

	SYLVANIA TOWNSHIP PUBLIC RECORDS POLICY	Number
Date Amended: 4-19-2022 Resolution Number: 22-054 Date Effective: 4-21-2022	Date Distributed: 4-21-2022	07-A-185

MISSION STATEMENT

Openness leads to a better-informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of Sylvania Township at all times to fully comply with and abide by both the spirit and the letter of Ohio’s Public Records Act.

DEFINING PUBLIC RECORDS

All records kept by Sylvania Township are public unless they are exempt from disclosure under Ohio law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, e-mail) – that is created, received by, or comes under the jurisdiction of Sylvania Township that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. A document is not automatically a “record” simply because the public office could (but did not) use a document it received to carry out its duties and responsibilities.

Examples of exempt records include but are not limited to the following:

- Attorney-client privileged information.
- Records of a Certified Public Accountant in the performance of an audit.
- Criminal background information on the LEADS/CCH/NCIC computer database.
- Records created for purposes of the Family Medical Leave Act or ADA.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular, administrative, business hours, except for recognized holidays. 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; and the necessity for any legal review and redaction of the records requested.

It is the goal of Sylvania Township that all requests for public records should be acknowledged in writing or, if possible, satisfied within ten (10) business days following the office's receipt of the request.

HANDLING REQUESTS

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 office to identify, retrieve, and review the records. If it is not clear what records are being sought, the office must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

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

In processing the request, the Township does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the office may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

This office, in response to a written request made and signed by a journalist, which must include the journalist's name and title and the name and address of the journalist's employer and which states that the disclosure of the information sought would be in the public interest, will provide the address of the actual personal residence of anyone employed by this office as a peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, and, if such employee's spouse, former spouse, or child is employed by a public office, the name and address of that public office if such information is applicable and available.

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

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website (www.ohioattorneygeneral.gov) for the purpose of keeping employees of the office and the public educated as to the office's obligations

under the Ohio Public Records Act, Open Meetings Act, records retention laws and Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of email, text messaging, and instant messaging, including those sent and received via electronic devices 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 OR REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must 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 office.

Any denial of public records requested must include an explanation, including legal authority. 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 released. When making public records available for public inspection or copying, the office shall notify the requestor of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

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 ten (10) cents per page for black and white copies and fifteen (15) cents per page for color. In the event that circumstances make it reasonable for this office to hire an outside contractor to make copies of requested records, the requester will be charged the actual cost paid to the outside contractor for the copying service.

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

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

MANAGING RECORDS

Sylvania Township records are subject to records retention schedules. Schedules are currently available at the Police Station, 4420 King Road, Fire Station Headquarters, 8210 Sylvania Avenue, and Township Hall, 4927 Holland-Sylvania Road for records specific to that department.

SYLVANIA TOWNSHIP		Number
RECORDS RETENTION POLICY		
Date Approved: 2-7-12 Resolution Number: 12-030 Date Effective: 2-13-12	Date Distributed: Admin. Police Fire Road	11-C-190

Public Officials are responsible by law, for ensuring that their records are protected and accessible. A “record” includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in O.R.C. 1306.01, created or received by or coming under the jurisdiction of any public office which serves to document the Township’s functions, policies, decisions, procedures, operations, or other activities. All records are the property of the Township and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the Records Commission provided for under Section 149.42 of the Ohio Revised Code. Employees are responsible for adhering to the Township Records Retention Schedule (RC-2) to ensure proper record storage and removal. Such records shall be delivered by outgoing officials and employees to their successors and shall not be otherwise removed, transferred, or destroyed unlawfully.

Sylvania Township’s Records Commission is composed of the chairperson of the Board of Township Trustees and the Fiscal Officer of the Township. The Commission shall meet at least once every twelve months and upon call of the chairperson. The function of the Commission shall be to review applications for one-time disposal of obsolete records (RC-1) and Records Retention Schedules (RC-2), submitted by township offices.

Sylvania Township will use the Ohio Township Records Manual published by the Ohio Historical Society’s Local Government Records (LGR) Program as a guide for determining a retention period for a record series. Records that are not listed in this manual will be evaluated by the records creator and the local records commission in order to determine an appropriate retention period. To determine the retention period of a record series, the record will be evaluated on the basis of its administrative, legal, fiscal, and historical value to the Township, region, or the State of Ohio.

A record has **administrative** value if it is needed to conduct the current business of the office that created it. Administrative value diminishes over time because the record is no longer needed for current business.

A record has **legal** value if it documents or protects the legal rights of the office that created it. Records possessing legal value will be retained until the legal rights or obligations to which they pertain expire.

A record has **fiscal** value if it is used in accounting for public funds. Records having fiscal value must be retained at least until the accounting records have been audited. Records of activities funded with combinations of state and federal funds often must be retained longer than records pertaining solely to local funds.

A record has **historical** value if it has continuing historical value to the State of Ohio and its citizens. The Ohio Historical Society Local Government Records Program staff makes this determination.

The Township Records Commission may, at any time, review any schedule it has previously approved and for good cause shown may revise that schedule. If any law provides that records shall be kept for a specified period of time, the Records Commission shall not order their destruction or other disposition prior to the expiration of that period.

When the Township Records Commission has approved any township application for one-time disposal of obsolete records (RC-1) or any schedule of records retention and disposition (RC-2), the Commission shall send that application or schedule to the Ohio Historical Society (OHS) for its review. The OHS-LGRP will review the RC-1 and indicate on the RC-2 form, the specific records which will require prior approval for disposal (RC-3). Upon completion of its review, the (OHS) shall forward the application for one-time disposal of obsolete records (RC-1) or the schedule of records retention and disposition (RC-2) to the auditor of state for the auditor's approval or disapproval.

The Ohio Historical Society is designated by section 149.31, Ohio Revised Code, as the archives administration for the State of Ohio and its political subdivisions. As such, when the Township disposes records (RC-3), OHS has the first right to select records for permanent archival preservation that have continuing historical value to the State of Ohio and its citizens. The Ohio Historical Society shall review the application within a period of not more than fifteen days to select for its custody those public records that it considers to be of continuing historical value. Records not selected shall be disposed of in accordance with this policy.