)(1). Promptness is determined by the facts and circumstances of each public records request.
- B.** The person requesting records must identify those records with sufficient clarity to allow us to identify, retrieve and review the records. For the purpose of enhancing our ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, Goshen Township Offices/Agencies may ask for the request in writing. Staff will assist the requester if necessary.
 - 1.** Although we may ask for the request in writing, for the requester's identity and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. A request in writing is not mandatory; and
 - b. The requester's refusal to make a request in writing or to identify themselves or the intended use of the information does not impair their right to inspect and/or receive copies of the public record. R.C.149.143(B)(5).
 - 2.** Any person, including corporations, individuals and government agencies may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C.** In the event a request is made to inspect and/or obtain a copy of a record maintained by these Offices/Agencies whose release may be prohibited or exempted by either State or Federal Law. The person submitting the request shall be advised that their request is being reviewed to ensure that protected and/or exempted information is not improperly released and provided an estimate of when the records will be available for release if they may be released in whole or in part.

V. Public Records Request:

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, this public office shall promptly respond to the request.

- A.** A staff person will evaluate the request and estimate the length of time required to gather the records, taking into account the volume of records, the proximity of the record storage and the necessity for any legal review of the records requested. The requester will be advised that advance payment may be required prior to providing copies of public records, and in addition, if mailed the fee shall also include the price of postage. R.C.149.43(B)(7).
- B.** When practical, we may forward copies of records by any other means reasonably acceptable to the requester.

- C. If a request is voluminous, housed in an off-site location or will require legal review, an acknowledgment letter will be prepared. This letter will include: the estimated number of business days to satisfy the request, an estimated cost if copies are requested and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.
- D. Persons seeking copies of public records are not permitted to make their own copies of the requested documents by any means. R.C. 149.43(B)(6).

VI. Response and Denials:

- A. Requests for inspection and/or copies of public records which are not maintained by the Goshen Township Trustees or any Township Office/Agency shall be replied to in writing. The response shall include the information that these records are not kept by this office; the requested records have been disposed of according to the Schedules of Record Retention and Disposition (RC-2) or pursuant to Application of One Time Records Disposal (RC-1); or that in accordance with R.C. 149.40, the Office is no longer obligated to create records to meet the records request.
- B. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requester by informing them, via the Agency's RC-2, what records are retained by the agency and the manner in which they are retained.

VII. Denial of a Record Maintained by the Goshen Township Trustees

The Goshen Township Trustees may deny a request for a record maintained by the Goshen Township Trustees if:

- A. The record that is requested is prohibited from release due to applicable state or federal law, including but not limited to:
 - 1. Attorney-client privileged information and trial preparation records
 - 2. Social Security numbers.
 - 3. Records of ongoing investigations.
 - 4. Medical Records
 - 5. Bureau of Motor Vehicle records
 - 6. Records that a judge ordered to be sealed per a statute

7. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information (R.C. 149.43(A)(7).
 8. We may limit to ten the number of public records mailed to you, unless you certify in writing that you do not intend to use the records for commercial purposes.
 9. We will not provide copies of public records that we create or receive after your original request is complete.
- B.** As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Goshen Township Trustees shall provide the requester with an explanation including legal authority, setting forth why the request was denied.
1. If the initial request was provided in writing then the explanation shall also be provided in writing.
 2. The explanation shall not preclude the Goshen Township Trustees from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

VIII. Redacting Exempted Records/Procedure:

- A.** "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.0111 of the Ohio Revised Code. [R.C. 149.43(A)(11)];
1. A 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 a public office to make the redaction R.C. 149.43(B)(1).
 2. If a request is ultimately denied, in part or in whole, the department head shall provide the requester with an explanation, including legal authority, setting forth why the request was denied R.C. 149.43(B)(3).
- B.** If a public record contains information that is exempt from requirement for public disclosure or copying the public record, the department head shall make available the information within the public record that is not exempt.
- C.** When making a redacted document available for public inspection or copying, the department head shall notify the requester of any redaction or make the redaction plainly visible R.C. 149.43(B)(1).
- D.** The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.

IX. Remedy: Grievances

- A.** If a person allegedly is aggrieved due to being denied access to inspect a public record or due to being denied a copy of the public record, the person shall be advised that they may contact the Goshen Township Administrator at (513) 722-3200.
- B.** If the person is not satisfied after contacting the Goshen Township Administrator, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes R.C. 149.43(C)(1)(2).

X. Training and Education

The Goshen Township Board of trustees continues to update and address all education, training, disclosure and policy requirements mandated by Ohio Laws.

XI. Interpretation:

It is the intention of the Goshen Township Trustees and employees to, at all times, comply in good faith with the requirements of the Ohio Records Law. This policy will be interpreted and applied to conform to the Ohio law and all requirements thereunder.