

Wayne Township – Champaign County, Ohio
Public Records / Public Records Request Policy
Adopted February 15, 2021

It is the policy of Wayne Township to comply with and adhere to the State of Ohio's Public Records Act – Ohio Revised Code 149.43. Therefore the Wayne Township Board of Trustees established this Public Records Policy.

This policy applies to all Wayne Township employees and elected officials.

Wayne Township reserves the right to amend this policy, as needed, to remain in compliance with revisions to the Ohio's Public Records Act.

Ohio Sunshine Laws' Manual is available on the Ohio Attorney Generals website. Ohio Sunshine Laws are for the purposes of keeping employees of the public entities, and the public, educated as to the public entities obligation under the Ohio Public Records Act, Open Meeting Act, records retention laws and Personal Information Systems Act.

Definition of Public Record

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

- All "records" of Wayne Township are public unless they are specifically exempt from disclosure under Ohio or federal law.
- A "public record" is a "record" that is being kept by Wayne Township at the time a public records request is made.

Record Retention

Wayne Township records are subject to record retention schedules. Current and obsolete retention schedule for Wayne Township available at Township office at 3630 Inskeep Road, Cable, Ohio.

Records Organization

All "records" that are subject to disclosure, as required by Ohio Revised Code, will be organized and maintained in such a way so that they can be made available for inspection and/or copying.

Electronic Records (E-Mail)

E-mails and text messages from personal accounts or communication devices become a public record if they document a functions, policies, procedures, operations or other activities of the Township and must be maintained as a public record. 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.

Request for Public Records

All requests shall be made to or forwarded to the Wayne Township's Fiscal Officer.

- No specific language is required to make a request for a record. However, the requestor must at least identify the record(s) requested with sufficient clarity to allow the office to identify the record(s) requested. The Township can assist a requestor by informing them of the manner or format in which the Township records are kept.
- Requestor is not required to provide identity or intended use of the requested record(s). However, the law does permit the Township to ask for the requestor's identity, contact information and/or the intended use of record(s), to assist the Township in identifying and delivering the record(s) requested.
- Requestor is not required to put a record(s) request in writing. However, the law does permit the Township to ask for a written request to assist the Township in identifying the record(s) requested.
- The Township does not have an obligation to create new records. However, an electronic record is deemed to exist so long as the current computer used is already programmed and capable to produce the record through the Township's standard use of sorting, filtering or querying features.
- Wayne Township has a 'Record(s) Request Form' available for use.

Responding to Public Records Requests

Each request for records will be evaluated for an estimated length of time required to gather the record(s) requested. Copies of records or records to view must be made available within a 'reasonable period of time'. A 'reasonable period of time' takes into account the volume of records requested, the necessity for any legal review/redaction if needed, and other factors/circumstances of the records requested.

- Once a records request is received, the Township will acknowledge the request and provide an estimate of when and how the records will be available, an estimated cost of copies that have been requested, and if any records requested are expect to be exempt from disclosure.
- If a request is deemed to be beyond the scope of regular Fiscal Officers duties, such as seeking a voluminous number of copies or requiring extensive research, the Township will contact requestor with an estimated number of business days it will take to satisfy the request and estimated cost if applicable.
- If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be readily e-mailed, electronically copied, or downloaded easily by the requestor, the aforementioned files, copies or data will be made as quickly as Township technology allows.
- Record(s) requested may be viewed at the Wayne Township Hall by appointment. A Township Official will be present when records are viewed at the Township Hall to ensure original records are not taken or altered.

Denial or Redaction of Public Records

If the Township withholds, redacts, or otherwise denies requested record(s), it will provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation for denial will also be in writing.

- If some portions of a record(s) are public and other portions are exempt, the exempt portions must be redacted and the rest must be released. When making public records available for public inspection or copying, the Township shall notify the requestor of any redaction or make the redaction plainly visible.
- If the requestor makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what records are being requested, the request may be denied, but the Township must then provide the requestor an opportunity to revise the request by informing the requestor of the manner in which records are maintained and accessed by the Township.
- Wayne Township may seek an opinion from the Champaign County Prosecutor's Office or other legal authority as to what records are not "Public Records" when a records request is received and reviewed.

Costs for Public Records – Copying and Mailing

Those seeking public records may be charged only the actual cost of making copies, not labor. A requestor may be required to pay in advance for the actual costs involved in providing the copy. The requestor may choose whether to have the record duplicated upon paper, upon the same medium on which the 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 Township's normal operations.

- The charge for paper copies is five cents (\$0.05) per page.
- The charge for electronic files downloaded to a compact disc is one dollar (\$1) per compact disc.
- The charge for electronic files downloaded to a USB flash drive will be actual cost incurred by the Township to provide appropriate size and safe flash drive.
- The charge for oversize plans, prints or other documents larger than 8.5" x 14" or other outsourced plans, prints or documents shall be the actual costs incurred by the Township as invoiced by the designated third-party vendor.
- If record(s) need to be mailed or delivered – The requestor will be charged the actual cost of the postage and mailing supplies, or actual costs of other delivery.
- There is no charge for documents that can be readily e-mailed.
- An invoice outlining the actual costs incurred for each item shall be prepared for the requestor. The Township will issue a receipt of payment for the requested record(s) to the requestor.