



Medina Township, Ohio

Public Records Policy

**Resolution # 11142019-029
Adopted 11/14/2019**



Public Records Policy

Introduction:

It is the policy of Medina Township (the “Township”) that openness and transparency lead to a better-informed citizenry, which leads to better and more responsive government. It is the fundamental policy of the Township to strictly adhere to Ohio’s Public Records Act as well as applicable State and Federal laws. This Public Records Policy (“Policy”) is intended to effectuate these laws.

The Public Records Act evolved from the principal that Ohio’s citizens are entitled to access the records of their government. The Township agrees that to advance that principal, this Policy should be interpreted in favor of disclosure.

Definitions:

Unless otherwise specified, all words and phrases used in this Policy have their common meaning unless defined by R.C. 149.43 et seq., as may be amended by the Ohio General Assembly.

Section 1. Public Records Custodian

The Public Records Custodian(s) shall be those persons designated by Board of Trustees or an appropriate authority, who are authorized to respond to or to fulfill any public records request in the various offices of the Township. Any public records request made to any other employee, officer or representative of the Township will be directed to the proper Public Records Custodian. The Board of Trustees, or an appropriate authority, may designate Acting Public Records Custodians to serve in the absence of the Public Records Custodian(s).

To promote efficient and timely responses to public records requests, all requests for public records should be directed to the authorized Public Records Custodian(s) of the Township. Requests made in person must be done during regular business hours. The Township encourages persons making a public records request to email their request to:

medinatownship@medinatownship.com

Section 2. Township Records Commission

- (a) The Township Records Commission is composed of the chairperson of the board of Township trustees and the fiscal officer of the Township. The Commission may appoint a Secretary, who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. Such Commission shall keep a journal of its proceedings. The Commission shall meet at least once every twelve (12) months, and upon call by one of its members.
- (b) The function of the Commission shall be to review applications for one-time disposal of



obsolete records and schedules of records retention and disposition submitted by township offices. The commission may dispose of records pursuant to the procedure outlined in section 149.381 of the Revised Code. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section.

- (c) Such Commission may make recommendations to the Board of Trustees regarding Township records policies.

Section 3. Public Records

The records of the Township shall be organized and maintained in the ordinary course of business so that they are available for inspection and copying. The Township's record retention schedule may be amended from time to time at the discretion of the Records Commission, or as required by law.

Section 4. Public Record Requests

Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise delivered to the requester.

Section 4.1 - Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. The Public Records Custodian may deny a request if the requester makes an ambiguous or overly broad request when the Public Records Custodian cannot reasonably identify what public records are being requested. However, in such cases, the Public Records Custodian shall provide the requester with information pertaining to the manner in which public records are retained and accessed in the ordinary course of business so that the requester may revise the request if so desired. If the Public Records Custodian receives a revised request allowing the public office to identify, retrieve, and review the records, the Public Records Custodian shall process the request as usual.

Section 4.2 - A public record request may be made in writing or verbally, and the identity of the requester and/or the intended use of the information or documents requested need not be disclosed. However, the Public Records Custodian may ask that the request for public records be in writing, may ask for the requester's identity, and/or may inquire about the intended use of information or documents if such inquiry would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate, or deliver the public records sought and if the Public Records Custodian informs the requester that a written request, disclosure of identity and/or intended use is not mandatory.

Section 4.3 - Public records will be made available for inspection only during regular business hours as defined in Section 1, above. Public records must be made available for



inspection promptly. Copies of public records, if copies are requested, will be made available within a reasonable period of time, ” taking into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 4.4 - The requester may make a request to have copies of public records made to the Public Records Custodian. If copies are requested, the requester may choose to have the record duplicated upon paper, upon the same medium in which the record is kept by the Township, or upon any other medium if the Township can reasonably duplicate it as an integral part of its normal operations.

The Public Records Custodian, at his or her discretion, may recover the actual cost of records duplication from the requestor. All copy charges must be paid in advance before copies are made. 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. All duplication charges will be “at cost,” without taking into account employee time spent preparing the copies.

Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives of the Township. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian’s discretion. The manner of making the copies is at the discretion of the Public Records Custodian. The Public Records Custodian, at his or her discretion and unless prohibited by law, may make reasonable accommodations for additional copying measures not described in this Section

Charges for copies or for transmission of copies (U.S. Mail, FedEx, UPS, etc.) must be paid for in cash. All charges must be paid in their entirety, in advance. A requester must pay the exact amount to cover the cost of copies or means of transmission. If the amount is determined to be insufficient, the copies will not be made or transmitted until the entire amount due is paid. The Public Records Officer reserves the right to make refunds or to assess additional charges under this Section, as appropriate, in the event that his or her initial assessment of costs varies from the final costs.

Section 5. Denial of Public Record Request

Any denial of public records requested, in part or in whole, must include an explanation, including legal authority for the denial. If the records request was in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. Because a redaction is deemed a denial under the Ohio Revised Code,¹ each redaction must be accompanied by a supporting explanation, including legal authority.

Section 6. Records and Information Exempt from Disclosure

Some records or information maintained by the Township are not “public records” but are protected, confidential records under Ohio and/or Federal law. Examples of protected, confidential



records, include, without limitation: infrastructure records, security records, medical records, records pertaining probation and parole proceedings, records and communications protected by R.C. 2317.02(A) (records and communications by and between the Township and its attorneys), confidential law enforcement investigatory records, records containing information that is confidential under R.C. 4112.05 (Civil Rights Commission) and ¹records the release of which is prohibited by State or Federal law.

In no event will records and communications by and between the Township and its attorneys be released, unless the Township consents in writing to their release. The inadvertent and unintentional release of an attorney communication shall not be deemed to be a waiver of the attorney-client privilege.

Section 7. Compliance with Ohio Revised Code requirements

With any public record request or related matter, the Township and the Public Records Custodian reserve the right to consult with legal counsel prior to the release of such public records. This is to allow the Township the opportunity to comply with the laws prohibiting the release of certain records and permitting the denial of release of certain records.

Section 8. 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. In addition to the distrust in government that failure to comply may cause, the Township's failure to comply with a request may result in a court order for the Township to comply with the law, and for the Township to pay the requester attorney's fees, court costs and damages.

¹ Unless the redaction is otherwise required by Federal or State law. [R.C. 149.43(B)(1)]