

# Village of Richwood Public Records Policy

---

## 1. Purpose and Scope

The purpose of this Public Records Policy is to ensure that the Village of Richwood complies with Ohio's Public Records Act and related laws by providing full and prompt access to public records, while protecting information that is exempt from disclosure. This policy replaces all prior public records policies in their entirety. It applies to all departments, officials, and employees of the Village of Richwood (including the Police Department and all other divisions of Village government) and covers all "public records" as defined by Ohio law.

For purposes of this policy, **public records** include any document, device, or item (regardless of format, including electronic records, emails, videos, etc.) that is created or received by, or comes under the jurisdiction of, the Village of Richwood and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Village. All public records shall be organized and maintained so that they are readily available for inspection and copying in accordance with the law. The Village of Richwood is committed to abiding by both the letter and spirit of the Ohio Public Records Act (Ohio Revised Code (ORC) 149.43).

## 2. Records Custodian and Responsibilities

The Village shall designate an official **Custodian of Records** (hereafter "Records Custodian") who is responsible for managing the Village's public records and ensuring compliance with this policy. The Records Custodian (or a designee) shall have the following responsibilities, in accordance with ORC 149.43 and other applicable laws:

- **Records Management:** Oversee the maintenance, organization, retention, archiving, and lawful destruction of the Village's records. Records should be managed in accordance with the Village's records retention schedule and applicable records retention laws.
- **Records Retention Schedule:** Develop, maintain, and update the Village's records retention schedule. This schedule shall:
  - Identify the minimum length of time each type of record must be kept by the Village.
  - Specify the department or office responsible for maintaining the original of each record type.

- Be made readily available to the public upon request.
- **Public Access Rules:** Establish and enforce reasonable rules governing the inspection and copying of public records, as necessary to protect the integrity of the records. For example:
  - The Records Custodian may limit the number of records that the Village will physically **mail** to a requester to ten (10) records per month, unless the requester certifies in writing that they do not intend to use or forward the records (or the information in them) for commercial purposes, as permitted by ORC 149.43(B)(7)(c)(i).
  - If the Village chooses to make some of its records available on a publicly accessible **website** (with free search and download capabilities), the Records Custodian may limit to ten (10) per month the number of records provided to a single requester in an electronic/digital format, **provided that** those records are already available on the website and the requester has not certified that the request is for non-commercial purposes (see ORC 149.43(B)(7)(c)(ii)).
  - These limitations do **not** apply if the requester is a journalist (as defined by law) or if the request is for non-commercial purposes. "Commercial purposes" shall be interpreted narrowly and does not include reporting or gathering news, supporting citizen oversight of government, or nonprofit educational research (ORC 149.43(B)(7)(c)(iii)).
- **Identify Exempt Records:** Know and identify which records or portions of records are confidential or exempt from public disclosure under state or federal law. The Records Custodian shall ensure that exempt information is **withheld or redacted** as required by law when responding to public requests (see Section 5 of this policy for specific exemptions).
- **Responding to Subpoenas:** Establish procedures for receiving and processing subpoenas duces tecum or court orders for records (see Section 7 below). This includes coordinating with legal counsel to ensure that any release of records via subpoena or discovery is handled properly and lawfully.
- **Fee Schedule:** Maintain a current schedule of fees for providing copies of public records (as allowed by law). This fee schedule shall be posted or made readily available to the public. Fees shall not exceed the actual cost of making copies (and postage, if mailed), except as otherwise permitted by law.
- **Public Notice of Policy:** Prepare and display a notice summarizing the Village's public records policy in conspicuous places in Village offices where records are routinely available to the public. For example, the policy summary or a poster should be available at the Village Clerk's office, administrative offices, police



department lobby, or any public service counter. A full copy of this policy shall be provided upon request.

- **Website Information:** Ensure that up-to-date information about public records access is available on the Village's official website. This should include contact information for making public records requests, a copy (or summary) of this Public Records Policy, and any public records request forms the Village uses (if applicable).

### 3. Public Records Request Procedures

The Village of Richwood shall promptly prepare and make available public records for inspection during regular business hours, and shall provide copies of public records within a reasonable period of time, in accordance with ORC 149.43(B). The following procedures apply when a public records request is received:

- **How to Make a Request:** Any person may make a public records request to the Village. Requests may be made in **any form** – verbally (in person or by telephone) or in writing (including email or letter). There is no special form or format required by the Village for public records requests, although the Village may provide an optional request form for convenience. The request should be clear enough to allow the Village to identify, retrieve, and review the requested records.
- **No Required Wording or Identity:** The Village **cannot require** a requester to submit a request in writing, to provide their identity, or to disclose the reason they want the records. However, the Village may **ask** for a written request, the requester's identity, or the intended use **but only** under the following conditions:
  - The requester is informed that providing this information is **voluntary** and **not required**.
  - The Village explains that the purpose of asking for this information is to enhance the ability of the Records Custodian to identify, locate, or deliver the records.
  - Whether or not the requester chooses to provide a written request or their identity will not affect their right to receive public records. It is solely to help expedite and accurately fulfill the request.
- **Ambiguous or Overly Broad Requests:** If a request is ambiguous or overly broad such that the Village cannot reasonably identify what records are being sought, the Records Custodian **may deny the request**, but **must** provide the requester an opportunity to revise or clarify it. In such cases, the Records Custodian (or designee) will inform the requester how the Village's records are organized and maintained in the ordinary course of business, so the requester can narrow or clarify the request. The Village will make a good faith effort to assist the requester in revising the request for clarity.

- **Availability and Time for Inspection:** Public records are available for inspection during the Village's normal business hours. Upon request, records will be made available **promptly** for inspection. If a requester wishes to inspect records, an appointment may be scheduled to ensure the records are ready and to avoid interfering with the routine operations of the office. Many records requests can be fulfilled immediately, but if a request is large or requires legal review, the Records Custodian will inform the requester of an estimated time frame for completion.
- **Copies of Records:** Upon request, the Village will provide copies of public records. Copies will be provided 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 need for any legal review or redaction of exempt information. The Records Custodian will strive to fulfill requests as quickly as practicable.
- **Fees for Copies and for Body-Worn Camera Footage:** The Village may charge a fee for copies of public records and for obtaining and redacting body-worn camera footage. The fee for copies shall be limited to the **actual cost** of duplication (e.g., per-page cost for paper copies) and, if applicable, the cost of postage or delivery. There is no charge for inspecting records in person. The fees for body-worn camera footage shall be limited to the **actual cost** of obtaining, redacting, reviewing, and providing this camera footage, with a cap of \$75.00 per hour. This cost may include personnel time, legal review, and the cost of the physical media utilized to provide the document. A requester may be required to pay the estimated copy and/or delivery fees **in advance** before the Village will prepare the copies. The current fee schedule for copies is available from the Records Custodian (see Section 2, "Fee Schedule").

#### 4. Redaction and Denial of Requests

The Village of Richwood will provide **all** requested public records that are not exempt from disclosure. If a record contains information that is exempt or prohibited from release, the exempt portions will be **redacted** (removed or blocked out), and the remaining, non-exempt portions will be released. The Village will not deny an entire record if only parts of it are exempt; **partial redaction** will be used when possible, in accordance with ORC 149.43(B)(1).

##### 4.1 Redaction of Exempt Information

When fulfilling a public records request, the Records Custodian will review the records to determine if any portions are exempt under law (see Section 5 for specific exemptions). If exempt information is found within a record, that information will be **redacted**.

- A **clearly visible redaction** (such as a black box over text or blank white space where text/image was removed) is preferred so that the requester can see that something has been redacted. If a redaction is not obvious on the face of the record (for example, removal of digital data), the Records Custodian will inform the