

RESPONDING TO PUBLIC RECORDS REQUESTS

Upon request, the Board of Township Trustees of _____ Township (“**Township**”) is required, by R.C. §149.43(B)(1), to make copies of public records available, at cost, within a reasonable period of time. R.C. §149.43(E)(1) further requires that the Township adopt a public records policy for responding to public records requests; this document shall constitute such public records policy. To meet this duty, the following policies shall apply to each such response:

1. The Township’s Fiscal Officer is designated to be the records manager for the Township.
2. Pursuant to R.C. §149.43(E)(2), a copy of this policy shall be distributed to the Township’s Fiscal Officer, and the Fiscal Officer shall acknowledge, in writing, receipt of this policy.
3. The Township’s Fiscal Officer shall create a poster which describes the Township’s policy for responding to public records requests and shall post the poster in a conspicuous place in the customer service area of the Township’s Administrative Office and in a conspicuous place at each of the Township’s water treatment plants. A copy of the Township’s policy for responding to public records requests shall also be posted on the Township’s website, and shall be incorporated into any manual or handbook of its general policies and procedures which is made available to all employees of the Township.
4. All requests to inspect, and/or receive copies of, the Township’s public records shall be referred to the Township’s Fiscal Officer, or in the event of his/her unavailability, to the President of the Board of Township Trustees.
5. A response to a request for inspection or copies of public records shall be provided within a reasonable time, and whenever possible, on the same business day as the request is received.
6. The Township is only required to provide copies of records that it actually maintains. The Township is **not** required to produce special reports, or data compilations, in a form that is not regularly maintained by the Township. However, if requested information may be extracted from a database, or other records storage system, through the use of an available, or readily structured, query, it must be produced in the format requested.
7. If the Fiscal Officer, upon receiving the request is unclear as to the scope of the request, he/she may ask the requester to further explain what type of information the requester is seeking to assist the Township in determining what records would be responsive to the request. A requester’s decision to refuse to further explain the request shall not, in and of itself, be a reason to refuse to comply with the request.
8. 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 Township cannot reasonably identify what public records are being requested, the Township may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Township and accessed in the ordinary course of the Township’s duties.
9. Unless specifically required or authorized by state or federal law, the Township 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 record. Any requirement that the requester disclose the requestor’s identity or the intended use of the requested public record constitutes a denial of the request.
 - a. The Township 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 that the requester may decline to reveal the requester’s identity or the 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 Township to identify, locate, or deliver the public records sought by the requester.
 - b. The Township should ask that the requester provide a mailing address, or an email address, only if the requester desires that

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copies of records be delivered by mail, or by electronic transmission.

- c. If the requester declines to make a written request, the Township Fiscal Officer, or an employee receiving the oral request shall create a written record of his/her understanding of the scope of the request; such record should, at a minimum, describe the record(s) requested and the time period covered by the request. A copy of the written record of the Township's understanding of the request should be immediately provided to the requester.
10. Some records kept by the Township may be outside of the statutory definition of public records. Examples include:
- a. Social security numbers, tax identification numbers, addresses, dates of birth or other personal information, contained in records relating to Township employees, contractors, vendors or customers.
 - b. Personal financial information (such as credit card, and bank account, information) contained in records relating to Township employees, contractors, vendors or customers.
 - c. Personally identifiable health information contained in records relating to Township employees.
 - d. Records containing information relating to security procedures for the Township's facilities.
 - e. Records protected by attorney-client privilege

Some of these types of information may be contained within a record that is, itself, a public record. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the Township is required to make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the Township shall notify the requester of any redaction or make the redaction plainly visible. 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.

11. In the event the Fiscal Officer upon receiving a public records request is unsure whether information should be made available to the requester, the employee should request that the Township's legal adviser review the request; however, the review process should not usually delay the response to the request by more than three (3) business days. If a request is ultimately denied, in part or in whole, the Township shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.
12. The person making a public records request has the right to choose to have the public record duplicated upon paper, upon the same medium upon which the Township keeps it, or upon any other medium upon which the Fiscal Officer determines that the record reasonably can be duplicated as an integral part of the normal operations of the Township. Although copies of most Township records can be provided on paper, copies of records maintained in an electronic format may also be provided on either a compact disc (CD) or a floppy disk, or as an e-mail attachment; however, a requester should be cautioned that some of these records might not be readable in such electronic format without special software.
13. Copies of public records shall be provided upon request at the Township's actual cost. For purposes of this policy, "actual cost" includes the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services. The time spent by the Fiscal Officer, or the Township's employees, in assembling the copies shall not be included in the cost of providing the copies.
 - a. Paper photocopies of public records will be provided at a cost of ___¢ per page.
 - b. Copies provided on an electronic media will be provided at the Township's media cost.