

Ordinance 11-2018

An Ordinance amending the Public Records Policy for the Village of Malvern, Carroll County, Ohio.

Whereas, the Village desires to update its Public Records Policy as set forth in this Ordinance; and

NOW, THEREFORE, be it ordained by Council for the Village of Malvern, Ohio, a majority or more of its members concurring, that:

Section 1: The policy below, on the effective date of this Ordinance, shall be the Public Records Policy for the Village:

Public Records Policy for the Village of Malvern Carroll County, Ohio

TO THE PUBLIC:

(1) HOURS AND COSTS.

(a) You may make public records requests at the Malvern Village Hall between the hours of 9:00 a.m. and 3:00 p.m. on weekdays, excluding government holidays.

(b) For copies of public records on 8.5 by 11 inch one-sided paper in black ink, the copy cost is five cents per page. We may require you to pay the estimated copy costs before copies are made. All other copies (photos, disks, etc.) will be provided at actual cost. If records are mailed to you, we may charge you in advance, postage and the cost of mailing materials.

(2) REQUESTS.

We will provide prompt inspection of public records and copies of public records in a reasonable period of time. When you make a request, we will ask you to complete a "Public Records Request Form," which will help us locate the records and expedite your request. You are not legally required to fill out the form, identify yourself, or give the purpose of your request. If the records cannot be provided while you wait, we will contact you when the records are available.

(3) DEFINITION OF PUBLIC RECORDS.

Under Ohio law, public records are any document, device or item regardless of physical form or characteristic, including any electronic record, that:

(a) Is created or received by, or coming under the jurisdiction of a public office; and

(b) Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. This definition does not include records kept for our administrative convenience. You may ask for a copy of our records retention schedule, which will familiarize you with the types of records available.

(4) RECORDS THAT WILL NOT BE RELEASED.

Under Ohio law, some records will still be withheld from release because state or federal law makes the record confidential. Some commonly requested records that are confidential include:

(a) Attorney-client privileged information and trial preparation records;

(b) Social Security numbers;

(c) Records of ongoing investigations;

(d) Medical records;

(e) BMV records;

- (f) Records that a judge ordered to be sealed per a statute;
- (g) Juvenile records;
- (h) Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information.

(5) LIMITATIONS.

(a) We may limit to ten the number of public records mailed to you, unless you certify in writing that you do not intend to use the records for commercial purposes.

(b) We will not provide copies of public records that we create or receive after your original request is complete.

Section 2: In addition, the Mayor and Council appoint Teri Foster as the records compliance officer for the Village, and to attend appropriate training as required.

Section 3: The Fiscal Officer shall post a copy of this policy on the Village Hall bulletin board and on the Village website, and make it available to anyone who requests the policy.

Section 4: All provisions in any ordinance or resolution inconsistent with this Ordinance are hereby repealed.

Section 5: All formal actions of Council relating to the adoption of this Ordinance, and all deliberations of Council and any of its committees leading to such action, were in meetings open to the public as required by law.

Section 6: This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

Passed this 18th day of June, 2018.

Robert DeLong
Robert DeLong, Mayor

Barb Burgess
Barb Burgess, Presiding Officer

Ashley Ring
Ashley Ring, Fiscal Officer

Prepared and approved as to form by: Chad Murdock
Chad Murdock, Village Solicitor