

PUBLIC RECORDS POLICY

MISSION STATEMENT

It is the mission and intent of the Darke County Municipal Court to at all times fully comply with and abide by the Ohio's Public Records Act.

DEFINING PUBLIC RECORDS

A "record" is defined to include the following: A document in any format; paper and/or electronic, that is created, received by, or comes under the jurisdiction of the Darke County Municipal Court that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or Federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours. 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 age of the records, the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the Darke County Municipal Court that all requests for public records should be acknowledged in writing or, if feasible, satisfied within two (2) business days following the office's receipt of the request.

HANDLING REQUESTS

Request for public records from the Darke County Municipal Clerk of Courts will be accepted by mail, facsimile or in person only. Our public service counter is open Monday through Friday, 7:30 a.m. through 4:30 p.m.

No specific language is required to make a request for public records. However, the requester must at least identify the records requested; the offender's name and identifying information, the case number, charge, approximate date of the offense committed, and what records are being requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

The requester must put a records request in writing, provide the requester's name and contact information, specify how the requester would like to receive the records and where the requester would like the records to be sent.

Information requests which are to be picked up in the Clerk's office must be accompanied by a telephone number so we may contact the requester when the information is ready. Information requests which are not picked up in the Clerk's office will require a mailed response from the Clerk and must be accompanied by a self-addressed envelope with sufficient postage.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features.

In processing an inspection of a public record, an office employee shall accompany the requester during inspection to make certain original records are not taken or altered.

All information provided is case of record information from the Darke County Municipal Court only. The information provided is local information constituting a public record and contains no statewide LEADS information or national NCIC information, dissemination of which is prohibited by state and federal law.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Attorney General's website www.ohioattorneygeneral.gov/YellowBook for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and Person Information Systems Act.

COMMERCIAL REQUESTS

Whenever a person or entity cannot or will not certify to the Clerk of Courts in writing that the person or entity does not intend to use or forward the requested records or the information contained in them for commercial purposes, the Clerk of Courts shall treat the request as a commercial request.

For commercial requests, the Clerk of Courts will transmit by United States Mail or by facsimile no more than five (5) records per month, per commercial requestor. The public records shall be transmitted by United States Mail or facsimile within a reasonable period of time after receiving the request. The person or entity making the commercial request by United States Mail must pay in advance the costs of postage and other supplies used in the mailing.

For purpose of this policy, "commercial" shall be narrowly construed and does not include reporting or gathering news.

DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

COPYING AND MAILING COSTS

Those seeking public records shall be charged .25 cents per page; certified copies of public records shall be charged \$5.00 per certified copy. Those seeking a background check be conducted through the Darke County Municipal Court for misdemeanor and civil cases filed through the Darke County Municipal Court shall be assessed \$5.00 for a criminal background check.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

If the requester chooses to have an electronic record transcribed or request a transcript of a court proceeding then the requester must submit a written request for the transcript of an electronic record to the Court Reporter for Darke County Common Pleas Court. The request must include the Court, the case number, the party's name, the date and time of the hearing being requested to be transcribed.

If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other costs of deliver. There is no charge for e-mailed or faxed documents.

EXCEPTIONS

Government agencies seeking copies of records or certified copies are exempt from paying the fees associated with requesting such records. Government agencies may be assessed a fee if the

agency requests that an electronic record be transcribed or if the agency requests a transcript of a court proceeding.

MANAGING RECORDS

The Darke County Municipal Court's records are subject to records retention schedules. The office's current schedules are available at 504 S. Broadway, Greenville, Ohio 45331, a location readily available to the public as required by Ohio Revised Code §149.43(B)(2).