

I_133_1920-2

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 429

A BILL

To amend sections 111.42, 111.43, 111.45, 111.46, 1
111.48, 111.99, 149.43, 315.25, 317.13, 319.28, 2
and 2303.12 and to enact sections 111.431, 3
111.432, and 321.25 of the Revised Code to make 4
changes to the Address Confidentiality Program 5
administered by the Secretary of State. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 111.42, 111.43, 111.45, 111.46, 7
111.48, 111.99, 149.43, 315.25, 317.13, 319.28, and 2303.12 be 8
amended and sections 111.431, 111.432, and 321.25 of the Revised 9
Code be enacted to read as follows: 10

Sec. 111.42. (A) A person to whom all of the following 11
applies may apply to the secretary of state with the assistance 12
of an application assistant to become a participant in the 13
address confidentiality program, in which an address designated 14
by the secretary of state serves as the person's address or the 15
address of the minor, incompetent, or ward on whose behalf the 16
person is applying: 17



(1) The applicant is an adult who is applying on behalf of 18
the person's self or is a parent or guardian applying on behalf 19
of a minor, incompetent, or ward. 20

(2) The applicant or the minor, incompetent, or ward, as 21
applicable, resides, works, or attends a school or an 22
institution of higher education in this state. 23

~~(3) The applicant or the minor, incompetent, or ward, as 24
applicable, is changing residence. 25~~

~~(4) The applicant fears for the safety of the applicant, a 26
member of the applicant's household, or the minor, incompetent, 27
or ward on whose behalf the application is made because the 28
applicant, household member, minor, incompetent, or ward is a 29
victim of domestic violence, menacing by stalking, human 30
trafficking, trafficking in persons, rape, or sexual battery. 31~~

~~(5)-(4) The applicant or the minor, incompetent, or ward, 32
as applicable, is not a tier I sex offender/child-victim 33
offender, a tier II sex offender/child-victim offender, or a 34
tier III sex offender/child-victim offender. 35~~

(B) An application to become a participant in the address 36
confidentiality program shall be made on a form prescribed by 37
the secretary of state and filed in the office of the secretary 38
of state in the manner prescribed by the secretary of state. The 39
application shall contain all of the following: 40

(1) A notarized statement by the applicant that the 41
applicant fears for the safety of the applicant, a member of the 42
applicant's household, or the minor, incompetent, or ward on 43
whose behalf the application is made because the applicant, 44
household member, minor, incompetent, or ward is a victim of 45
domestic violence, menacing by stalking, human trafficking, 46

trafficking in persons, rape, or sexual battery; 47

(2) A statement that the application assistant recommends 48
that the applicant or the minor, incompetent, or ward, as 49
applicable, participate in the address confidentiality program; 50

(3) A knowing and voluntary designation of the secretary 51
of state as the agent for the purposes of receiving service of 52
process and the receipt of mail; 53

(4) The mailing address and telephone number or numbers at 54
which the secretary of state may contact the applicant; 55

(5) The address or addresses of the applicant's residence, 56
school, institution of higher education, business, or place of 57
employment that the applicant requests not be disclosed for the 58
reason that disclosure will increase the risk that the 59
applicant, a member of the applicant's household, or the minor, 60
incompetent, or ward on whose behalf the application is made 61
will be threatened or physically harmed by another person; 62

(6) The signature of the applicant, the name and signature 63
of the application assistant who assisted the applicant, and the 64
date on which the applicant and the application assistant signed 65
the application; 66

(7) Except for a claim based on the performance or 67
nonperformance of a public duty that was manifestly outside the 68
scope of the officer's or employee's office or employment or in 69
which the officer or employee acted with malicious purpose, in 70
bad faith, or in a wanton or reckless manner, a voluntary 71
release and waiver of all future claims against the state for 72
any claim that may arise from participation in the address 73
confidentiality program. 74

(C) Upon receiving a properly completed application under 75

division (B) of this section, the secretary of state shall do	76
all of the following:	77
(1) Certify the applicant or the minor, incompetent, or	78
ward on whose behalf the application is filed as a program	79
participant;	80
(2) Designate each eligible address listed in the	81
application as a confidential address;	82
(3) Issue the program participant a unique program	83
participant identification number;	84
(4) Issue the program participant an address	85
confidentiality program authorization card, which shall be valid	86
during the period that the program participant remains certified	87
to participate in the address confidentiality program, and which	88
shall include the address at which the program participant may	89
receive mail through the office of the secretary of state;	90
(5) Provide information to the program participant	91
concerning <u>all of the following</u> :	92
<u>(a) The manner in which the program participant may use</u>	93
the secretary of state as the program participant's agent for	94
the purposes of receiving mail and receiving service of process	95
and the types of mail that the secretary of state will forward	96
to the program participant;	97
(6) Provide information to the program participant	98
concerning the <u>(b) The process to register to vote and to vote</u>	99
as a program participant, if the program participant is eligible	100
to vote;	101
<u>(c) The process to file a real property confidentiality</u>	102
<u>notice with the county recorder concerning any real property in</u>	103

which the program participant acquires an ownership interest 104
after being certified a program participant and after the 105
effective date of this amendment; 106

(d) The use of a written notice to persons involved in the 107
acquisition of real property under section 111.432 of the 108
Revised Code; 109

(e) The process to authorize the secretary of state to 110
disclose confidential information concerning the program 111
participant under certain circumstances, as described in 112
division (E) of section 111.43 of the Revised Code. 113

(D) A program participant shall update the person's 114
application information, within thirty days after any change has 115
occurred, by submitting a notice of change to the office of the 116
secretary of state on a form prescribed by the secretary of 117
state. The secretary of state may, with proper notice, cancel a 118
program participant's certification if the participant is found 119
to be unreachable for a period of sixty days or more. 120

(E) The certification of a program participant shall be 121
valid for four years after the date of the filing of the 122
application for the program participant unless the certification 123
is withdrawn or invalidated before the end of that four-year 124
period. 125

(F) (1) A program participant who continues to be eligible 126
to participate in the address confidentiality program may renew 127
the program participant's certification by submitting a renewal 128
application to the secretary of state with the assistance of an 129
application assistant. The renewal application shall be on a 130
form prescribed by the secretary of state and shall contain all 131
of the information described in division (B) of this section. 132

(2) The secretary of state may prescribe by rule a grace period during which a program participant whose certification has expired may renew the program participant's certification without being considered to have ceased being a program participant during that period.

(3) When a program participant renews the program participant's certification, the program participant shall continue to use the program participant's original program participant identification number.

(G) A tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender is not eligible to participate in the address confidentiality program described in sections 111.41 to 111.99 of the Revised Code.

Sec. 111.43. (A) A program participant may request that a governmental entity, other than a board of elections, use the address designated by the secretary of state as the program participant's address. Except as otherwise provided in division ~~(D)~~ (F) of this section and in section 111.44 of the Revised Code, if the program participant requests that a governmental entity use that address, the governmental entity shall accept that address. The program participant ~~may~~ shall provide the program participant's address confidentiality program authorization card as proof of the program participant's status.

(B) A program participant who acquires an ownership interest in real property in this state after being certified a program participant and after the effective date of this amendment may submit a real property confidentiality notice to the county recorder of the county in which the real property is located, as described in section 111.431 of the Revised Code.

(C) If a program participant's employer, school, or institution of higher education is not a governmental entity, the program participant may request that the employer, school, or institution of higher education use the address designated by the secretary of state as the program participant's address. The program participant may provide the program participant's address confidentiality program authorization card as proof of the program participant's status.

~~(C) (1)~~ (D) (1) The office of the secretary of state shall, on each day that the secretary of state's office is open for business, place all of the following that the secretary of state receives on behalf of a program participant into an envelope or package and mail that envelope or package to the program participant at the mailing address the program participant provided to the secretary of state for that purpose:

(a) First class letters, flats, packages, or parcels delivered via the United States postal service, including priority, express, and certified mail;

(b) Packages or parcels that are clearly identifiable as containing pharmaceutical agents or medical supplies;

(c) Packages, parcels, periodicals, or catalogs that are clearly identifiable as being sent by a governmental entity;

(d) Periodicals to which the program participant subscribes;

(e) Packages, parcels, ~~periodicals,~~ or catalogs that have received prior authorization from the office of the secretary of state for forwarding under this section.

(2) Except as provided in divisions ~~(C) (1) (a)~~ (D) (1) (a) to ~~(d)~~ (e) of this section, the office of the secretary of state

shall not forward any packages, parcels, periodicals, or 192
catalogs received on behalf of a program participant. 193

(3) The secretary of state may contract with the United 194
States postal service to establish special postal rates for the 195
envelopes or packages used in forwarding a program participant's 196
mail under this section. 197

(4) (a) Upon receiving service of process on behalf of a 198
program participant, the office of the secretary of state shall 199
immediately forward the process by certified mail, return 200
receipt requested, to the program participant at the mailing 201
address the program participant provided to the secretary of 202
state for that purpose. Service of process upon the office of 203
the secretary of state on behalf of a program participant 204
constitutes service upon the program participant under rule 4.2 205
of the Rules of Civil Procedure. 206

(b) The secretary of state may prescribe by rule the 207
manner in which process may be served on the secretary of state 208
as the agent of a program participant. 209

(c) Upon request by a person who intends to serve process 210
on an individual, the secretary of state shall confirm whether 211
the individual is a program participant but shall not disclose 212
any other information concerning a program participant. 213

~~(D)~~ (E) (1) A program participant may submit to the 214
secretary of state, on a form prescribed by the secretary of 215
state, an authorization for the secretary of state to disclose 216
confidential information concerning the program participant 217
under one or more of the following circumstances, as indicated 218
on the authorization form: 219

(a) To an official or employee of the United States postal 220

<u>service for the purpose of performing the secretary of state's</u>	221
<u>duties under division (D) of this section;</u>	222
<u>(b) To any of the following persons for the purpose of</u>	223
<u>confirming the program participant's status as a program</u>	224
<u>participant, for the purpose of verifying the program</u>	225
<u>participant's residence address, or for other similar purposes</u>	226
<u>in order to assist the program participant;</u>	227
<u>(i) A judge or magistrate;</u>	228
<u>(ii) An official or employee of the bureau of motor</u>	229
<u>vehicles;</u>	230
<u>(iii) A school administrator;</u>	231
<u>(iv) An administrator of a public assistance program;</u>	232
<u>(v) An administrator of a food pantry.</u>	233
<u>(c) To another person identified on the authorization form</u>	234
<u>for a purpose indicated on the authorization form.</u>	235
<u>(2) A person authorized under division (E)(1) of this</u>	236
<u>section to receive a program participant's confidential</u>	237
<u>information may request only the information that the person or</u>	238
<u>the person's office requires under normal circumstances. The</u>	239
<u>person cannot require the disclosure of information as a</u>	240
<u>condition of receiving any services to which the applicant or</u>	241
<u>participant is otherwise entitled.</u>	242
<u>(3) Upon receiving a request for information concerning a</u>	243
<u>program participant who has submitted a valid authorization form</u>	244
<u>under division (E)(1) of this section, the secretary of state</u>	245
<u>shall determine whether the authorization form permits the</u>	246
<u>secretary of state to disclose the information to the requestor</u>	247
<u>and, if so, shall disclose that information to the requestor</u>	248

along with the following statement: "You are not permitted to 249
redisclose the following information for any reason. Failure to 250
protect the confidentiality of this information is a violation 251
of state law." 252

(F) Division (A) of this section does not apply to a 253
municipal-owned public utility. The confidential addresses of 254
participants of the address confidentiality program that are 255
maintained by a municipal-owned public utility are not a public 256
record and shall not be released by a municipal-owned public 257
utility or by any employee of a municipal-owned public utility. 258

Sec. 111.431. (A) A program participant who acquires an 259
ownership interest in real property in this state after being 260
certified as a participant in the address confidentiality 261
program, may submit a real property confidentiality notice to 262
the county recorder of the county in which the real property is 263
located. The program participant shall provide the program 264
participant's address confidentiality program authorization card 265
as proof of the program participant's status. A real property 266
confidentiality notice shall be on a form prescribed by the 267
secretary of state and shall include all of the following: 268

(1) The program participant's full name; 269

(2) The last four digits of the program participant's 270
social security number; 271

(3) The date the program participant's certification 272
expires; 273

(4) The program participant's program participant 274
identification number; 275

(5) The address at which the program participant may 276
receive mail through the office of the secretary of state; 277

(6) The legal description and street address of the real property in which the program participant has an ownership interest, which shall be the same as the legal description and street address included on any instrument concerning the real property that includes the program participant's name and that has been presented to the county recorder for recording; 278
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(7) The program participant's signature. 284

(B) When the county recorder receives a properly completed real property confidentiality notice under division (A) of this section, the county recorder promptly shall transmit copies of the notice to the secretary of state, to the county auditor, treasurer, and engineer, and to the clerk of the court of common pleas. 285
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(C) Except as otherwise provided in divisions (D) and (F) of this section, after a program participant has submitted a properly completed real property confidentiality notice under division (A) of this section, the county recorder, auditor, treasurer, and engineer and the clerk of the court of common pleas shall not disclose to any person the program participant's name, telephone number, electronic mail address, or program participant identification number, the address at which the program participant may receive mail through the office of the secretary of state, or any other information that may be used to identify the program participant, in conjunction with the legal description or street address of the real property in which the program participant has an ownership interest or any other information that may be used to identify the real property. If the county recorder receives a request for that information for the purpose of performing a title examination, the county recorder shall inform the requestor of the procedure to apply to 291
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the secretary of state for authorization under division (E) of 308
this section. 309

(D) The county recorder, auditor, treasurer, or engineer 310
or the clerk of the court of common pleas may disclose the 311
information described in division (C) of this section if any of 312
the following apply: 313

(1) The information is disclosed to the staff of the 314
county recorder, auditor, treasurer, or engineer or the staff of 315
the clerk of the court of common pleas in order to carry out the 316
duties of the office. 317

(2) The program participant is the person to whom the 318
information is to be disclosed. 319

(3) The program participant has provided a notarized 320
statement to the secretary of state, authorizing the disclosure 321
to that person for a specific purpose described in the 322
statement, and the secretary of state has issued a written 323
authorization to the county recorder, auditor, treasurer, or 324
engineer, or to the clerk of the court of common pleas, as 325
applicable, to disclose the information to that person. 326

(4) The person to whom the information is to be disclosed 327
provides a written authorization issued by the secretary of 328
state under division (E) of this section to disclose the 329
information for the purpose of performing a title examination. 330

(5) A court of competent jurisdiction orders the 331
disclosure, as described in section 111.46 of the Revised Code. 332

(E) (1) A person who requires access to the information 333
described in division (C) of this section for the purpose of 334
performing a title examination may apply to the secretary of 335
state for a written authorization. 336

(2) The person shall submit to the secretary of state, on 337
a form prescribed by the secretary of state, a written 338
application that includes all of the following: 339

(a) The applicant's name, title, address, and affiliated 340
organization, if any; 341

(b) The purpose for which the applicant is requesting 342
access to the information; 343

(c) The applicant's relationship to the program 344
participant, if any; 345

(d) A legal description of the real property subject to 346
the title examination; 347

(e) A statement that the applicant will treat the 348
information as confidential and will use the information only 349
for the purpose identified in the application; 350

(f) The applicant's signature; 351

(g) Any other information required by the secretary of 352
state. 353

(3) After the secretary of state receives an application 354
submitted under division (E) of this section, the secretary of 355
state promptly shall provide the applicant with a written 356
response approving or denying the application. The secretary of 357
state shall approve the application if the secretary of state 358
determines that the application is properly completed; that the 359
information the applicant seeks is subject to division (C) of 360
this section; and that the applicant is seeking the information 361
only for the purpose of performing a bona fide title 362
examination. If the information the applicant seeks is not 363
subject to division (C) of this section, the secretary of state 364

shall notify the applicant of that fact and, if applicable, 365
shall send a notice to the county recorder, auditor, treasurer, 366
and engineer and to the clerk of the court of common pleas under 367
division (F)(3) of this section. 368

(F) Upon the occurrence of any of the following, the 369
county recorder, auditor, treasurer, and engineer and the clerk 370
of the court of common pleas shall cease to keep confidential 371
the information described in division (C) of this section and 372
shall make the information available to the public in the same 373
manner as other information concerning real property: 374

(1) The program participant ceases to hold a recorded 375
ownership interest in the real property that is the subject of 376
the real property confidentiality notice. When the county 377
recorder receives notice that the program participant has ceased 378
to hold that ownership interest, the county recorder promptly 379
shall revoke the real property confidentiality notice and notify 380
the secretary of state, the county auditor, treasurer, and 381
engineer, and the clerk of the court of common pleas of that 382
revocation. 383

(2) The program participant submits a notarized revocation 384
of the real property confidentiality notice to the county 385
recorder. Upon receiving the revocation, the county recorder 386
promptly shall transmit copies of the revocation to the 387
secretary of state, to the county auditor, treasurer, and 388
engineer, and to the clerk of the court of common pleas. 389

(3) The county recorder, auditor, treasurer, or engineer 390
or the clerk of the court of common pleas receive a notice from 391
the secretary of state that the program participant's 392
certification has been canceled under section 111.45 of the 393
Revised Code. 394

(4) Pursuant to the order of a court of competent jurisdiction. 395
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Sec. 111.432. (A) A program participant who seeks to acquire an ownership interest in real property in this state after becoming a program participant may provide to any person involved in the acquisition process written notice on a form prescribed by the secretary of state. The written notice shall include all of the following: 397
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(1) The program participant's name; 403

(2) A statement that the program participant is a program participant; 404
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(3) A statement that the person receiving the notice is prohibited from disclosing the information specified in division (B) of this section except as provided in that division. 406
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(B) After receiving a written notice described in division (A) of this section, the person shall not disclose the program participant's name, telephone number, electronic mail address, or any other information that may be used to identify the program participant, in conjunction with the legal description, street address, or other information identifying the real property the program participant acquires or seeks to acquire unless the program participant provides written notice authorizing the disclosure for a specific purpose described in the notice or a court of competent jurisdiction orders the disclosure. 409
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Sec. 111.45. (A) The secretary of state shall cancel the certification of a program participant if any of the following are true: 420
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(1) The program participant's application contained one or 423

more false statements. 424

(2) The program participant has filed a written, notarized 425
request with the secretary of state, on a form prescribed by the 426
secretary of state, asking to cease being a program participant. 427

(3) The program participant's certification has expired 428
and the program participant has not renewed the certification in 429
accordance with division (F) of section 111.42 of the Revised 430
Code not later than the deadline specified by the secretary of 431
state by rule to renew the certification. 432

(B) Upon canceling a certification under division (A) of 433
this section, the secretary of state shall ~~notify~~ do both of the 434
following: 435

(1) Notify the director of the board of elections of the 436
county in which the former program participant resides; 437

(2) Notify the county recorder, auditor, treasurer, and 438
engineer and the clerk of the court of common pleas of each 439
county in which the former program participant has filed real 440
property confidentiality notices under section 111.431 of the 441
Revised Code that have not been revoked under that section. 442

Sec. 111.46. (A) The secretary of state shall make 443
available to the attorney general, for inclusion ~~into~~ in the 444
Ohio law enforcement gateway, the name, telephone number, and 445
confidential address of each program participant. Access to 446
information in the gateway regarding an address confidentiality 447
program participant may only be granted to chiefs of police, 448
village marshals, county sheriffs, county prosecuting attorneys, 449
and a designee of each of these individuals. 450

(B) (1) (a) A city director of law or similar chief legal 451
officer who requires access to a program participant's 452

confidential address or telephone number for a legitimate 453
governmental purpose may petition the court of common pleas of 454
Franklin county to order the secretary of state to make that 455
confidential address or telephone number available to the 456
petitioner. 457

~~(B)~~(b) A city director of law or similar chief legal 458
officer who requires access to information that is subject to a 459
real property confidentiality notice under section 111.431 of 460
the Revised Code for a legitimate governmental purpose may 461
petition the court of common pleas of the county in which the 462
real property is located or the court of common pleas of 463
Franklin county to make that information available to the 464
petitioner. 465

(2) Upon the filing of a petition under division (B) (1) of 466
this section, the court shall fix a date for a hearing on it and 467
shall require the clerk of the court to serve a notice of the 468
date, time, place, and purpose of the hearing upon the 469
petitioner. The clerk also shall serve that notice upon the 470
secretary of state so that the secretary of state may send the 471
notice to the program participant in accordance with division 472
~~(C)~~(B) (3) of this section, and, if applicable, upon the county 473
recorder, auditor, treasurer, or engineer or the clerk of the 474
court of common pleas of the county in which the real property 475
is located. 476

~~(C)~~(3) Upon receiving a notice under division (B) (2) of 477
this section, the secretary of state immediately shall send a 478
copy of the notice to the program participant by certified mail, 479
return receipt requested. 480

~~(D)~~(4) At a hearing held under this section, the 481
petitioner shall appear, and the program participant or the 482

program participant's attorney may appear and be heard. After 483
the hearing and considering the testimony, the court shall issue 484
the requested order only if it appears to the court by clear and 485
convincing evidence that the disclosure of the ~~program~~ 486
~~participant's confidential address or telephone number~~ 487
information to the petitioner is necessary for a legitimate 488
governmental purpose. 489

~~(E)~~ (C) Upon request by a city director of law or similar 490
chief legal officer, who intends to petition ~~the a~~ court for 491
access to an individual's ~~address or telephone number~~ 492
confidential information under division (B) of this section, the 493
secretary of state shall confirm whether the individual is a 494
program participant but shall not disclose any other information 495
concerning a program participant. 496

(D) If a program participant is a child's parent, 497
guardian, or legal custodian, the program participant is a party 498
to a child custody or child support proceeding concerning the 499
child, and another party to the proceeding requests the court to 500
disclose the program participant's confidential address or 501
telephone number, the court shall do all of the following: 502

(1) Direct the requestor to file a pleading detailing the 503
necessity for the disclosure; 504

(2) Schedule a hearing on the matter; 505

(3) Provide the program participant with a copy of the 506
pleading; and 507

(4) Provide the parties adequate notice of the hearing. 508

The requestor shall have the burden to show, by clear and 509
convincing evidence, why the disclosure is necessary, and that 510
the disclosure does not pose a risk of harm to the program 511

participant or the child. If the requestor does not meet this 512
burden, the court shall deny the request. If the requestor meets 513
this burden, the court shall document its findings of fact, and 514
shall direct the program participant to release the confidential 515
address or telephone number, or the court shall disclose the 516
program participant's confidential address or telephone number. 517

Sec. 111.48. There is in the state treasury the address 518
confidentiality program fund. The fund shall consist of money 519
paid into the fund pursuant to division ~~(B) (10)~~ (B) (11) of 520
section 2929.18 and division (D) of section 2929.28 of the 521
Revised Code and any money appropriated to the fund by the 522
general assembly or donated to the fund. The secretary of state 523
shall use the money in the fund for the purpose of administering 524
the address confidentiality program described in sections 111.41 525
to 111.47 of the Revised Code. 526

Sec. 111.99. (A) No person who submits an application 527
under section 111.42 of the Revised Code shall knowingly make a 528
false attestation in the application that the applicant fears 529
for the applicant's safety, the safety of a member of the 530
applicant's household, or the safety of the minor, incompetent, 531
or ward on whose behalf the application is made because the 532
applicant, household member, minor, incompetent, or ward is a 533
victim of domestic violence, menacing by stalking, human 534
trafficking, trafficking in persons, rape, or sexual battery. 535

(B) No person who has access to a confidential address or 536
telephone number, to information that is subject to a real 537
property confidentiality notice under section 111.431 of the 538
Revised Code, or to information that is subject to a written 539
notice under section 111.432 of the Revised Code, because of the 540
person's employment or official position shall knowingly 541

disclose that confidential ~~address or telephone number~~ 542
information to any person, except as required by law. 543

(C) No person who obtains a confidential address or 544
telephone number from the Ohio law enforcement gateway shall 545
knowingly disclose that confidential address or telephone number 546
to any person, except as is necessary for a law enforcement 547
purpose when related to the performance of official duties, or 548
for another legitimate governmental purpose. 549

(D) No person who obtains information that is subject to a 550
real property confidentiality notice under section 111.431 of 551
the Revised Code for the purpose of conducting a title 552
examination under division (E) of that section shall knowingly 553
disclose that confidential information to any person, except for 554
the purpose identified in the application submitted under that 555
division. 556

(E) No person who obtains information that is subject to a 557
written notice under section 111.432 of the Revised Code for a 558
purpose specified in a written notice authorizing disclosure 559
provided by a program participant shall knowingly disclose that 560
confidential information to any person, except for the purpose 561
identified in the written notice. 562

(F) Whoever violates this section is guilty of a 563
misdemeanor of the first degree. 564

Sec. 149.43. (A) As used in this section: 565

(1) "Public record" means records kept by any public 566
office, including, but not limited to, state, county, city, 567
village, township, and school district units, and records 568
pertaining to the delivery of educational services by an 569
alternative school in this state kept by the nonprofit or for- 570

profit entity operating the alternative school pursuant to	571
section 3313.533 of the Revised Code. "Public record" does not	572
mean any of the following:	573
(a) Medical records;	574
(b) Records pertaining to probation and parole	575
proceedings, to proceedings related to the imposition of	576
community control sanctions and post-release control sanctions,	577
or to proceedings related to determinations under section	578
2967.271 of the Revised Code regarding the release or maintained	579
incarceration of an offender to whom that section applies;	580
(c) Records pertaining to actions under section 2151.85	581
and division (C) of section 2919.121 of the Revised Code and to	582
appeals of actions arising under those sections;	583
(d) Records pertaining to adoption proceedings, including	584
the contents of an adoption file maintained by the department of	585
health under sections 3705.12 to 3705.124 of the Revised Code;	586
(e) Information in a record contained in the putative	587
father registry established by section 3107.062 of the Revised	588
Code, regardless of whether the information is held by the	589
department of job and family services or, pursuant to section	590
3111.69 of the Revised Code, the office of child support in the	591
department or a child support enforcement agency;	592
(f) Records specified in division (A) of section 3107.52	593
of the Revised Code;	594
(g) Trial preparation records;	595
(h) Confidential law enforcement investigatory records;	596
(i) Records containing information that is confidential	597
under section 2710.03 or 4112.05 of the Revised Code;	598

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	599 600
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	601 602 603 604
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	605 606 607 608
(m) Intellectual property records;	609
(n) Donor profile records;	610
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	611 612
(p) Designated public service worker residential and familial information;	613 614
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	615 616 617 618 619
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	620 621
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by	622 623 624 625 626

board members during meetings of the board or by persons 627
participating in the director's review, and all work products of 628
the board or director, and in the case of a child fatality 629
review board, child fatality review data submitted by the board 630
to the department of health or a national child death review 631
database, other than the report prepared pursuant to division 632
(A) of section 307.626 of the Revised Code; 633

(t) Records provided to and statements made by the 634
executive director of a public children services agency or a 635
prosecuting attorney acting pursuant to section 5153.171 of the 636
Revised Code other than the information released under that 637
section; 638

(u) Test materials, examinations, or evaluation tools used 639
in an examination for licensure as a nursing home administrator 640
that the board of executives of long-term services and supports 641
administers under section 4751.15 of the Revised Code or 642
contracts under that section with a private or government entity 643
to administer; 644

(v) Records the release of which is prohibited by state or 645
federal law; 646

(w) Proprietary information of or relating to any person 647
that is submitted to or compiled by the Ohio venture capital 648
authority created under section 150.01 of the Revised Code; 649

(x) Financial statements and data any person submits for 650
any purpose to the Ohio housing finance agency or the 651
controlling board in connection with applying for, receiving, or 652
accounting for financial assistance from the agency, and 653
information that identifies any individual who benefits directly 654
or indirectly from financial assistance from the agency; 655

(y) Records listed in section 5101.29 of the Revised Code;	656
(z) Discharges recorded with a county recorder under	657
section 317.24 of the Revised Code, as specified in division (B)	658
(2) of that section;	659
(aa) Usage information including names and addresses of	660
specific residential and commercial customers of a municipally	661
owned or operated public utility;	662
(bb) Records described in division (C) of section 187.04	663
of the Revised Code that are not designated to be made available	664
to the public as provided in that division;	665
(cc) Information and records that are made confidential,	666
privileged, and not subject to disclosure under divisions (B)	667
and (C) of section 2949.221 of the Revised Code;	668
(dd) Personal information, as defined in section 149.45 of	669
the Revised Code;	670
(ee) The confidential name, address, and other personally	671
identifiable information of a program participant in the address	672
confidentiality program established under sections 111.41 to	673
111.47 of the Revised Code, including the contents of any	674
application for absent voter's ballots, absent voter's ballot	675
identification envelope statement of voter, or provisional	676
ballot affirmation completed by a program participant who has a	677
confidential voter registration record, and; records or portions	678
of records pertaining to that program that identify the number	679
of program participants that reside within a precinct, ward,	680
township, municipal corporation, county, or any other geographic	681
area smaller than the state; <u>any real property confidentiality</u>	682
<u>notice filed under section 111.431 of the Revised Code and the</u>	683
<u>information described in division (C) of that section; and any</u>	684

written notice provided under section 111.432 of the Revised 685
Code and the information described in division (B) of that 686
section. As used in this division, "confidential address" and 687
"program participant" have the meaning defined in section 111.41 688
of the Revised Code. 689

(ff) Orders for active military service of an individual 690
serving or with previous service in the armed forces of the 691
United States, including a reserve component, or the Ohio 692
organized militia, except that, such order becomes a public 693
record on the day that is fifteen years after the published date 694
or effective date of the call to order; 695

(gg) The name, address, contact information, or other 696
personal information of an individual who is less than eighteen 697
years of age that is included in any record related to a traffic 698
accident involving a school vehicle in which the individual was 699
an occupant at the time of the accident; 700

(hh) Protected health information, as defined in 45 C.F.R. 701
160.103, that is in a claim for payment for a health care 702
product, service, or procedure, as well as any other health 703
claims data in another document that reveals the identity of an 704
individual who is the subject of the data or could be used to 705
reveal that individual's identity; 706

(ii) Any depiction by photograph, film, videotape, or 707
printed or digital image under either of the following 708
circumstances: 709

(i) The depiction is that of a victim of an offense the 710
release of which would be, to a reasonable person of ordinary 711
sensibilities, an offensive and objectionable intrusion into the 712
victim's expectation of bodily privacy and integrity. 713

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;

(mm) Telephone numbers for a victim, as defined in section 2930.01 of the Revised Code, a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report.

A record that is not a public record under division (A) (1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years

after the day on which the record was created, except for any 743
record protected by the attorney-client privilege, a trial 744
preparation record as defined in this section, a statement 745
prohibiting the release of identifying information signed under 746
section 3107.083 of the Revised Code, a denial of release form 747
filed pursuant to section 3107.46 of the Revised Code, or any 748
record that is exempt from release or disclosure under section 749
149.433 of the Revised Code. If the record is a birth 750
certificate and a biological parent's name redaction request 751
form has been accepted under section 3107.391 of the Revised 752
Code, the name of that parent shall be redacted from the birth 753
certificate before it is released under this paragraph. If any 754
other section of the Revised Code establishes a time period for 755
disclosure of a record that conflicts with the time period 756
specified in this section, the time period in the other section 757
prevails. 758

(2) "Confidential law enforcement investigatory record" 759
means any record that pertains to a law enforcement matter of a 760
criminal, quasi-criminal, civil, or administrative nature, but 761
only to the extent that the release of the record would create a 762
high probability of disclosure of any of the following: 763

(a) The identity of a suspect who has not been charged 764
with the offense to which the record pertains, or of an 765
information source or witness to whom confidentiality has been 766
reasonably promised; 767

(b) Information provided by an information source or 768
witness to whom confidentiality has been reasonably promised, 769
which information would reasonably tend to disclose the source's 770
or witness's identity; 771

(c) Specific confidential investigatory techniques or 772

procedures or specific investigatory work product; 773

(d) Information that would endanger the life or physical 774
safety of law enforcement personnel, a crime victim, a witness, 775
or a confidential information source. 776

(3) "Medical record" means any document or combination of 777
documents, except births, deaths, and the fact of admission to 778
or discharge from a hospital, that pertains to the medical 779
history, diagnosis, prognosis, or medical condition of a patient 780
and that is generated and maintained in the process of medical 781
treatment. 782

(4) "Trial preparation record" means any record that 783
contains information that is specifically compiled in reasonable 784
anticipation of, or in defense of, a civil or criminal action or 785
proceeding, including the independent thought processes and 786
personal trial preparation of an attorney. 787

(5) "Intellectual property record" means a record, other 788
than a financial or administrative record, that is produced or 789
collected by or for faculty or staff of a state institution of 790
higher learning in the conduct of or as a result of study or 791
research on an educational, commercial, scientific, artistic, 792
technical, or scholarly issue, regardless of whether the study 793
or research was sponsored by the institution alone or in 794
conjunction with a governmental body or private concern, and 795
that has not been publicly released, published, or patented. 796

(6) "Donor profile record" means all records about donors 797
or potential donors to a public institution of higher education 798
except the names and reported addresses of the actual donors and 799
the date, amount, and conditions of the actual donation. 800

(7) "Designated public service worker" means a peace 801

officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a designated public service worker, except for the following information:

(i) The address of the actual personal residence of a prosecuting attorney or judge; and

(ii) The state or political subdivision in which a designated public service worker resides.

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public

service worker's employer; 831

(e) The identity and amount of any charitable or 832
employment benefit deduction made by the designated public 833
service worker's employer from the designated public service 834
worker's compensation, unless the amount of the deduction is 835
required by state or federal law; 836

(f) The name, the residential address, the name of the 837
employer, the address of the employer, the social security 838
number, the residential telephone number, any bank account, 839
debit card, charge card, or credit card number, or the emergency 840
telephone number of the spouse, a former spouse, or any child of 841
a designated public service worker; 842

(g) A photograph of a peace officer who holds a position 843
or has an assignment that may include undercover or plain 844
clothes positions or assignments as determined by the peace 845
officer's appointing authority. 846

(9) As used in divisions (A) (7) and (15) to (17) of this 847
section: 848

"Peace officer" has the meaning defined in section 109.71 849
of the Revised Code and also includes the superintendent and 850
troopers of the state highway patrol; it does not include the 851
sheriff of a county or a supervisory employee who, in the 852
absence of the sheriff, is authorized to stand in for, exercise 853
the authority of, and perform the duties of the sheriff. 854

"Correctional employee" means any employee of the 855
department of rehabilitation and correction who in the course of 856
performing the employee's job duties has or has had contact with 857
inmates and persons under supervision. 858

"County or multicounty corrections officer" means any 859

corrections officer employed by any county or multicounty 860
correctional facility. 861

"Youth services employee" means any employee of the 862
department of youth services who in the course of performing the 863
employee's job duties has or has had contact with children 864
committed to the custody of the department of youth services. 865

"Firefighter" means any regular, paid or volunteer, member 866
of a lawfully constituted fire department of a municipal 867
corporation, township, fire district, or village. 868

"EMT" means EMTs-basic, EMTs-I, and paramedics that 869
provide emergency medical services for a public emergency 870
medical service organization. "Emergency medical service 871
organization," "EMT-basic," "EMT-I," and "paramedic" have the 872
meanings defined in section 4765.01 of the Revised Code. 873

"Investigator of the bureau of criminal identification and 874
investigation" has the meaning defined in section 2903.11 of the 875
Revised Code. 876

"Federal law enforcement officer" has the meaning defined 877
in section 9.88 of the Revised Code. 878

(10) "Information pertaining to the recreational 879
activities of a person under the age of eighteen" means 880
information that is kept in the ordinary course of business by a 881
public office, that pertains to the recreational activities of a 882
person under the age of eighteen years, and that discloses any 883
of the following: 884

(a) The address or telephone number of a person under the 885
age of eighteen or the address or telephone number of that 886
person's parent, guardian, custodian, or emergency contact 887
person; 888

- (b) The social security number, birth date, or 889
photographic image of a person under the age of eighteen; 890
- (c) Any medical record, history, or information pertaining 891
to a person under the age of eighteen; 892
- (d) Any additional information sought or required about a 893
person under the age of eighteen for the purpose of allowing 894
that person to participate in any recreational activity 895
conducted or sponsored by a public office or to use or obtain 896
admission privileges to any recreational facility owned or 897
operated by a public office. 898
- (11) "Community control sanction" has the meaning defined 899
in section 2929.01 of the Revised Code. 900
- (12) "Post-release control sanction" has the meaning 901
defined in section 2967.01 of the Revised Code. 902
- (13) "Redaction" means obscuring or deleting any 903
information that is exempt from the duty to permit public 904
inspection or copying from an item that otherwise meets the 905
definition of a "record" in section 149.011 of the Revised Code. 906
- (14) "Designee," "elected official," and "future official" 907
have the meanings defined in section 109.43 of the Revised Code. 908
- (15) "Body-worn camera" means a visual and audio recording 909
device worn on the person of a peace officer while the peace 910
officer is engaged in the performance of the peace officer's 911
duties. 912
- (16) "Dashboard camera" means a visual and audio recording 913
device mounted on a peace officer's vehicle or vessel that is 914
used while the peace officer is engaged in the performance of 915
the peace officer's duties. 916

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured

person was engaged in the performance of official duties, 946
unless, subject to division (H) (1) of this section, the consent 947
of the injured person or the injured person's guardian has been 948
obtained; 949

(g) An act of severe violence resulting in serious 950
physical harm against a peace officer, firefighter, paramedic, 951
or other first responder, occurring while the injured person was 952
engaged in the performance of official duties, unless, subject 953
to division (H) (1) of this section, the consent of the injured 954
person or the injured person's guardian has been obtained; 955

(h) A person's nude body, unless, subject to division (H) 956
(1) of this section, the person's consent has been obtained; 957

(i) Protected health information, the identity of a person 958
in a health care facility who is not the subject of a law 959
enforcement encounter, or any other information in a health care 960
facility that could identify a person who is not the subject of 961
a law enforcement encounter; 962

(j) Information that could identify the alleged victim of 963
a sex offense, menacing by stalking, or domestic violence; 964

(k) Information, that does not constitute a confidential 965
law enforcement investigatory record, that could identify a 966
person who provides sensitive or confidential information to a 967
law enforcement agency when the disclosure of the person's 968
identity or the information provided could reasonably be 969
expected to threaten or endanger the safety or property of the 970
person or another person; 971

(l) Personal information of a person who is not arrested, 972
cited, charged, or issued a written warning by a peace officer; 973

(m) Proprietary police contingency plans or tactics that 974

are intended to prevent crime and maintain public order and safety;	975 976
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	977 978 979
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	980 981
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	982 983 984
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	985 986 987
As used in division (A) (17) of this section:	988
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	989 990
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	991 992
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	993 994
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	995 996
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	997 998 999 1000
"Sex offense" has the same meaning as in section 2907.10	1001

of the Revised Code. 1002

"Firefighter," "paramedic," and "first responder" have the 1003
same meanings as in section 4765.01 of the Revised Code. 1004

(B) (1) Upon request and subject to division (B) (8) of this 1005
section, all public records responsive to the request shall be 1006
promptly prepared and made available for inspection to any 1007
person at all reasonable times during regular business hours. 1008
Subject to division (B) (8) of this section, upon request by any 1009
person, a public office or person responsible for public records 1010
shall make copies of the requested public record available to 1011
the requester at cost and within a reasonable period of time. If 1012
a public record contains information that is exempt from the 1013
duty to permit public inspection or to copy the public record, 1014
the public office or the person responsible for the public 1015
record shall make available all of the information within the 1016
public record that is not exempt. When making that public record 1017
available for public inspection or copying that public record, 1018
the public office or the person responsible for the public 1019
record shall notify the requester of any redaction or make the 1020
redaction plainly visible. A redaction shall be deemed a denial 1021
of a request to inspect or copy the redacted information, except 1022
if federal or state law authorizes or requires a public office 1023
to make the redaction. 1024

(2) To facilitate broader access to public records, a 1025
public office or the person responsible for public records shall 1026
organize and maintain public records in a manner that they can 1027
be made available for inspection or copying in accordance with 1028
division (B) of this section. A public office also shall have 1029
available a copy of its current records retention schedule at a 1030
location readily available to the public. If a requester makes 1031

an ambiguous or overly broad request or has difficulty in making 1032
a request for copies or inspection of public records under this 1033
section such that the public office or the person responsible 1034
for the requested public record cannot reasonably identify what 1035
public records are being requested, the public office or the 1036
person responsible for the requested public record may deny the 1037
request but shall provide the requester with an opportunity to 1038
revise the request by informing the requester of the manner in 1039
which records are maintained by the public office and accessed 1040
in the ordinary course of the public office's or person's 1041
duties. 1042

(3) If a request is ultimately denied, in part or in 1043
whole, the public office or the person responsible for the 1044
requested public record shall provide the requester with an 1045
explanation, including legal authority, setting forth why the 1046
request was denied. If the initial request was provided in 1047
writing, the explanation also shall be provided to the requester 1048
in writing. The explanation shall not preclude the public office 1049
or the person responsible for the requested public record from 1050
relying upon additional reasons or legal authority in defending 1051
an action commenced under division (C) of this section. 1052

(4) Unless specifically required or authorized by state or 1053
federal law or in accordance with division (B) of this section, 1054
no public office or person responsible for public records may 1055
limit or condition the availability of public records by 1056
requiring disclosure of the requester's identity or the intended 1057
use of the requested public record. Any requirement that the 1058
requester disclose the requester's identity or the intended use 1059
of the requested public record constitutes a denial of the 1060
request. 1061

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person requesting the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by that person. Nothing in this section requires a public office or person responsible for the public record to allow the person requesting a copy of the

public record to make the copies of the public record. 1093

(7) (a) Upon a request made in accordance with division (B) 1094
of this section and subject to division (B) (6) of this section, 1095
a public office or person responsible for public records shall 1096
transmit a copy of a public record to any person by United 1097
States mail or by any other means of delivery or transmission 1098
within a reasonable period of time after receiving the request 1099
for the copy. The public office or person responsible for the 1100
public record may require the person making the request to pay 1101
in advance the cost of postage if the copy is transmitted by 1102
United States mail or the cost of delivery if the copy is 1103
transmitted other than by United States mail, and to pay in 1104
advance the costs incurred for other supplies used in the 1105
mailing, delivery, or transmission. 1106

(b) Any public office may adopt a policy and procedures 1107
that it will follow in transmitting, within a reasonable period 1108
of time after receiving a request, copies of public records by 1109
United States mail or by any other means of delivery or 1110
transmission pursuant to division (B) (7) of this section. A 1111
public office that adopts a policy and procedures under division 1112
(B) (7) of this section shall comply with them in performing its 1113
duties under that division. 1114

(c) In any policy and procedures adopted under division 1115
(B) (7) of this section: 1116

(i) A public office may limit the number of records 1117
requested by a person that the office will physically deliver by 1118
United States mail or by another delivery service to ten per 1119
month, unless the person certifies to the office in writing that 1120
the person does not intend to use or forward the requested 1121
records, or the information contained in them, for commercial 1122

purposes; 1123

(ii) A public office that chooses to provide some or all 1124
of its public records on a web site that is fully accessible to 1125
and searchable by members of the public at all times, other than 1126
during acts of God outside the public office's control or 1127
maintenance, and that charges no fee to search, access, 1128
download, or otherwise receive records provided on the web site, 1129
may limit to ten per month the number of records requested by a 1130
person that the office will deliver in a digital format, unless 1131
the requested records are not provided on the web site and 1132
unless the person certifies to the office in writing that the 1133
person does not intend to use or forward the requested records, 1134
or the information contained in them, for commercial purposes. 1135

(iii) For purposes of division (B) (7) of this section, 1136
"commercial" shall be narrowly construed and does not include 1137
reporting or gathering news, reporting or gathering information 1138
to assist citizen oversight or understanding of the operation or 1139
activities of government, or nonprofit educational research. 1140

(8) A public office or person responsible for public 1141
records is not required to permit a person who is incarcerated 1142
pursuant to a criminal conviction or a juvenile adjudication to 1143
inspect or to obtain a copy of any public record concerning a 1144
criminal investigation or prosecution or concerning what would 1145
be a criminal investigation or prosecution if the subject of the 1146
investigation or prosecution were an adult, unless the request 1147
to inspect or to obtain a copy of the record is for the purpose 1148
of acquiring information that is subject to release as a public 1149
record under this section and the judge who imposed the sentence 1150
or made the adjudication with respect to the person, or the 1151
judge's successor in office, finds that the information sought 1152

in the public record is necessary to support what appears to be 1153
a justiciable claim of the person. 1154

(9) (a) Upon written request made and signed by a 1155
journalist, a public office, or person responsible for public 1156
records, having custody of the records of the agency employing a 1157
specified designated public service worker shall disclose to the 1158
journalist the address of the actual personal residence of the 1159
designated public service worker and, if the designated public 1160
service worker's spouse, former spouse, or child is employed by 1161
a public office, the name and address of the employer of the 1162
designated public service worker's spouse, former spouse, or 1163
child. The request shall include the journalist's name and title 1164
and the name and address of the journalist's employer and shall 1165
state that disclosure of the information sought would be in the 1166
public interest. 1167

(b) Division (B) (9) (a) of this section also applies to 1168
journalist requests for: 1169

(i) Customer information maintained by a municipally owned 1170
or operated public utility, other than social security numbers 1171
and any private financial information such as credit reports, 1172
payment methods, credit card numbers, and bank account 1173
information; 1174

(ii) Information about minors involved in a school vehicle 1175
accident as provided in division (A) (1) (gg) of this section, 1176
other than personal information as defined in section 149.45 of 1177
the Revised Code. 1178

(c) As used in division (B) (9) of this section, 1179
"journalist" means a person engaged in, connected with, or 1180
employed by any news medium, including a newspaper, magazine, 1181

press association, news agency, or wire service, a radio or 1182
television station, or a similar medium, for the purpose of 1183
gathering, processing, transmitting, compiling, editing, or 1184
disseminating information for the general public. 1185

(10) Upon a request made by a victim, victim's attorney, 1186
or victim's representative, as that term is used in section 1187
2930.02 of the Revised Code, a public office or person 1188
responsible for public records shall transmit a copy of a 1189
depiction of the victim as described in division (A) (1) (gg) of 1190
this section to the victim, victim's attorney, or victim's 1191
representative. 1192

(C) (1) If a person allegedly is aggrieved by the failure 1193
of a public office or the person responsible for public records 1194
to promptly prepare a public record and to make it available to 1195
the person for inspection in accordance with division (B) of 1196
this section or by any other failure of a public office or the 1197
person responsible for public records to comply with an 1198
obligation in accordance with division (B) of this section, the 1199
person allegedly aggrieved may do only one of the following, and 1200
not both: 1201

(a) File a complaint with the clerk of the court of claims 1202
or the clerk of the court of common pleas under section 2743.75 1203
of the Revised Code; 1204

(b) Commence a mandamus action to obtain a judgment that 1205
orders the public office or the person responsible for the 1206
public record to comply with division (B) of this section, that 1207
awards court costs and reasonable attorney's fees to the person 1208
that instituted the mandamus action, and, if applicable, that 1209
includes an order fixing statutory damages under division (C) (2) 1210
of this section. The mandamus action may be commenced in the 1211

court of common pleas of the county in which division (B) of 1212
this section allegedly was not complied with, in the supreme 1213
court pursuant to its original jurisdiction under Section 2 of 1214
Article IV, Ohio Constitution, or in the court of appeals for 1215
the appellate district in which division (B) of this section 1216
allegedly was not complied with pursuant to its original 1217
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1218

(2) If a requester transmits a written request by hand 1219
delivery, electronic submission, or certified mail to inspect or 1220
receive copies of any public record in a manner that fairly 1221
describes the public record or class of public records to the 1222
public office or person responsible for the requested public 1223
records, except as otherwise provided in this section, the 1224
requester shall be entitled to recover the amount of statutory 1225
damages set forth in this division if a court determines that 1226
the public office or the person responsible for public records 1227
failed to comply with an obligation in accordance with division 1228
(B) of this section. 1229

The amount of statutory damages shall be fixed at one 1230
hundred dollars for each business day during which the public 1231
office or person responsible for the requested public records 1232
failed to comply with an obligation in accordance with division 1233
(B) of this section, beginning with the day on which the 1234
requester files a mandamus action to recover statutory damages, 1235
up to a maximum of one thousand dollars. The award of statutory 1236
damages shall not be construed as a penalty, but as compensation 1237
for injury arising from lost use of the requested information. 1238
The existence of this injury shall be conclusively presumed. The 1239
award of statutory damages shall be in addition to all other 1240
remedies authorized by this section. 1241

The court may reduce an award of statutory damages or not 1242
award statutory damages if the court determines both of the 1243
following: 1244

(a) That, based on the ordinary application of statutory 1245
law and case law as it existed at the time of the conduct or 1246
threatened conduct of the public office or person responsible 1247
for the requested public records that allegedly constitutes a 1248
failure to comply with an obligation in accordance with division 1249
(B) of this section and that was the basis of the mandamus 1250
action, a well-informed public office or person responsible for 1251
the requested public records reasonably would believe that the 1252
conduct or threatened conduct of the public office or person 1253
responsible for the requested public records did not constitute 1254
a failure to comply with an obligation in accordance with 1255
division (B) of this section; 1256

(b) That a well-informed public office or person 1257
responsible for the requested public records reasonably would 1258
believe that the conduct or threatened conduct of the public 1259
office or person responsible for the requested public records 1260
would serve the public policy that underlies the authority that 1261
is asserted as permitting that conduct or threatened conduct. 1262

(3) In a mandamus action filed under division (C)(1) of 1263
this section, the following apply: 1264

(a) (i) If the court orders the public office or the person 1265
responsible for the public record to comply with division (B) of 1266
this section, the court shall determine and award to the relator 1267
all court costs, which shall be construed as remedial and not 1268
punitive. 1269

(ii) If the court makes a determination described in 1270

division (C) (3) (b) (iii) of this section, the court shall 1271
determine and award to the relator all court costs, which shall 1272
be construed as remedial and not punitive. 1273

(b) If the court renders a judgment that orders the public 1274
office or the person responsible for the public record to comply 1275
with division (B) of this section or if the court determines any 1276
of the following, the court may award reasonable attorney's fees 1277
to the relator, subject to division (C) (4) of this section: 1278

(i) The public office or the person responsible for the 1279
public records failed to respond affirmatively or negatively to 1280
the public records request in accordance with the time allowed 1281
under division (B) of this section. 1282

(ii) The public office or the person responsible for the 1283
public records promised to permit the relator to inspect or 1284
receive copies of the public records requested within a 1285
specified period of time but failed to fulfill that promise 1286
within that specified period of time. 1287

(iii) The public office or the person responsible for the 1288
public records acted in bad faith when the office or person 1289
voluntarily made the public records available to the relator for 1290
the first time after the relator commenced the mandamus action, 1291
but before the court issued any order concluding whether or not 1292
the public office or person was required to comply with division 1293
(B) of this section. No discovery may be conducted on the issue 1294
of the alleged bad faith of the public office or person 1295
responsible for the public records. This division shall not be 1296
construed as creating a presumption that the public office or 1297
the person responsible for the public records acted in bad faith 1298
when the office or person voluntarily made the public records 1299
available to the relator for the first time after the relator 1300

commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (3) (b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was

made available to the relator and the fees described in division 1330
(C) (4) (c) of this section. 1331

(c) Reasonable attorney's fees shall include reasonable 1332
fees incurred to produce proof of the reasonableness and amount 1333
of the fees and to otherwise litigate entitlement to the fees. 1334

(d) The court may reduce the amount of fees awarded if the 1335
court determines that, given the factual circumstances involved 1336
with the specific public records request, an alternative means 1337
should have been pursued to more effectively and efficiently 1338
resolve the dispute that was subject to the mandamus action 1339
filed under division (C) (1) of this section. 1340

(5) If the court does not issue a writ of mandamus under 1341
division (C) of this section and the court determines at that 1342
time that the bringing of the mandamus action was frivolous 1343
conduct as defined in division (A) of section 2323.51 of the 1344
Revised Code, the court may award to the public office all court 1345
costs, expenses, and reasonable attorney's fees, as determined 1346
by the court. 1347

(D) Chapter 1347. of the Revised Code does not limit the 1348
provisions of this section. 1349

(E) (1) To ensure that all employees of public offices are 1350
appropriately educated about a public office's obligations under 1351
division (B) of this section, all elected officials or their 1352
appropriate designees shall attend training approved by the 1353
attorney general as provided in section 109.43 of the Revised 1354
Code. A future official may satisfy the requirements of this 1355
division by attending the training before taking office, 1356
provided that the future official may not send a designee in the 1357
future official's place. 1358

(2) All public offices shall adopt a public records policy 1359
in compliance with this section for responding to public records 1360
requests. In adopting a public records policy under this 1361
division, a public office may obtain guidance from the model 1362
public records policy developed and provided to the public 1363
office by the attorney general under section 109.43 of the 1364
Revised Code. Except as otherwise provided in this section, the 1365
policy may not limit the number of public records that the 1366
public office will make available to a single person, may not 1367
limit the number of public records that it will make available 1368
during a fixed period of time, and may not establish a fixed 1369
period of time before it will respond to a request for 1370
inspection or copying of public records, unless that period is 1371
less than eight hours. 1372

The public office shall distribute the public records 1373
policy adopted by the public office under this division to the 1374
employee of the public office who is the records custodian or 1375
records manager or otherwise has custody of the records of that 1376
office. The public office shall require that employee to 1377
acknowledge receipt of the copy of the public records policy. 1378
The public office shall create a poster that describes its 1379
public records policy and shall post the poster in a conspicuous 1380
place in the public office and in all locations where the public 1381
office has branch offices. The public office may post its public 1382
records policy on the internet web site of the public office if 1383
the public office maintains an internet web site. A public 1384
office that has established a manual or handbook of its general 1385
policies and procedures for all employees of the public office 1386
shall include the public records policy of the public office in 1387
the manual or handbook. 1388

(F) (1) The bureau of motor vehicles may adopt rules 1389

pursuant to Chapter 119. of the Revised Code to reasonably limit 1390
the number of bulk commercial special extraction requests made 1391
by a person for the same records or for updated records during a 1392
calendar year. The rules may include provisions for charges to 1393
be made for bulk commercial special extraction requests for the 1394
actual cost of the bureau, plus special extraction costs, plus 1395
ten per cent. The bureau may charge for expenses for redacting 1396
information, the release of which is prohibited by law. 1397

(2) As used in division (F)(1) of this section: 1398

(a) "Actual cost" means the cost of depleted supplies, 1399
records storage media costs, actual mailing and alternative 1400
delivery costs, or other transmitting costs, and any direct 1401
equipment operating and maintenance costs, including actual 1402
costs paid to private contractors for copying services. 1403

(b) "Bulk commercial special extraction request" means a 1404
request for copies of a record for information in a format other 1405
than the format already available, or information that cannot be 1406
extracted without examination of all items in a records series, 1407
class of records, or database by a person who intends to use or 1408
forward the copies for surveys, marketing, solicitation, or 1409
resale for commercial purposes. "Bulk commercial special 1410
extraction request" does not include a request by a person who 1411
gives assurance to the bureau that the person making the request 1412
does not intend to use or forward the requested copies for 1413
surveys, marketing, solicitation, or resale for commercial 1414
purposes. 1415

(c) "Commercial" means profit-seeking production, buying, 1416
or selling of any good, service, or other product. 1417

(d) "Special extraction costs" means the cost of the time 1418

spent by the lowest paid employee competent to perform the task, 1419
the actual amount paid to outside private contractors employed 1420
by the bureau, or the actual cost incurred to create computer 1421
programs to make the special extraction. "Special extraction 1422
costs" include any charges paid to a public agency for computer 1423
or records services. 1424

(3) For purposes of divisions (F) (1) and (2) of this 1425
section, "surveys, marketing, solicitation, or resale for 1426
commercial purposes" shall be narrowly construed and does not 1427
include reporting or gathering news, reporting or gathering 1428
information to assist citizen oversight or understanding of the 1429
operation or activities of government, or nonprofit educational 1430
research. 1431

(G) A request by a defendant, counsel of a defendant, or 1432
any agent of a defendant in a criminal action that public 1433
records related to that action be made available under this 1434
section shall be considered a demand for discovery pursuant to 1435
the Criminal Rules, except to the extent that the Criminal Rules 1436
plainly indicate a contrary intent. The defendant, counsel of 1437
the defendant, or agent of the defendant making a request under 1438
this division shall serve a copy of the request on the 1439
prosecuting attorney, director of law, or other chief legal 1440
officer responsible for prosecuting the action. 1441

(H) (1) Any portion of a body-worn camera or dashboard 1442
camera recording described in divisions (A) (17) (b) to (h) of 1443
this section may be released by consent of the subject of the 1444
recording or a representative of that person, as specified in 1445
those divisions, only if either of the following applies: 1446

(a) The recording will not be used in connection with any 1447
probable or pending criminal proceedings; 1448

(b) The recording has been used in connection with a 1449
criminal proceeding that was dismissed or for which a judgment 1450
has been entered pursuant to Rule 32 of the Rules of Criminal 1451
Procedure, and will not be used again in connection with any 1452
probable or pending criminal proceedings. 1453

(2) If a public office denies a request to release a 1454
restricted portion of a body-worn camera or dashboard camera 1455
recording, as defined in division (A)(17) of this section, any 1456
person may file a mandamus action pursuant to this section or a 1457
complaint with the clerk of the court of claims pursuant to 1458
section 2743.75 of the Revised Code, requesting the court to 1459
order the release of all or portions of the recording. If the 1460
court considering the request determines that the filing 1461
articulates by clear and convincing evidence that the public 1462
interest in the recording substantially outweighs privacy 1463
interests and other interests asserted to deny release, the 1464
court shall order the public office to release the recording. 1465

Sec. 315.25. (A) The county engineer shall make and keep, 1466
in a book provided for that purpose, an accurate record of all 1467
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1468
for the purpose of locating any land or road lines, or fixing 1469
any corner or monument by which it may be determined, whether 1470
official or otherwise. Such surveys shall include corners, 1471
distances, azimuths, angles, calculations, plats, and a 1472
description of the monuments set up, with such references 1473
thereto as will aid in finding the names of the parties for whom 1474
the surveys are made, and the date of making such surveys. Such 1475
book shall be kept as a public record by the engineer at ~~his~~ the 1476
engineer's office, and it shall be at all proper times open to 1477
inspection and examination by all persons interested therein. 1478
Any other surveys made in the county by competent surveyors, 1479

certified by such surveyor to be correct and deemed worthy of 1480
preservation, may, by order of the board of county 1481
commissioners, be recorded by the engineer. 1482

(B) The county engineer shall keep confidential 1483
information that is subject to a real property confidentiality 1484
notice under section 111.431 of the Revised Code, in accordance 1485
with that section. 1486

Sec. 317.13. (A) Except as otherwise provided in division 1487
(B) of this section, the county recorder shall record in the 1488
official records, in legible handwriting, typewriting, or 1489
printing, or by any authorized photographic or electronic 1490
process, all deeds, mortgages, plats, or other instruments of 1491
writing that are required or authorized by the Revised Code to 1492
be recorded and that are presented to the county recorder for 1493
that purpose. The county recorder shall record the instruments 1494
in regular succession, according to the priority of 1495
presentation, and shall enter the file number at the beginning 1496
of the record. On the record of each instrument, the county 1497
recorder shall record the date and precise time the instrument 1498
was presented for record. All records made, prior to July 28, 1499
1949, by means authorized by this section or by section 9.01 of 1500
the Revised Code shall be deemed properly made. 1501

(B) The county recorder may refuse to record an instrument 1502
of writing presented for recording if the instrument is not 1503
required or authorized by the Revised Code to be recorded or the 1504
county recorder has reasonable cause to believe the instrument 1505
is materially false or fraudulent. This division does not create 1506
a duty upon a recorder to inspect, evaluate, or investigate an 1507
instrument of writing that is presented for recording. 1508

(C) If a person presents an instrument of writing to the 1509

county recorder for recording and the county recorder, pursuant 1510
to division (B) of this section, refuses to record the 1511
instrument, the person has a cause of action for an order from 1512
the court of common pleas in the county that the county recorder 1513
serves, to require the county recorder to record the instrument. 1514
If the court determines that the instrument is required or 1515
authorized by the Revised Code to be recorded and is not 1516
materially false or fraudulent, it shall order the county 1517
recorder to record the instrument. 1518

(D) The county recorder shall keep confidential 1519
information that is subject to a real property confidentiality 1520
notice under section 111.431 of the Revised Code, in accordance 1521
with that section. 1522

Sec. 319.28. (A) Except as otherwise provided in division 1523
(B) of this section, on or before the first Monday of August, 1524
annually, the county auditor shall compile and make up a general 1525
tax list of real and public utility property in the county, 1526
either in tabular form and alphabetical order, or, with the 1527
consent of the county treasurer, by listing all parcels in a 1528
permanent parcel number sequence to which a separate 1529
alphabetical index is keyed, containing the names of the several 1530
persons, companies, firms, partnerships, associations, and 1531
corporations in whose names real property has been listed in 1532
each township, municipal corporation, special district, or 1533
separate school district, or part of either in the auditor's 1534
county, placing separately, in appropriate columns opposite each 1535
name, the description of each tract, lot, or parcel of real 1536
estate, the value of each tract, lot, or parcel, the value of 1537
the improvements thereon, and of the names of the several public 1538
utilities whose property, subject to taxation on the general tax 1539
list and duplicate, has been apportioned by the department of 1540

taxation to the county, and the amount so apportioned to each 1541
township, municipal corporation, special district, or separate 1542
school district or part of either in the auditor's county, as 1543
shown by the certificates of apportionment of public utility 1544
property. If the name of the owner of any tract, lot, or parcel 1545
of real estate is unknown to the auditor, "unknown" shall be 1546
entered in the column of names opposite said tract, lot, or 1547
parcel. Such lists shall be prepared in duplicate. On or before 1548
the first Monday of September in each year, the auditor shall 1549
correct such lists in accordance with the additions and 1550
deductions ordered by the tax commissioner and by the county 1551
board of revision, and shall certify and on the first day of 1552
October deliver one copy thereof to the county treasurer. The 1553
copies prepared by the auditor shall constitute the auditor's 1554
general tax list and treasurer's general duplicate of real and 1555
public utility property for the current year. 1556

Once a permanent parcel numbering system has been 1557
established in any county as provided by the preceding 1558
paragraph, such system shall remain in effect until otherwise 1559
agreed upon by the county auditor and county treasurer. 1560

(B) (1) An individual, or the spouse of that individual, 1561
whose residential and familial information is not a public 1562
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1563
the Revised Code may submit an affidavit to the county auditor 1564
requesting the county auditor to remove the name of the 1565
individual filing the affidavit from any record made available 1566
to the general public on the internet or a publicly accessible 1567
database, and from the general tax list and duplicate_of real 1568
and public utility property, and to instead insert the 1569
individual's initials on any such record, and on the general tax 1570
list and duplicate of real and public utility property as the 1571

name of the individual that appears on the deed. 1572

(2) Upon receiving an affidavit described in division (B) 1573
(1) of this section, the county auditor shall act within five 1574
business days in accordance with the request to remove the 1575
individual's name from any record made available to the general 1576
public on the internet or a publicly accessible database, and 1577
from the general tax list and duplicate of real and public 1578
utility property and insert the individual's initials on any 1579
such record and on the general tax list and duplicate of real 1580
and public utility property, if practicable. If the removal and 1581
insertion is not practicable, the county auditor shall verbally 1582
or in writing within five business days after receiving the 1583
affidavit explain to the individual why the removal and 1584
insertion is impracticable. 1585

(C) The county auditor shall keep confidential information 1586
that is subject to a real property confidentiality notice under 1587
section 111.431 of the Revised Code, in accordance with that 1588
section. 1589

Sec. 321.25. The county treasurer shall keep confidential 1590
information that is subject to a real property confidentiality 1591
notice under section 111.431 of the Revised Code, in accordance 1592
with that section. 1593

Sec. 2303.12. (A) The clerk of the court of common pleas 1594
shall keep at least four books. They shall be called the 1595
appearance docket, trial docket and printed duplicates of the 1596
trial docket for the use of the court and the officers thereof, 1597
journal, and execution docket. ~~He~~ The clerk shall also keep a 1598
record in book form or ~~he~~ the clerk may prepare a record by 1599
using any photostatic, photographic, miniature photographic, 1600
film, microfilm, or microphotographic process, electrostatic 1601

process, perforated tape, magnetic tape, or other 1602
electromagnetic means, electronic data processing, machine 1603
readable media, graphic or video display, or any combination 1604
thereof, which correctly and accurately copies or reproduces the 1605
original document, paper, or instrument in writing.~~He~~ The clerk 1606
shall use materials that comply with the minimum standards of 1607
quality for permanent photographic records prescribed by the 1608
National Bureau of Standards.~~He~~ The clerk shall keep an index 1609
to the trial docket and to the printed duplicates of the trial 1610
docket and of the journal direct, and to the appearance docket, 1611
record, and execution docket, direct and reverse. All clerks 1612
keeping records and information by the methods described in this 1613
section shall keep and make readily available to the public the 1614
machine and equipment necessary to reproduce the records and 1615
information in a readable form. 1616

(B) The clerk of the court of common pleas shall keep 1617
confidential information that is subject to a real property 1618
confidentiality notice under section 111.431 of the Revised 1619
Code, in accordance with that section. 1620

Section 2. That existing sections 111.42, 111.43, 111.45, 1621
111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 319.28, and 1622
2303.12 of the Revised Code are hereby repealed. 1623