

## **Public Records & Retention Policy**

Approved: October 16, 2013

Revised: February 15, 2023

### **Introduction:**

It is the policy of the Troy-Miami County Public Library that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Troy-Miami County Public Library to strictly adhere to the state's Public Records Act.

### **Section 1     Public records**

This office's records, in accordance with the Ohio Revised Code, and applicable judicial decisions, are defined as any item that (i) contains information stored on a fixed medium (such as paper, electronic – including but not limited to email – and other formats); (ii) is created or received by, or sent under the jurisdiction of a public office and (iii) documents the organization, functions, policies, decisions, procedures, operations or other activities of the office.

**Section 1.1** It is the policy of the Troy-Miami County Public Library that, as required by Ohio law, records will be organized and maintained in order to be readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules will be readily available upon request.

A posting describing our public records law will be placed in a conspicuous spot in all agencies.

### **Section 2     Record requests**

Each request for public records should be evaluated for a response using the following guidelines:

**Section 2.1** Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties. ORC §149.43 (B)(2)

**Section 2.2** This office may ask the requester to provide his identity or the intended use but will inform the requester that the requester may decline to disclose this information. The request does not have to be in writing.

**Section 2.3** Public records responsive to the request are to be available for inspection during regular business hours, with the exception of published holidays. Public records will be made available for inspection promptly. Copies of public records will 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 of the records requested.

**Section 2.4** Each request will be evaluated for an estimated length of time required to gather the records

**Section 2.5** If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released.

### **Section 3      Costs for Public Records**

Those seeking public records will be charged only the actual cost of making copies. All copying will be handled by the staff member in charge of the requested record.

**Section 3.1** The charge for paper copies is 10 cents per page.

**Section 3.2** The charge for downloaded computer files to a compact disc is \$1 per disc.

**Section 3.3** There is no charge for a record to be emailed. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

### **Section 4      E-mail**

E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

### **Section 5      Failure to respond to a public records request**

The Troy-Miami County Public Library recognizes the legal and non-legal consequences of failure to properly respond to a public records request.

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### **Library Records Commission**

The Troy-Miami County Public Library will create and maintain a records commission composed of the Director, Members and the Fiscal Officer of the Board of Trustees per Ohio Revised Code Section 149.411.

1. The Records Commission will meet at least once every twelve (12) months coinciding with the October regular meeting of the Board.
2. The functions of the Records Commission are to review applications for one-time disposal of obsolete records (RC-1), certificates of record disposal (RC-3), and to ensure that records which can be disposed of without an RC-3 are done so in accordance with the record retention schedule approved by the Ohio Historical Society and Auditor of State (RC-2).
3. The Records Commission will insure record retention schedules are updated regularly and are made readily available to the public.

### **Records Disposal Procedures**

1. No record may be disposed of when subject to or likely to be subject to current or pending litigation, claim or proceeding.
2. When the Troy-Miami County Public Library Records Commission has approved a Library application for one-time disposal of obsolete records (RC-1) or a certificate of record disposal (RC-3), the commission must send that application or certificate to the Ohio Historical Society (OHS) for review.
3. OHS will review the application within sixty (60) calendar days after receipt. Upon completion of its review, OHS will forward the application for one-time disposal of obsolete records or the certificate of record disposal to the Auditor of State for the Auditor's approval or disapproval.
4. The Auditor must approve or deny the application or schedule within sixty (60) calendar days after receipt.
5. Records considered transitory in nature with durations listed as "Until no longer of use" may be disposed without certification notice to the Ohio Historical Society. Record series with defined durations may be disposed without certification notice to the Ohio Historical society but will be logged internally at the time of disposal. A list of items disposed will be part of the board meeting and included in the board minutes.
6. Public records that require Ohio Historical Connection (OHC) review before their disposal must be identified by the TMCPL Records Commission through submission of an RC-1 or RC-3. The OHS must be given a period of fifteen (15) business days to select for its custody those public records that it considers to be of continuing historical value. RC-1 forms are used for a One Time Disposal of Obsolete Records that are no longer created or maintained. These records will no longer be included on the RC-2 but their disposal will be documented through submission of the RC-1 to the OHC and approved by the Auditor of State. RC-3 forms are only required for records series indicated by OHC on the TMCPL Records Retention Schedule (RC-2 form).
7. Disposition schedules noted as "until audited" and "provided audited" denotes audits performed by the Auditor of the State or other contracted independent auditors.
8. The Ohio Historical Society may not review or select for its custody any records pursuant to Ohio Revised Code Section 149.432 providing confidentiality of library records and patron information.

9. Records of possible historic value will be offered to the Library's Local History Branch in lieu of destruction, and if accepted will be accessed, used and disposed as determined by the policies and procedures of the Local History Branch.
10. Records approved for disposal will be shredded, boxed or bailed for recycling. All bound books or records unable to be shredded will be burned at a county incinerator or otherwise disposed of as approved by the Fiscal Officer.
11. Unless otherwise noted, retention schedules apply to original documents only. Copies or duplicates may be disposed when determined to be no longer of administrative value.