

**RESOLUTION G2024-109**

**RESOLUTION REVISING SYMMES TOWNSHIP PERSONNEL POLICY  
MANUAL ARTICLE II CONDITIONS OF EMPLOYMENT**

**WHEREAS**, Article II of the Symmes Township Personnel Manual states all of the Conditions of Employment for full-time and part-time regular employees of the Township; and

**WHEREAS**, the Law Director is recommending changes to the existing policies so that the Township is compliant with the Ohio Public Records Laws; and

**WHEREAS**, the Board of Township Trustees of Symmes Township, Hamilton, County, Ohio wishes to change Section O Public Records and Personal Information Policy to the Personnel Manual.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of Symmes Township, Hamilton County, Ohio:

- Section 1.** That Section O is an existing policy that the Board adopted in 2007 and revised in 2013 and 2021 and will part of the Personnel Manual for the township as required by the State Auditor's Office.
- Section 2.** That the Symmes Township Personnel Policy Manual shall be adjusted to reflect the change adopted herein per Attachment A.
- Section 3.** Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.
- Section 4.** This Resolution shall take effect and be enforced from and after the earliest period allowed by law.
- Section 5.** Finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and any

of its committee that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without limitation) Ohio Revised Code §121.22, except as otherwise permitted thereby.

**ADOPTED DECEMBER 17, 2024 – RESOLUTION G2024-109**

Vote Record: MS. LEIS \_\_\_\_ MR. BRYANT \_\_\_\_ MR. BECK \_\_\_\_

**BOARD OF TRUSTEES:**

\_\_\_\_\_  
Jodie L. Leis, President

\_\_\_\_\_  
Kenneth N. Bryant, Vice-President

\_\_\_\_\_  
Philip J. Beck, Trustee

**ATTEST:**

\_\_\_\_\_  
Joseph C. Grossi, Fiscal Officer

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Forbes, Law Director

# PERSONNEL POLICY MANUAL

ARTICLE II. CONDITIONS OF EMPLOYMENT

SECTION O: PUBLIC RECORDS AND PERSONAL INFORMATION POLICY

EFFECTIVE DATE: SEPTEMBER 7, 2021

LATEST REVISION: DECEMBER 10, 2024

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## PURPOSE:

To state general guidelines regarding the public records and how personal information is handled in Symmes Township

## POLICY:

### Introduction:

Symmes Township adopts this Public Records Policy to reflect its belief that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of Symmes Township to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

### Section 1. Public Records

Symmes Township, ~~in accordance with the Ohio Revised Code,~~ defines public records as the following ***in the same manner as that term is defined by the Ohio Public Records Act, as it may be amended from time to time.***

~~Any document—paper, electronic or other format—that is created or received by or comes under the jurisdiction of the Township and which is kept for the purpose of documenting the organization, functions, policies, procedures, operations or other activities of the office.~~ All public records of Symmes Township are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1 - It is the policy of Symmes Township that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for e-mail record policy). Record retention schedules are to be updated regularly ~~posted prominently~~ and ***shall be made available upon request.***

## **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 it is not clear what records are being sought, the records custodian must contact the requester for clarification and should assist the requestor in revising the request by informing the requester of the manner in which the office keeps its records.

Section 2.2 - The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record. It is Symmes Township's general policy that this information is not requested. Public records requests in person should be made either during regular business hours, or immediately preceding, during, or at the conclusion of an open meeting, or when the recipient township employee is on duty for township business. Public records requests should be made either in person, by telephone, including telephonic message, by correspondence, by electronic mail, or by facsimile transmission, to the designee.

Section 2.3 - Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must 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 should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

If more copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up.

~~All requests for public records must be satisfied (see Section 2.4) or be acknowledged in writing by the (public office) within three business days following the office's receipt of request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:~~

~~Section 2.4a— An estimated number of business days it will take to satisfy the request.~~

~~Section 2.4b— An estimated cost if copies are requested.~~

~~Section 2.4c— Any item within the request that may be exempt from disclosure.~~

Section 2.5 - Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

### **Section 3. Costs of Public Records**

Those seeking public records will be charged only the actual cost of making copies.

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~~ **physical medium shall be the actual cost of the physical medium (compact disc, flash drive, etc.).**

Section 3.3 - There is no charge for documents e-mailed.

Section 3.4 - 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**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1 - Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of Symmes Township are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

Section 4.2 - The records custodian is to treat the e-mail from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

### **Section 5. Failure to Respond to a Public Records Request**

Symmes Township recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure

to comply may cause, Symmes Township's failure to comply with a request may result in a court ordering Symmes Township to comply with the law and to pay the requester attorney's fees and damages.

**Section 6. Personal Information Policy**

Symmes Township is committed to ensuring the privacy and security of information about Township residents and employees that is stored within the Township records. This policy applies to all records maintained or stored by Symmes Township containing personal information of its residents and employees in order to exercise its statutory and public duties as provided by the Ohio Revised Code. Symmes Township will use this information only within the scope and for the purpose for which it was submitted or collected in order to complete the Township's public duties.

Section 6.1 - For the purpose of this section, the following definitions shall apply:

- a. "Personal information" means any information that describes anything about a person, or indicates actions done by or to a person, or indicates a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person.
- b. "System" means any collection or group of related records that are kept in an organized manner and that are maintained by a state or local agency, and from which personal information is retrieved. It includes both records stored manually and electronically.

Section 6.2 - The Township may collect the following personal information of its residents and employees in the course of exercising its public duties:

Names, postal and e-mail addresses, phone and fax numbers, information contained within correspondence with the Township, bank information, dates of birth, and other types of personal information that is not a public record for purposes of Ohio Revised Code Section 149.43

This information shall be treated as confidential by the Township and shall not be used for any purpose other than the public purpose of the Township for which it was collected.

The Township shall not use the personal information for any other purpose without the express consent of the resident or employee. The Township shall not sell or rent this information.

Section 6.3 - According to law, there are limited circumstances wherein Symmes Township must release personal information about its residents and employees:

- Where release is required by law pursuant to a subpoena or court order;
- Where release is required by a government agency conducting investigations or proceedings; and
- To appropriate persons or agencies where communications or correspondence reveal illegal activity or an imminent risk of harm to others.

Section 6.4 - The Fiscal Officer will be directly responsible for the storage and maintenance of all personal information, including preparing and implementing rules that provide for the operation of the system. Reasonable precautions will be taken to protect personal information maintained in the system from unauthorized modification, destruction, use or disclosure.

Section 6.5 - Any Township employee found to have knowingly violated this policy may be subject to disciplinary action, up to and including termination, as well as any other penalty prescribed by law.