



WEST CHESTER DEVELOPMENT COUNCIL

PUBLIC RECORDS POLICY

Purpose and Scope

The West Chester Development Council ("WCDC"), formerly known as West Chester Community Improvement Corporation, adopts this policy to establish procedures for responding to requests for public records in accordance with Ohio law.

This policy applies to records maintained by WCDC and to WCDC records maintained by West Chester Township staff in an administrative or custodial capacity. WCDC may coordinate with Township staff, as needed, to identify, retrieve, review, and produce WCDC records.

WCDC maintains records for administrative and operational purposes. In accordance with state law and West Chester Township's Records Commission, WCDC has adopted schedules of records retention and disposition (RC-2). These schedules identify records that are stored on a fixed medium, including paper, electronic, film, audio, or other formats, and that are created, received, or sent under the jurisdiction of WCDC and document the organization, functions, policies, decisions, procedures, operations, or other activities of WCDC. Records may also document Township activities where WCDC is acting in coordination with or on behalf of West Chester Township.

Definition of Public Record

A record is any document, device, or item, regardless of physical form or characteristic, that is created, received by, or comes under the jurisdiction of WCDC and documents the organization, functions, policies, decisions, procedures, operations, or other activities of WCDC.

A public record is a record kept by WCDC at the time a public records request is made, unless the record or a portion of the record is exempt from disclosure under Ohio or federal law. Public records shall be organized and maintained so that they can be made available for inspection and copying in accordance with Ohio law.

Public Records Custodian and Request Guidelines

WCDC shall designate a Public Records Custodian for records maintained by or on behalf of WCDC. If WCDC records are maintained by Township staff, the Public Records Custodian may coordinate with the appropriate Township staff member or department.

Public records requests may be made in person, by telephone, by mail, or by email. A request is not required to be in writing. A requester is not required to provide his or her identity or explain the intended use of the requested records, except as permitted by law.

Public records requests will be accepted and reviewed during regular business hours, 8:30 a.m. to 4:30 p.m., on regular business days. Requests received outside regular business hours, on weekends, or on legal holidays will be reviewed during the next regular business day.

No specific language is required to make a public records request. The requester must, however, identify the records requested with sufficient clarity to allow WCDC to identify, retrieve, and review the records.

As a general practice, WCDC will not ask a requester to put a request in writing, identify himself or herself, or state the intended use of the records. WCDC may ask for a written request, the requester's identity, or the intended use of the requested records only if both of the following apply:

1. The information would benefit the requester by helping WCDC identify, locate, or deliver the requested records; and
2. The requester is first informed that a written request is not required and that the requester may decline to disclose his or her identity or intended use.

Records Retention

WCDC records are maintained and disposed of in accordance with applicable records-retention schedules. These schedules reflect the administrative, legal, fiscal, and historical value of the records and are maintained in coordination with applicable Township and state records-retention requirements.

WCDC's current records-retention schedules are available at the West Chester Township Community Development Department, 9577 Beckett Road, Suite 100, West Chester, Ohio 45069, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

Email, text messages, instant messages, and similar electronic communications are treated the same as records in other formats when they meet the definition of a record.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure if the content otherwise meets the definition of a public record. Employees, officials, and representatives of WCDC shall retain electronic records in accordance with applicable records-retention schedules.

Response Timeframe

Public records maintained by WCDC shall be promptly prepared and made available for inspection during regular business hours.

Copies of public records shall be made available within a reasonable period of time. Whether a response is prompt or reasonable depends on the facts and circumstances of the request, including the volume of records requested, where the records are stored, whether legal review or redaction is needed, and the manner in which the records are maintained.

If a request is expected to take additional time, the Public Records Custodian, or authorized Township staff assisting WCDC, may provide an estimated timeframe and updates as appropriate.

Processing the Request

WCDC is not required to create a new record in response to a public records request. If the requested records exist but are not organized in the manner requested, WCDC is not required to create a new record or reorganize existing records to satisfy the request.

An electronic record is considered to exist if WCDC is already able to produce the record through its standard use of sorting, filtering, or querying features. Although not required by law, WCDC may organize or generate records in a particular manner when practical and appropriate under the circumstances.

Public records will be produced only by the Public Records Custodian or other authorized WCDC or Township employees assisting WCDC. The Public Records Custodian may use an outside copying service when appropriate. Requesters may not remove original records or independently copy records unless expressly authorized by the Public Records Custodian.

Inspection and Delivery of Public Records

Public records may be reviewed in person at the West Chester Township Community Development Department, 9577 Beckett Road, Suite 100, West Chester, Ohio 45069. An employee may remain present during inspection to ensure that original records are not removed, altered, or damaged.

Records may be mailed at the requester's expense. When practical, records may be delivered electronically at no charge.

Fees and Payment

Public records will be provided at the cost of making copies, not labor. The requester shall pay the actual cost of delivery and any supplies used in the mailing, delivery, or transmission of the records. Payment may be required before copies are made.

WCDC or West Chester Township, in accordance with Ohio Revised Code § 149.43(B)(6), may require the requester to pay in advance the cost of providing copies of public records. The following fees apply to copies of public records maintained by WCDC or maintained by West Chester Township on behalf of WCDC:

1. For photocopies of letter-size or legal-size documents:
 - a. The first through the twenty-fifth photocopy will be provided at no charge.
 - b. For twenty-six or more photocopies, the fee is five cents per photocopy, calculated from the first photocopy.
 - c. Two-sided photocopies shall be charged at ten cents per sheet.
 - d. For videotapes, CDs, DVDs, cassette tapes, or other media, the fee shall be the replacement cost of the blank media or the reproduction cost. Reproduction costs may be charged only if a commercial or professional service is used to provide the copy. If WCDC or Township staff

assisting WCDC creates the copy, a reproduction fee may not be charged except as otherwise permitted by law.

e. Established costs and fees under this policy shall be posted and visible to the public.

2. For unusually voluminous requests, WCDC may offer the requester the option of using an outside copying service or another lawful method of production. Any costs charged shall be limited to those permitted by Ohio law.

Confidential and Exempt Records

Some records maintained by WCDC may be confidential or exempt from disclosure under Ohio or federal law. This includes information protected under Ohio Revised Code § 1724.11, including certain financial, proprietary, trade secret, and business-location information submitted to a community improvement corporation in connection with the relocation, location, expansion, improvement, or preservation of a business.

Other exemptions may include attorney-client privileged materials, trial-preparation records, records the release of which is prohibited by state or federal law, and other records exempted by applicable law.

The Public Records Custodian may consult with legal counsel before releasing records when legal review is needed. This allows WCDC, and Township staff assisting WCDC, to comply with laws governing the release or withholding of records.

Denial or Redaction of Records

A public records request may be denied in whole or in part if the requested record is not a public record or is exempt from disclosure. Any denial shall be supported by legal authority.

If a request is denied in whole or in part, WCDC will provide an explanation, including the legal authority supporting the denial. If the request was made in writing, the explanation will also be provided in writing. For verbal requests, WCDC may provide the explanation verbally and should document the basis for the denial internally.

If part of a record is public and part is exempt, the exempt portion shall be redacted and the remainder of the record shall be released. If a redaction is made, the redaction shall be accompanied by a supporting explanation, including legal authority, unless state or federal law authorizes or requires the redaction.

A redaction means obscuring or deleting information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a record under Ohio law.

If a request is ambiguous, overly broad, or does not reasonably identify the records being requested, WCDC may deny the request as framed. Before doing so, or in connection with the denial, WCDC shall provide the requester an opportunity to revise the request by explaining how WCDC's records are maintained and accessed in the ordinary course of business.

Sunshine Laws Manual and Policy Administration

The Ohio Sunshine Laws Manual is a guidance resource and does not replace the Ohio Revised Code, case law, or advice of legal counsel. The most recent edition of the Ohio Sunshine Laws Manual is available through the Ohio Attorney General's website.

WCDC shall maintain this policy in accordance with Ohio Revised Code § 149.43. The policy shall be distributed to the records custodian or other employee with custody of WCDC records, and WCDC shall maintain any required acknowledgment and public posting.