

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 429**

**Representatives LaRe, Abrams**

**Cosponsors: Representatives Carfagna, Cross, Ghanbari, Wilkin, Richardson**

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**A BILL**

To amend sections 111.42, 111.43, 111.45, 111.46, 1  
111.99, 149.43, 315.25, 317.13, 319.28, and 2  
2303.12 and to enact sections 111.431, 111.432,  
3  
and 321.25 of the Revised Code to make changes 4  
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  
111.99, 149.43, 315.25, 317.13, 319.28, and 2303.12 be amended 8  
and sections 111.431, 111.432, and 321.25 of the Revised Code be 9  
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<br>ward on whose behalf the application is filed as a program<br>participant;  | 78<br>79<br>80                   |
| (2) Designate each eligible address listed in the<br>application as a confidential address;  | 81<br>82                         |
| (3) Issue the program participant a unique program<br>participant identification number;   | 83<br>84                         |
| (4) Issue the program participant an address<br>confidentiality program authorization card, which shall be valid<br>during the period that the program participant remains certified<br>to participate in the address confidentiality program, and which<br>shall include the address at which the program participant may<br>receive mail through the office of the secretary of state; | 85<br>86<br>87<br>88<br>89<br>90 |
| (5) Provide information to the program participant<br>concerning <u>all of the following</u> :   | 91<br>92                         |
| <u>(a) The manner in which the program participant may use<br/>the secretary of state as the program participant's agent for<br/>the purposes of receiving mail and receiving service of process<br/>and the types of mail that the secretary of state will forward<br/>to the program participant;</u>  | 93<br>94<br>95<br>96<br>97       |
| <del>(6) Provide information to the program participant<br/>concerning the</del> <u>(b) The process to register to vote and to vote<br/>as a program participant, if the program participant is eligible<br/>to vote;</u>  | 98<br>99<br>100<br>101           |
| <u>(c) The process to file a real property confidentiality<br/>notice with the county recorder concerning any real property in<br/>which the program participant has an ownership interest;</u>  | 102<br>103<br>104                |

(d) The use of a written notice to persons involved in the 105  
acquisition of real property under section 111.432 of the 106  
Revised Code; 107

(e) The process to authorize the secretary of state to 108  
disclose confidential information concerning the program 109  
participant under certain circumstances, as described in 110  
division (E) of section 111.43 of the Revised Code. 111

(D) A program participant shall update the person's 112  
application information, within thirty days after any change has 113  
occurred, by submitting a notice of change to the office of the 114  
secretary of state on a form prescribed by the secretary of 115  
state. The secretary of state may, with proper notice, cancel a 116  
program participant's certification if the participant is found 117  
to be unreachable for a period of sixty days or more. 118

(E) The certification of a program participant shall be 119  
valid for four years after the date of the filing of the 120  
application for the program participant unless the certification 121  
is withdrawn or invalidated before the end of that four-year 122  
period. 123

(F) (1) A program participant who continues to be eligible 124  
to participate in the address confidentiality program may renew 125  
the program participant's certification by submitting a renewal 126  
application to the secretary of state with the assistance of an 127  
application assistant. The renewal application shall be on a 128  
form prescribed by the secretary of state and shall contain all 129  
of the information described in division (B) of this section. 130

(2) The secretary of state may prescribe by rule a grace 131  
period during which a program participant whose certification 132  
has expired may renew the program participant's certification 133

without being considered to have ceased being a program 134  
participant during that period. 135

(3) When a program participant renews the program 136  
participant's certification, the program participant shall 137  
continue to use the program participant's original program 138  
participant identification number. 139

(G) A tier I sex offender/child-victim offender, a tier II 140  
sex offender/child-victim offender, or a tier III sex 141  
offender/child-victim offender is not eligible to participate in 142  
the address confidentiality program described in sections 111.41 143  
to 111.99 of the Revised Code. 144

**Sec. 111.43.** (A) A program participant may request that a 145  
governmental entity, other than a board of elections, use the 146  
address designated by the secretary of state as the program 147  
participant's address. Except as otherwise provided in division 148  
~~(D)~~(F) of this section and in section 111.44 of the Revised 149  
Code, if the program participant requests that a governmental 150  
entity use that address, the governmental entity shall accept 151  
that address. The program participant ~~may~~shall provide the 152  
program participant's address confidentiality program 153  
authorization card as proof of the program participant's status. 154

(B) A program participant who has an ownership interest in 155  
real property in this state may submit a real property 156  
confidentiality notice to the county recorder of the county in 157  
which the real property is located, as described in section 158  
111.431 of the Revised Code. 159

(C) If a program participant's employer, school, or 160  
institution of higher education is not a governmental entity, 161  
the program participant may request that the employer, school, 162

or institution of higher education use the address designated by 163  
the secretary of state as the program participant's address. The 164  
program participant may provide the program participant's 165  
address confidentiality program authorization card as proof of 166  
the program participant's status. 167

~~(C) (1)~~ (D) (1) The office of the secretary of state shall, 168  
on each day that the secretary of state's office is open for 169  
business, place all of the following that the secretary of state 170  
receives on behalf of a program participant into an envelope or 171  
package and mail that envelope or package to the program 172  
participant at the mailing address the program participant 173  
provided to the secretary of state for that purpose: 174

(a) First class letters, flats, packages, or parcels 175  
delivered via the United States postal service, including 176  
priority, express, and certified mail; 177

(b) Packages or parcels that are clearly identifiable as 178  
containing pharmaceutical agents or medical supplies; 179

(c) Packages, parcels, periodicals, or catalogs that are 180  
clearly identifiable as being sent by a governmental entity; 181

(d) Periodicals to which the program participant 182  
subscribes; 183

(e) Packages, parcels, ~~periodicals,~~ or catalogs that have 184  
received prior authorization from the office of the secretary of 185  
state for forwarding under this section. 186

(2) Except as provided in divisions ~~(C) (1) (a)~~ (D) (1) (a) to 187  
~~(d)~~ (e) of this section, the office of the secretary of state 188  
shall not forward any packages, parcels, periodicals, or 189  
catalogs received on behalf of a program participant. 190

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

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

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

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

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

(a) To an official or employee of the United States postal service for the purpose of performing the secretary of state's duties under division (D) of this section;

(b) To any of the following persons for the purpose of 220  
confirming the program participant's status as a program 221  
participant, for the purpose of verifying the program 222  
participant's residence address, or for other similar purposes 223  
in order to assist the program participant: 224

(i) A judge or magistrate; 225

(ii) An official or employee of the bureau of motor 226  
vehicles; 227

(iii) A school administrator; 228

(iv) An administrator of a public assistance program; 229

(v) An administrator of a food pantry. 230

(c) To another person identified on the authorization form 231  
for a purpose indicated on the authorization form. 232

(2) Upon receiving a request for information concerning a 233  
program participant who has submitted a valid authorization form 234  
under division (E)(1) of this section, the secretary of state 235  
shall determine whether the authorization form permits the 236  
secretary of state to disclose the information to the requester 237  
and, if so, shall disclose that information to the requester. 238

(F) Division (A) of this section does not apply to a 239  
municipal-owned public utility. The confidential addresses of 240  
participants of the address confidentiality program that are 241  
maintained by a municipal-owned public utility are not a public 242  
record and shall not be released by a municipal-owned public 243  
utility or by any employee of a municipal-owned public utility. 244

**Sec. 111.431.** (A) A program participant who has an 245  
ownership interest in real property in this state may submit a 246  
real property confidentiality notice to the county recorder of 247

the county in which the real property is located. The program 248  
participant shall provide the program participant's address 249  
confidentiality program authorization card as proof of the 250  
program participant's status. A real property confidentiality 251  
notice shall be on a form prescribed by the secretary of state 252  
and shall include all of the following: 253

(1) The program participant's full name; 254

(2) The last four digits of the program participant's 255  
social security number; 256

(3) The date the program participant's certification 257  
expires; 258

(4) The program participant's program participant 259  
identification number; 260

(5) The address at which the program participant may 261  
receive mail through the office of the secretary of state; 262

(6) The legal description and street address of the real 263  
property in which the program participant has an ownership 264  
interest, which shall be the same as the legal description and 265  
street address included on any instrument concerning the real 266  
property that includes the program participant's name and that 267  
has been presented to the county recorder for recording; 268

(7) The program participant's signature. 269

(B) When the county recorder receives a properly completed 270  
real property confidentiality notice under division (A) of this 271  
section, the county recorder promptly shall transmit copies of 272  
the notice to the secretary of state, to the county auditor, 273  
treasurer, and engineer, and to the clerk of the court of common 274  
pleas. 275

(C) Except as otherwise provided in divisions (D) and (F) 276  
of this section, after a program participant has submitted a 277  
properly completed real property confidentiality notice under 278  
division (A) of this section, the county recorder, auditor, 279  
treasurer, and engineer and the clerk of the court of common 280  
pleas shall not disclose to any person the program participant's 281  
name, telephone number, electronic mail address, or program 282  
participant identification number, the address at which the 283  
program participant may receive mail through the office of the 284  
secretary of state, or any other information that may be used to 285  
identify the program participant, in conjunction with the legal 286  
description or street address of the real property in which the 287  
program participant has an ownership interest or any other 288  
information that may be used to identify the real property. If 289  
the county recorder receives a request for that information for 290  
the purpose of performing a title examination, the county 291  
recorder shall inform the requester of the procedure to apply to 292  
the secretary of state for authorization under division (E) of 293  
this section. 294

(D) The county recorder, auditor, treasurer, or engineer 295  
or the clerk of the court of common pleas may disclose the 296  
information described in division (C) of this section if any of 297  
the following apply: 298

(1) The information is disclosed to the staff of the 299  
county recorder, auditor, treasurer, or engineer or the staff of 300  
the clerk of the court of common pleas in order to carry out the 301  
duties of the office. 302

(2) The program participant is the person to whom the 303  
information is to be disclosed. 304

(3) The program participant has provided a notarized 305

statement to the secretary of state, authorizing the disclosure 306  
to that person for a specific purpose described in the 307  
statement, and the secretary of state has issued a written 308  
authorization to the county recorder, auditor, treasurer, or 309  
engineer, or to the clerk of the court of common pleas, as 310  
applicable, to disclose the information to that person. 311

(4) The person to whom the information is to be disclosed 312  
provides a written authorization issued by the secretary of 313  
state under division (E) of this section to disclose the 314  
information for the purpose of performing a title examination. 315

(5) A court of competent jurisdiction orders the 316  
disclosure, as described in section 111.46 of the Revised Code. 317

(E) (1) A person who requires access to the information 318  
described in division (C) of this section for the purpose of 319  
performing a title examination may apply to the secretary of 320  
state for a written authorization. 321

(2) The person shall submit to the secretary of state, on 322  
a form prescribed by the secretary of state, a written 323  
application that includes all of the following: 324

(a) The applicant's name, title, address, and affiliated 325  
organization, if any; 326

(b) The purpose for which the applicant is requesting 327  
access to the information; 328

(c) The applicant's relationship to the program 329  
participant, if any; 330

(d) A legal description of the real property subject to 331  
the title examination; 332

(e) A statement that the applicant will treat the 333

information as confidential and will use the information only 334  
for the purpose identified in the application; 335

(f) The applicant's signature; 336

(g) Any other information required by the secretary of 337  
state. 338

(3) After the secretary of state receives an application 339  
submitted under division (E) of this section, the secretary of 340  
state promptly shall provide the applicant with a written 341  
response approving or denying the application. The secretary of 342  
state shall approve the application if the secretary of state 343  
determines that the application is properly completed; that the 344  
information the applicant seeks is subject to division (C) of 345  
this section; and that the applicant is seeking the information 346  
only for the purpose of performing a bona fide title 347  
examination. If the information the applicant seeks is not 348  
subject to division (C) of this section, the secretary of state 349  
shall notify the applicant of that fact and, if applicable, 350  
shall send a notice to the county recorder, auditor, treasurer, 351  
and engineer and to the clerk of the court of common pleas under 352  
division (F) (3) of this section. 353

(F) Upon the occurrence of any of the following, the 354  
county recorder, auditor, treasurer, and engineer and the clerk 355  
of the court of common pleas shall cease to keep confidential 356  
the information described in division (C) of this section and 357  
shall make the information available to the public in the same 358  
manner as other information concerning real property: 359

(1) The program participant ceases to hold a recorded 360  
ownership interest in the real property that is the subject of 361  
the real property confidentiality notice. When the county 362

recorder receives notice that the program participant has ceased 363  
to hold that ownership interest, the county recorder promptly 364  
shall revoke the real property confidentiality notice and notify 365  
the secretary of state, the county auditor, treasurer, and 366  
engineer, and the clerk of the court of common pleas of that 367  
revocation. 368

(2) The program participant submits a notarized revocation 369  
of the real property confidentiality notice to the county 370  
recorder. Upon receiving the revocation, the county recorder 371  
promptly shall transmit copies of the revocation to the 372  
secretary of state, to the county auditor, treasurer, and 373  
engineer, and to the clerk of the court of common pleas. 374

(3) The county recorder, auditor, treasurer, or engineer 375  
or the clerk of the court of common pleas receive a notice from 376  
the secretary of state that the program participant's 377  
certification has been canceled under section 111.45 of the 378  
Revised Code. 379

(4) Pursuant to the order of a court of competent 380  
jurisdiction. 381

**Sec. 111.432.** (A) A program participant who seeks to 382  
acquire an ownership interest in real property in this state 383  
after becoming a program participant may provide to any person 384  
involved in the acquisition process written notice on a form 385  
prescribed by the secretary of state. The written notice shall 386  
include all of the following: 387

(1) The program participant's name; 388

(2) A statement that the program participant is a program 389  
participant; 390

(3) A statement that the person receiving the notice is 391

prohibited from disclosing the information specified in division 392  
(B) of this section except as provided in that division. 393

(B) After receiving a written notice described in division 394  
(A) of this section, the person shall not disclose the program 395  
participant's name, telephone number, electronic mail address, 396  
or any other information that may be used to identify the 397  
program participant, in conjunction with the legal description, 398  
street address, or other information identifying the real 399  
property the program participant acquires or seeks to acquire 400  
unless the program participant provides written notice 401  
authorizing the disclosure for a specific purpose described in 402  
the notice or a court of competent jurisdiction orders the 403  
disclosure. 404

**Sec. 111.45.** (A) The secretary of state shall cancel the 405  
certification of a program participant if any of the following 406  
are true: 407

(1) The program participant's application contained one or 408  
more false statements. 409

(2) The program participant has filed a written, notarized 410  
request with the secretary of state, on a form prescribed by the 411  
secretary of state, asking to cease being a program participant. 412

(3) The program participant's certification has expired 413  
and the program participant has not renewed the certification in 414  
accordance with division (F) of section 111.42 of the Revised 415  
Code not later than the deadline specified by the secretary of 416  
state by rule to renew the certification. 417

(B) Upon canceling a certification under division (A) of 418  
this section, the secretary of state shall ~~notify~~ do both of the 419  
following: 420

(1) Notify the director of the board of elections of the 421  
county in which the former program participant resides; 422

(2) Notify the county recorder, auditor, treasurer, and 423  
engineer and the clerk of the court of common pleas of each 424  
county in which the former program participant has filed real 425  
property confidentiality notices under section 111.431 of the 426  
Revised Code that have not been revoked under that section. 427

**Sec. 111.46.** (A) The secretary of state shall make 428  
available to the attorney general, for inclusion ~~into~~ in the 429  
Ohio law enforcement gateway, the name, telephone number, and 430  
confidential address of each program participant. Access to 431  
information in the gateway regarding an address confidentiality 432  
program participant may only be granted to chiefs of police, 433  
village marshals, county sheriffs, county prosecuting attorneys, 434  
and a designee of each of these individuals. 435

(B) (1) (a) A city director of law or similar chief legal 436  
officer who requires access to a program participant's 437  
confidential address or telephone number for a legitimate 438  
governmental purpose may petition the court of common pleas of 439  
Franklin county to order the secretary of state to make that 440  
confidential address or telephone number available to the 441  
petitioner. 442

~~(B)~~ (b) A city director of law or similar chief legal 443  
officer who requires access to information that is subject to a 444  
real property confidentiality notice under section 111.431 of 445  
the Revised Code for a legitimate governmental purpose may 446  
petition the court of common pleas of the county in which the 447  
real property is located or the court of common pleas of 448  
Franklin county to make that information available to the 449  
petitioner. 450

(2) Upon the filing of a petition under division (B) (1) of 451  
this section, the court shall fix a date for a hearing on it and 452  
shall require the clerk of the court to serve a notice of the 453  
date, time, place, and purpose of the hearing upon the 454  
petitioner. The clerk also shall serve that notice upon the 455  
secretary of state so that the secretary of state may send the 456  
notice to the program participant in accordance with division 457  
~~(C)~~ (B) (3) of this section, and, if applicable, upon the county 458  
recorder, auditor, treasurer, or engineer or the clerk of the 459  
court of common pleas of the county in which the real property 460  
is located. 461

~~(C)~~ (3) Upon receiving a notice under division (B) (2) of 462  
this section, the secretary of state immediately shall send a 463  
copy of the notice to the program participant by certified mail, 464  
return receipt requested. 465

~~(D)~~ (4) At a hearing held under this section, the 466  
petitioner shall appear, and the program participant or the 467  
program participant's attorney may appear and be heard. After 468  
the hearing and considering the testimony, the court shall issue 469  
the requested order only if it appears to the court by clear and 470  
convincing evidence that the disclosure of the ~~program~~ 471  
~~participant's confidential address or telephone number~~ 472  
information to the petitioner is necessary for a legitimate 473  
governmental purpose. 474

~~(E)~~ (C) Upon request by a city director of law or similar 475  
chief legal officer, who intends to petition ~~the a~~ court for 476  
access to an individual's ~~address or telephone number~~ 477  
confidential information under division (B) of this section, the 478  
secretary of state shall confirm whether the individual is a 479  
program participant but shall not disclose any other information 480

concerning a program participant. 481

(D) If a program participant is a child's parent, 482  
guardian, or legal custodian, the program participant is a party 483  
to a child custody or child support proceeding concerning the 484  
child, and another party to the proceeding requests the court to 485  
disclose the program participant's confidential address or 486  
telephone number, the court shall provide the program 487  
participant with notice and an opportunity for a hearing at 488  
which the program participant or the program participant's 489  
attorney may show cause why the court should not disclose the 490  
program participant's confidential address or telephone number. 491

**Sec. 111.99.** (A) No person who submits an application 492  
under section 111.42 of the Revised Code shall knowingly make a 493  
false attestation in the application that the applicant fears 494  
for the applicant's safety, the safety of a member of the 495  
applicant's household, or the safety of the minor, incompetent, 496  
or ward on whose behalf the application is made because the 497  
applicant, household member, minor, incompetent, or ward is a 498  
victim of domestic violence, menacing by stalking, human 499  
trafficking, trafficking in persons, rape, or sexual battery. 500

(B) No person who has access to a confidential address or 501  
telephone number, to information that is subject to a real 502  
property confidentiality notice under section 111.431 of the 503  
Revised Code, or to information that is subject to a written 504  
notice under section 111.432 of the Revised Code, because of the 505  
person's employment or official position shall knowingly 506  
disclose that confidential ~~address or telephone number~~ 507  
information to any person, except as required by law. 508

(C) No person who obtains a confidential address or 509  
telephone number from the Ohio law enforcement gateway shall 510

knowingly disclose that confidential address or telephone number 511  
to any person, except as is necessary for a law enforcement 512  
purpose when related to the performance of official duties, or 513  
for another legitimate governmental purpose. 514

(D) No person who obtains information that is subject to a 515  
real property confidentiality notice under section 111.431 of 516  
the Revised Code for the purpose of conducting a title 517  
examination under division (E) of that section shall knowingly 518  
disclose that confidential information to any person, except for 519  
the purpose identified in the application submitted under that 520  
division. 521

(E) No person who obtains information that is subject to a 522  
written notice under section 111.432 of the Revised Code for a 523  
purpose specified in a written notice authorizing disclosure 524  
provided by a program participant shall knowingly disclose that 525  
confidential information to any person, except for the purpose 526  
identified in the written notice. 527

(F) Whoever violates this section is guilty of a 528  
misdemeanor of the first degree. 529

**Sec. 149.43.** (A) As used in this section: 530

(1) "Public record" means records kept by any public 531  
office, including, but not limited to, state, county, city, 532  
village, township, and school district units, and records 533  
pertaining to the delivery of educational services by an 534  
alternative school in this state kept by the nonprofit or for- 535  
profit entity operating the alternative school pursuant to 536  
section 3313.533 of the Revised Code. "Public record" does not 537  
mean any of the following: 538

(a) Medical records; 539

|  |     |
|--|-----|
| (b) Records pertaining to probation and parole                   | 540 |
| proceedings, to proceedings related to the imposition of         | 541 |
| community control sanctions and post-release control sanctions,  | 542 |
| or to proceedings related to determinations under section        | 543 |
| 2967.271 of the Revised Code regarding the release or maintained | 544 |
| incarceration of an offender to whom that section applies;       | 545 |
| (c) Records pertaining to actions under section 2151.85          | 546 |
| and division (C) of section 2919.121 of the Revised Code and to  | 547 |
| appeals of actions arising under those sections;                 | 548 |
| (d) Records pertaining to adoption proceedings, including        | 549 |
| the contents of an adoption file maintained by the department of | 550 |
| health under sections 3705.12 to 3705.124 of the Revised Code;   | 551 |
| (e) Information in a record contained in the putative            | 552 |
| father registry established by section 3107.062 of the Revised   | 553 |
| Code, regardless of whether the information is held by the       | 554 |
| department of job and family services or, pursuant to section    | 555 |
| 3111.69 of the Revised Code, the office of child support in the  | 556 |
| department or a child support enforcement agency;                | 557 |
| (f) Records specified in division (A) of section 3107.52         | 558 |
| of the Revised Code;   | 559 |
| (g) Trial preparation records;                                   | 560 |
| (h) Confidential law enforcement investigatory records;          | 561 |
| (i) Records containing information that is confidential          | 562 |
| under section 2710.03 or 4112.05 of the Revised Code;            | 563 |
| (j) DNA records stored in the DNA database pursuant to           | 564 |
| section 109.573 of the Revised Code;                             | 565 |
| (k) Inmate records released by the department of                 | 566 |
| rehabilitation and correction to the department of youth         | 567 |

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| services or a court of record pursuant to division (E) of        | 568 |
| section 5120.21 of the Revised Code;                             | 569 |
| (l) Records maintained by the department of youth services       | 570 |
| pertaining to children in its custody released by the department | 571 |
| of youth services to the department of rehabilitation and        | 572 |
| correction pursuant to section 5139.05 of the Revised Code;      | 573 |
| (m) Intellectual property records;                               | 574 |
| (n) Donor profile records;                                       | 575 |
| (o) Records maintained by the department of job and family       | 576 |
| services pursuant to section 3121.894 of the Revised Code;       | 577 |
| (p) Designated public service worker residential and             | 578 |
| familial information;  | 579 |
| (q) In the case of a county hospital operated pursuant to        | 580 |
| Chapter 339. of the Revised Code or a municipal hospital         | 581 |
| operated pursuant to Chapter 749. of the Revised Code,           | 582 |
| information that constitutes a trade secret, as defined in       | 583 |
| section 1333.61 of the Revised Code;                             | 584 |
| (r) Information pertaining to the recreational activities        | 585 |
| of a person under the age of eighteen;                           | 586 |
| (s) In the case of a child fatality review board acting          | 587 |
| under sections 307.621 to 307.629 of the Revised Code or a       | 588 |
| review conducted pursuant to guidelines established by the       | 589 |
| director of health under section 3701.70 of the Revised Code,    | 590 |
| records provided to the board or director, statements made by    | 591 |
| board members during meetings of the board or by persons         | 592 |
| participating in the director's review, and all work products of | 593 |
| the board or director, and in the case of a child fatality       | 594 |
| review board, child fatality review data submitted by the board  | 595 |

to the department of health or a national child death review 596  
database, other than the report prepared pursuant to division 597  
(A) of section 307.626 of the Revised Code; 598

(t) Records provided to and statements made by the 599  
executive director of a public children services agency or a 600  
prosecuting attorney acting pursuant to section 5153.171 of the 601  
Revised Code other than the information released under that 602  
section; 603

(u) Test materials, examinations, or evaluation tools used 604  
in an examination for licensure as a nursing home administrator 605  
that the board of executives of long-term services and supports 606  
administers under section 4751.15 of the Revised Code or 607  
contracts under that section with a private or government entity 608  
to administer; 609

(v) Records the release of which is prohibited by state or 610  
federal law; 611

(w) Proprietary information of or relating to any person 612  
that is submitted to or compiled by the Ohio venture capital 613  
authority created under section 150.01 of the Revised Code; 614

(x) Financial statements and data any person submits for 615  
any purpose to the Ohio housing finance agency or the 616  
controlling board in connection with applying for, receiving, or 617  
accounting for financial assistance from the agency, and 618  
information that identifies any individual who benefits directly 619  
or indirectly from financial assistance from the agency; 620

(y) Records listed in section 5101.29 of the Revised Code; 621

(z) Discharges recorded with a county recorder under 622  
section 317.24 of the Revised Code, as specified in division (B) 623  
(2) of that section; 624

(aa) Usage information including names and addresses of 625  
specific residential and commercial customers of a municipally 626  
owned or operated public utility; 627

(bb) Records described in division (C) of section 187.04 628  
of the Revised Code that are not designated to be made available 629  
to the public as provided in that division; 630

(cc) Information and records that are made confidential, 631  
privileged, and not subject to disclosure under divisions (B) 632  
and (C) of section 2949.221 of the Revised Code; 633

(dd) Personal information, as defined in section 149.45 of 634  
the Revised Code; 635

(ee) The confidential name, address, and other personally 636  
identifiable information of a program participant in the address 637  
confidentiality program established under sections 111.41 to 638  
111.47 of the Revised Code, including the contents of any 639  
application for absent voter's ballots, absent voter's ballot 640  
identification envelope statement of voter, or provisional 641  
ballot affirmation completed by a program participant who has a 642  
confidential voter registration record, ~~and~~ records or portions 643  
of records pertaining to that program that identify the number 644  
of program participants that reside within a precinct, ward, 645  
township, municipal corporation, county, or any other geographic 646  
area smaller than the state; any real property confidentiality 647  
notice filed under section 111.431 of the Revised Code and the 648  
information described in division (C) of that section; and any 649  
written notice provided under section 111.432 of the Revised 650  
Code and the information described in division (B) of that 651  
section. As used in this division, "confidential address" and 652  
"program participant" have the meaning defined in section 111.41 653  
of the Revised Code. 654

(ff) Orders for active military service of an individual 655  
serving or with previous service in the armed forces of the 656  
United States, including a reserve component, or the Ohio 657  
organized militia, except that, such order becomes a public 658  
record on the day that is fifteen years after the published date 659  
or effective date of the call to order; 660

(gg) The name, address, contact information, or other 661  
personal information of an individual who is less than eighteen 662  
years of age that is included in any record related to a traffic 663  
accident involving a school vehicle in which the individual was 664  
an occupant at the time of the accident; 665

(hh) Protected health information, as defined in 45 C.F.R. 666  
160.103, that is in a claim for payment for a health care 667  
product, service, or procedure, as well as any other health 668  
claims data in another document that reveals the identity of an 669  
individual who is the subject of the data or could be used to 670  
reveal that individual's identity; 671

(ii) Any depiction by photograph, film, videotape, or 672  
printed or digital image under either of the following 673  
circumstances: 674

(i) The depiction is that of a victim of an offense the 675  
release of which would be, to a reasonable person of ordinary 676  
sensibilities, an offensive and objectionable intrusion into the 677  
victim's expectation of bodily privacy and integrity. 678

(ii) The depiction captures or depicts the victim of a 679  
sexually oriented offense, as defined in section 2950.01 of the 680  
Revised Code, at the actual occurrence of that offense. 681

(jj) Restricted portions of a body-worn camera or 682  
dashboard camera recording; 683

(kk) In the case of a fetal-infant mortality review board 684  
acting under sections 3707.70 to 3707.77 of the Revised Code, 685  
records, documents, reports, or other information presented to 686  
the board or a person abstracting such materials on the board's 687  
behalf, statements made by review board members during board 688  
meetings, all work products of the board, and data submitted by 689  
the board to the department of health or a national infant death 690  
review database, other than the report prepared pursuant to 691  
section 3707.77 of the Revised Code. 692

(ll) Records, documents, reports, or other information 693  
presented to the pregnancy-associated mortality review board 694  
established under section 3738.01 of the Revised Code, 695  
statements made by board members during board meetings, all work 696  
products of the board, and data submitted by the board to the 697  
department of health, other than the biennial reports prepared 698  
under section 3738.08 of the Revised Code; 699

(mm) Telephone numbers for a victim, as defined in section 700  
2930.01 of the Revised Code, a witness to a crime, or a party to 701  
a motor vehicle accident subject to the requirements of section 702  
5502.11 of the Revised Code that are listed on any law 703  
enforcement record or report. 704

A record that is not a public record under division (A) (1) 705  
of this section and that, under law, is permanently retained 706  
becomes a public record on the day that is seventy-five years 707  
after the day on which the record was created, except for any 708  
record protected by the attorney-client privilege, a trial 709  
preparation record as defined in this section, a statement 710  
prohibiting the release of identifying information signed under 711  
section 3107.083 of the Revised Code, a denial of release form 712  
filed pursuant to section 3107.46 of the Revised Code, or any 713

record that is exempt from release or disclosure under section 714  
149.433 of the Revised Code. If the record is a birth 715  
certificate and a biological parent's name redaction request 716  
form has been accepted under section 3107.391 of the Revised 717  
Code, the name of that parent shall be redacted from the birth 718  
certificate before it is released under this paragraph. If any 719  
other section of the Revised Code establishes a time period for 720  
disclosure of a record that conflicts with the time period 721  
specified in this section, the time period in the other section 722  
prevails. 723

(2) "Confidential law enforcement investigatory record" 724  
means any record that pertains to a law enforcement matter of a 725  
criminal, quasi-criminal, civil, or administrative nature, but 726  
only to the extent that the release of the record would create a 727  
high probability of disclosure of any of the following: 728

(a) The identity of a suspect who has not been charged 729  
with the offense to which the record pertains, or of an 730  
information source or witness to whom confidentiality has been 731  
reasonably promised; 732

(b) Information provided by an information source or 733  
witness to whom confidentiality has been reasonably promised, 734  
which information would reasonably tend to disclose the source's 735  
or witness's identity; 736

(c) Specific confidential investigatory techniques or 737  
procedures or specific investigatory work product; 738

(d) Information that would endanger the life or physical 739  
safety of law enforcement personnel, a crime victim, a witness, 740  
or a confidential information source. 741

(3) "Medical record" means any document or combination of 742

documents, except births, deaths, and the fact of admission to 743  
or discharge from a hospital, that pertains to the medical 744  
history, diagnosis, prognosis, or medical condition of a patient 745  
and that is generated and maintained in the process of medical 746  
treatment. 747

(4) "Trial preparation record" means any record that 748  
contains information that is specifically compiled in reasonable 749  
anticipation of, or in defense of, a civil or criminal action or 750  
proceeding, including the independent thought processes and 751  
personal trial preparation of an attorney. 752

(5) "Intellectual property record" means a record, other 753  
than a financial or administrative record, that is produced or 754  
collected by or for faculty or staff of a state institution of 755  
higher learning in the conduct of or as a result of study or 756  
research on an educational, commercial, scientific, artistic, 757  
technical, or scholarly issue, regardless of whether the study 758  
or research was sponsored by the institution alone or in 759  
conjunction with a governmental body or private concern, and 760  
that has not been publicly released, published, or patented. 761

(6) "Donor profile record" means all records about donors 762  
or potential donors to a public institution of higher education 763  
except the names and reported addresses of the actual donors and 764  
the date, amount, and conditions of the actual donation. 765

(7) "Designated public service worker" means a peace 766  
officer, parole officer, probation officer, bailiff, prosecuting 767  
attorney, assistant prosecuting attorney, correctional employee, 768  
county or multicounty corrections officer, community-based 769  
correctional facility employee, youth services employee, 770  
firefighter, EMT, medical director or member of a cooperating 771  
physician advisory board of an emergency medical service 772

organization, state board of pharmacy employee, investigator of 773  
the bureau of criminal identification and investigation, judge, 774  
magistrate, or federal law enforcement officer. 775

(8) "Designated public service worker residential and 776  
familial information" means any information that discloses any 777  
of the following about a designated public service worker: 778

(a) The address of the actual personal residence of a 779  
designated public service worker, except for the following 780  
information: 781

(i) The address of the actual personal residence of a 782  
prosecuting attorney or judge; and 783

(ii) The state or political subdivision in which a 784  
designated public service worker resides. 785

(b) Information compiled from referral to or participation 786  
in an employee assistance program; 787

(c) The social security number, the residential telephone 788  
number, any bank account, debit card, charge card, or credit 789  
card number, or the emergency telephone number of, or any 790  
medical information pertaining to, a designated public service 791  
worker; 792

(d) The name of any beneficiary of employment benefits, 793  
including, but not limited to, life insurance benefits, provided 794  
to a designated public service worker by the designated public 795  
service worker's employer; 796

(e) The identity and amount of any charitable or 797  
employment benefit deduction made by the designated public 798  
service worker's employer from the designated public service 799  
worker's compensation, unless the amount of the deduction is 800

required by state or federal law; 801

(f) The name, the residential address, the name of the 802  
employer, the address of the employer, the social security 803  
number, the residential telephone number, any bank account, 804  
debit card, charge card, or credit card number, or the emergency 805  
telephone number of the spouse, a former spouse, or any child of 806  
a designated public service worker; 807

(g) A photograph of a peace officer who holds a position 808  
or has an assignment that may include undercover or plain 809  
clothes positions or assignments as determined by the peace 810  
officer's appointing authority. 811

(9) As used in divisions (A) (7) and (15) to (17) of this 812  
section: 813

"Peace officer" has the meaning defined in section 109.71 814  
of the Revised Code and also includes the superintendent and 815  
troopers of the state highway patrol; it does not include the 816  
sheriff of a county or a supervisory employee who, in the 817  
absence of the sheriff, is authorized to stand in for, exercise 818  
the authority of, and perform the duties of the sheriff. 819

"Correctional employee" means any employee of the 820  
department of rehabilitation and correction who in the course of 821  
performing the employee's job duties has or has had contact with 822  
inmates and persons under supervision. 823

"County or multicounty corrections officer" means any 824  
corrections officer employed by any county or multicounty 825  
correctional facility. 826

"Youth services employee" means any employee of the 827  
department of youth services who in the course of performing the 828  
employee's job duties has or has had contact with children 829

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| committed to the custody of the department of youth services.    | 830 |
| "Firefighter" means any regular, paid or volunteer, member       | 831 |
| of a lawfully constituted fire department of a municipal         | 832 |
| corporation, township, fire district, or village.                | 833 |
| "EMT" means EMTs-basic, EMTs-I, and paramedics that              | 834 |
| provide emergency medical services for a public emergency        | 835 |
| medical service organization. "Emergency medical service         | 836 |
| organization," "EMT-basic," "EMT-I," and "paramedic" have the    | 837 |
| meanings defined in section 4765.01 of the Revised Code.         | 838 |
| "Investigator of the bureau of criminal identification and       | 839 |
| investigation" has the meaning defined in section 2903.11 of the | 840 |
| Revised Code.  | 841 |
| "Federal law enforcement officer" has the meaning defined        | 842 |
| in section 9.88 of the Revised Code.                             | 843 |
| (10) "Information pertaining to the recreational                 | 844 |
| activities of a person under the age of eighteen" means          | 845 |
| information that is kept in the ordinary course of business by a | 846 |
| public office, that pertains to the recreational activities of a | 847 |
| person under the age of eighteen years, and that discloses any   | 848 |
| of the following:  | 849 |
| (a) The address or telephone number of a person under the        | 850 |
| age of eighteen or the address or telephone number of that       | 851 |
| person's parent, guardian, custodian, or emergency contact       | 852 |
| person;  | 853 |
| (b) The social security number, birth date, or                   | 854 |
| photographic image of a person under the age of eighteen;        | 855 |
| (c) Any medical record, history, or information pertaining       | 856 |
| to a person under the age of eighteen;                           | 857 |

(d) Any additional information sought or required about a 858  
person under the age of eighteen for the purpose of allowing 859  
that person to participate in any recreational activity 860  
conducted or sponsored by a public office or to use or obtain 861  
admission privileges to any recreational facility owned or 862  
operated by a public office. 863

(11) "Community control sanction" has the meaning defined 864  
in section 2929.01 of the Revised Code. 865

(12) "Post-release control sanction" has the meaning 866  
defined in section 2967.01 of the Revised Code. 867

(13) "Redaction" means obscuring or deleting any 868  
information that is exempt from the duty to permit public 869  
inspection or copying from an item that otherwise meets the 870  
definition of a "record" in section 149.011 of the Revised Code. 871

(14) "Designee," "elected official," and "future official" 872  
have the meanings defined in section 109.43 of the Revised Code. 873

(15) "Body-worn camera" means a visual and audio recording 874  
device worn on the person of a peace officer while the peace 875  
officer is engaged in the performance of the peace officer's 876  
duties. 877

(16) "Dashboard camera" means a visual and audio recording 878  
device mounted on a peace officer's vehicle or vessel that is 879  
used while the peace officer is engaged in the performance of 880  
the peace officer's duties. 881

(17) "Restricted portions of a body-worn camera or 882  
dashboard camera recording" means any visual or audio portion of 883  
a body-worn camera or dashboard camera recording that shows, 884  
communicates, or discloses any of the following: 885

(a) The image or identity of a child or information that 886  
could lead to the identification of a child who is a primary 887  
subject of the recording when the law enforcement agency knows 888  
or has reason to know the person is a child based on the law 889  
enforcement agency's records or the content of the recording; 890

(b) The death of a person or a deceased person's body, 891  
unless the death was caused by a peace officer or, subject to 892  
division (H)(1) of this section, the consent of the decedent's 893  
executor or administrator has been obtained; 894

(c) The death of a peace officer, firefighter, paramedic, 895  
or other first responder, occurring while the decedent was 896  
engaged in the performance of official duties, unless, subject 897  
to division (H)(1) of this section, the consent of the 898  
decedent's executor or administrator has been obtained; 899

(d) Grievous bodily harm, unless the injury was effected 900  
by a peace officer or, subject to division (H)(1) of this 901  
section, the consent of the injured person or the injured 902  
person's guardian has been obtained; 903

(e) An act of severe violence against a person that 904  
results in serious physical harm to the person, unless the act 905  
and injury was effected by a peace officer or, subject to 906  
division (H)(1) of this section, the consent of the injured 907  
person or the injured person's guardian has been obtained; 908

(f) Grievous bodily harm to a peace officer, firefighter, 909  
paramedic, or other first responder, occurring while the injured 910  
person was engaged in the performance of official duties, 911  
unless, subject to division (H)(1) of this section, the consent 912  
of the injured person or the injured person's guardian has been 913  
obtained; 914

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| (g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;                     | 915<br>916<br>917<br>918<br>919<br>920        |
| (h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained;   | 921<br>922                                    |
| (i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;   | 923<br>924<br>925<br>926<br>927               |
| (j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;   | 928<br>929                                    |
| (k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; | 930<br>931<br>932<br>933<br>934<br>935<br>936 |
| (l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;  | 937<br>938                                    |
| (m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;   | 939<br>940<br>941                             |
| (n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a   | 942<br>943                                    |

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| law enforcement agency;   | 944                      |
| (o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;   | 945<br>946               |
| (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;  | 947<br>948<br>949        |
| (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.                                    | 950<br>951<br>952        |
| As used in division (A) (17) of this section:   | 953                      |
| "Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.   | 954<br>955               |
| "Health care facility" has the same meaning as in section 1337.11 of the Revised Code.  | 956<br>957               |
| "Protected health information" has the same meaning as in 45 C.F.R. 160.103.  | 958<br>959               |
| "Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.  | 960<br>961               |
| "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. | 962<br>963<br>964<br>965 |
| "Sex offense" has the same meaning as in section 2907.10 of the Revised Code.   | 966<br>967               |
| "Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.   | 968<br>969               |
| (B) (1) Upon request and subject to division (B) (8) of this  | 970                      |

section, all public records responsive to the request shall be 971  
promptly prepared and made available for inspection to any 972  
person at all reasonable times during regular business hours. 973  
Subject to division (B) (8) of this section, upon request by any 974  
person, a public office or person responsible for public records 975  
shall make copies of the requested public record available to 976  
the requester at cost and within a reasonable period of time. If 977  
a public record contains information that is exempt from the 978  
duty to permit public inspection or to copy the public record, 979  
the public office or the person responsible for the public 980  
record shall make available all of the information within the 981  
public record that is not exempt. When making that public record 982  
available for public inspection or copying that public record, 983  
the public office or the person responsible for the public 984  
record shall notify the requester of any redaction or make the 985  
redaction plainly visible. A redaction shall be deemed a denial 986  
of a request to inspect or copy the redacted information, except 987  
if federal or state law authorizes or requires a public office 988  
to make the redaction. 989

(2) To facilitate broader access to public records, a 990  
public office or the person responsible for public records shall 991  
organize and maintain public records in a manner that they can 992  
be made available for inspection or copying in accordance with 993  
division (B) of this section. A public office also shall have 994  
available a copy of its current records retention schedule at a 995  
location readily available to the public. If a requester makes 996  
an ambiguous or overly broad request or has difficulty in making 997  
a request for copies or inspection of public records under this 998  
section such that the public office or the person responsible 999  
for the requested public record cannot reasonably identify what 1000  
public records are being requested, the public office or the 1001

person responsible for the requested public record may deny the 1002  
request but shall provide the requester with an opportunity to 1003  
revise the request by informing the requester of the manner in 1004  
which records are maintained by the public office and accessed 1005  
in the ordinary course of the public office's or person's 1006  
duties. 1007

(3) If a request is ultimately denied, in part or in 1008  
whole, the public office or the person responsible for the 1009  
requested public record shall provide the requester with an 1010  
explanation, including legal authority, setting forth why the 1011  
request was denied. If the initial request was provided in 1012  
writing, the explanation also shall be provided to the requester 1013  
in writing. The explanation shall not preclude the public office 1014  
or the person responsible for the requested public record from 1015  
relying upon additional reasons or legal authority in defending 1016  
an action commenced under division (C) of this section. 1017

(4) Unless specifically required or authorized by state or 1018  
federal law or in accordance with division (B) of this section, 1019  
no public office or person responsible for public records may 1020  
limit or condition the availability of public records by 1021  
requiring disclosure of the requester's identity or the intended 1022  
use of the requested public record. Any requirement that the 1023  
requester disclose the requester's identity or the intended use 1024  
of the requested public record constitutes a denial of the 1025  
request. 1026

(5) A public office or person responsible for public 1027  
records may ask a requester to make the request in writing, may 1028  
ask for the requester's identity, and may inquire about the 1029  
intended use of the information requested, but may do so only 1030  
after disclosing to the requester that a written request is not 1031

mandatory, that the requester may decline to reveal the 1032  
requester's identity or the intended use, and when a written 1033  
request or disclosure of the identity or intended use would 1034  
benefit the requester by enhancing the ability of the public 1035  
office or person responsible for public records to identify, 1036  
locate, or deliver the public records sought by the requester. 1037

(6) If any person requests a copy of a public record in 1038  
accordance with division (B) of this section, the public office 1039  
or person responsible for the public record may require that 1040  
person to pay in advance the cost involved in providing the copy 1041  
of the public record in accordance with the choice made by the 1042  
person requesting the copy under this division. The public 1043  
office or the person responsible for the public record shall 1044  
permit that person to choose to have the public record 1045  
duplicated upon paper, upon the same medium upon which the 1046  
public office or person responsible for the public record keeps 1047  
it, or upon any other medium upon which the public office or 1048  
person responsible for the public record determines that it 1049  
reasonably can be duplicated as an integral part of the normal 1050  
operations of the public office or person responsible for the 1051  
public record. When the person requesting the copy makes a 1052  
choice under this division, the public office or person 1053  
responsible for the public record shall provide a copy of it in 1054  
accordance with the choice made by that person. Nothing in this 1055  
section requires a public office or person responsible for the 1056  
public record to allow the person requesting a copy of the 1057  
public record to make the copies of the public record. 1058

(7) (a) Upon a request made in accordance with division (B) 1059  
of this section and subject to division (B) (6) of this section, 1060  
a public office or person responsible for public records shall 1061  
transmit a copy of a public record to any person by United 1062

States mail or by any other means of delivery or transmission 1063  
within a reasonable period of time after receiving the request 1064  
for the copy. The public office or person responsible for the 1065  
public record may require the person making the request to pay 1066  
in advance the cost of postage if the copy is transmitted by 1067  
United States mail or the cost of delivery if the copy is 1068  
transmitted other than by United States mail, and to pay in 1069  
advance the costs incurred for other supplies used in the 1070  
mailing, delivery, or transmission. 1071

(b) Any public office may adopt a policy and procedures 1072  
that it will follow in transmitting, within a reasonable period 1073  
of time after receiving a request, copies of public records by 1074  
United States mail or by any other means of delivery or 1075  
transmission pursuant to division (B) (7) of this section. A 1076  
public office that adopts a policy and procedures under division 1077  
(B) (7) of this section shall comply with them in performing its 1078  
duties under that division. 1079

(c) In any policy and procedures adopted under division 1080  
(B) (7) of this section: 1081

(i) A public office may limit the number of records 1082  
requested by a person that the office will physically deliver by 1083  
United States mail or by another delivery service to ten per 1084  
month, unless the person certifies to the office in writing that 1085  
the person does not intend to use or forward the requested 1086  
records, or the information contained in them, for commercial 1087  
purposes; 1088

(ii) A public office that chooses to provide some or all 1089  
of its public records on a web site that is fully accessible to 1090  
and searchable by members of the public at all times, other than 1091  
during acts of God outside the public office's control or 1092

maintenance, and that charges no fee to search, access, 1093  
download, or otherwise receive records provided on the web site, 1094  
may limit to ten per month the number of records requested by a 1095  
person that the office will deliver in a digital format, unless 1096  
the requested records are not provided on the web site and 1097  
unless the person certifies to the office in writing that the 1098  
person does not intend to use or forward the requested records, 1099  
or the information contained in them, for commercial purposes. 1100

(iii) For purposes of division (B) (7) of this section, 1101  
"commercial" shall be narrowly construed and does not include 1102  
reporting or gathering news, reporting or gathering information 1103  
to assist citizen oversight or understanding of the operation or 1104  
activities of government, or nonprofit educational research. 1105

(8) A public office or person responsible for public 1106  
records is not required to permit a person who is incarcerated 1107  
pursuant to a criminal conviction or a juvenile adjudication to 1108  
inspect or to obtain a copy of any public record concerning a 1109  
criminal investigation or prosecution or concerning what would 1110  
be a criminal investigation or prosecution if the subject of the 1111  
investigation or prosecution were an adult, unless the request 1112  
to inspect or to obtain a copy of the record is for the purpose 1113  
of acquiring information that is subject to release as a public 1114  
record under this section and the judge who imposed the sentence 1115  
or made the adjudication with respect to the person, or the 1116  
judge's successor in office, finds that the information sought 1117  
in the public record is necessary to support what appears to be 1118  
a justiciable claim of the person. 1119

(9) (a) Upon written request made and signed by a 1120  
journalist, a public office, or person responsible for public 1121  
records, having custody of the records of the agency employing a 1122

specified designated public service worker shall disclose to the 1123  
journalist the address of the actual personal residence of the 1124  
designated public service worker and, if the designated public 1125  
service worker's spouse, former spouse, or child is employed by 1126  
a public office, the name and address of the employer of the 1127  
designated public service worker's spouse, former spouse, or 1128  
child. The request shall include the journalist's name and title 1129  
and the name and address of the journalist's employer and shall 1130  
state that disclosure of the information sought would be in the 1131  
public interest. 1132

(b) Division (B) (9) (a) of this section also applies to 1133  
journalist requests for: 1134

(i) Customer information maintained by a municipally owned 1135  
or operated public utility, other than social security numbers 1136  
and any private financial information such as credit reports, 1137  
payment methods, credit card numbers, and bank account 1138  
information; 1139

(ii) Information about minors involved in a school vehicle 1140  
accident as provided in division (A) (1) (gg) of this section, 1141  
other than personal information as defined in section 149.45 of 1142  
the Revised Code. 1143

(c) As used in division (B) (9) of this section, 1144  
"journalist" means a person engaged in, connected with, or 1145  
employed by any news medium, including a newspaper, magazine, 1146  
press association, news agency, or wire service, a radio or 1147  
television station, or a similar medium, for the purpose of 1148  
gathering, processing, transmitting, compiling, editing, or 1149  
disseminating information for the general public. 1150

(10) Upon a request made by a victim, victim's attorney, 1151

or victim's representative, as that term is used in section 1152  
2930.02 of the Revised Code, a public office or person 1153  
responsible for public records shall transmit a copy of a 1154  
depiction of the victim as described in division (A) (1) (gg) of 1155  
this section to the victim, victim's attorney, or victim's 1156  
representative. 1157

(C) (1) If a person allegedly is aggrieved by the failure 1158  
of a public office or the person responsible for public records 1159  
to promptly prepare a public record and to make it available to 1160  
the person for inspection in accordance with division (B) of 1161  
this section or by any other failure of a public office or the 1162  
person responsible for public records to comply with an 1163  
obligation in accordance with division (B) of this section, the 1164  
person allegedly aggrieved may do only one of the following, and 1165  
not both: 1166

(a) File a complaint with the clerk of the court of claims 1167  
or the clerk of the court of common pleas under section 2743.75 1168  
of the Revised Code; 1169

(b) Commence a mandamus action to obtain a judgment that 1170  
orders the public office or the person responsible for the 1171  
public record to comply with division (B) of this section, that 1172  
awards court costs and reasonable attorney's fees to the person 1173  
that instituted the mandamus action, and, if applicable, that 1174  
includes an order fixing statutory damages under division (C) (2) 1175  
of this section. The mandamus action may be commenced in the 1176  
court of common pleas of the county in which division (B) of 1177  
this section allegedly was not complied with, in the supreme 1178  
court pursuant to its original jurisdiction under Section 2 of 1179  
Article IV, Ohio Constitution, or in the court of appeals for 1180  
the appellate district in which division (B) of this section 1181

allegedly was not complied with pursuant to its original 1182  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1183

(2) If a requester transmits a written request by hand 1184  
delivery, electronic submission, or certified mail to inspect or 1185  
receive copies of any public record in a manner that fairly 1186  
describes the public record or class of public records to the 1187  
public office or person responsible for the requested public 1188  
records, except as otherwise provided in this section, the 1189  
requester shall be entitled to recover the amount of statutory 1190  
damages set forth in this division if a court determines that 1191  
the public office or the person responsible for public records 1192  
failed to comply with an obligation in accordance with division 1193  
(B) of this section. 1194

The amount of statutory damages shall be fixed at one 1195  
hundred dollars for each business day during which the public 1196  
office or person responsible for the requested public records 1197  
failed to comply with an obligation in accordance with division 1198  
(B) of this section, beginning with the day on which the 1199  
requester files a mandamus action to recover statutory damages, 1200  
up to a maximum of one thousand dollars. The award of statutory 1201  
damages shall not be construed as a penalty, but as compensation 1202  
for injury arising from lost use of the requested information. 1203  
The existence of this injury shall be conclusively presumed. The 1204  
award of statutory damages shall be in addition to all other 1205  
remedies authorized by this section. 1206

The court may reduce an award of statutory damages or not 1207  
award statutory damages if the court determines both of the 1208  
following: 1209

(a) That, based on the ordinary application of statutory 1210  
law and case law as it existed at the time of the conduct or 1211

threatened conduct of the public office or person responsible 1212  
for the requested public records that allegedly constitutes a 1213  
failure to comply with an obligation in accordance with division 1214  
(B) of this section and that was the basis of the mandamus 1215  
action, a well-informed public office or person responsible for 1216  
the requested public records reasonably would believe that the 1217  
conduct or threatened conduct of the public office or person 1218  
responsible for the requested public records did not constitute 1219  
a failure to comply with an obligation in accordance with 1220  
division (B) of this section; 1221

(b) That a well-informed public office or person 1222  
responsible for the requested public records reasonably would 1223  
believe that the conduct or threatened conduct of the public 1224  
office or person responsible for the requested public records 1225  
would serve the public policy that underlies the authority that 1226  
is asserted as permitting that conduct or threatened conduct. 1227

(3) In a mandamus action filed under division (C) (1) of 1228  
this section, the following apply: 1229

(a) (i) If the court orders the public office or the person 1230  
responsible for the public record to comply with division (B) of 1231  
this section, the court shall determine and award to the relator 1232  
all court costs, which shall be construed as remedial and not 1233  
punitive. 1234

(ii) If the court makes a determination described in 1235  
division (C) (3) (b) (iii) of this section, the court shall 1236  
determine and award to the relator all court costs, which shall 1237  
be construed as remedial and not punitive. 1238

(b) If the court renders a judgment that orders the public 1239  
office or the person responsible for the public record to comply 1240

with division (B) of this section or if the court determines any 1241  
of the following, the court may award reasonable attorney's fees 1242  
to the relator, subject to division (C) (4) of this section: 1243

(i) The public office or the person responsible for the 1244  
public records failed to respond affirmatively or negatively to 1245  
the public records request in accordance with the time allowed 1246  
under division (B) of this section. 1247

(ii) The public office or the person responsible for the 1248  
public records promised to permit the relator to inspect or 1249  
receive copies of the public records requested within a 1250  
specified period of time but failed to fulfill that promise 1251  
within that specified period of time. 1252

(iii) The public office or the person responsible for the 1253  
public records acted in bad faith when the office or person 1254  
voluntarily made the public records available to the relator for 1255  
the first time after the relator commenced the mandamus action, 1256  
but before the court issued any order concluding whether or not 1257  
the public office or person was required to comply with division 1258  
(B) of this section. No discovery may be conducted on the issue 1259  
of the alleged bad faith of the public office or person 1260  
responsible for the public records. This division shall not be 1261  
construed as creating a presumption that the public office or 1262  
the person responsible for the public records acted in bad faith 1263  
when the office or person voluntarily made the public records 1264  
available to the relator for the first time after the relator 1265  
commenced the mandamus action, but before the court issued any 1266  
order described in this division. 1267

(c) The court shall not award attorney's fees to the 1268  
relator if the court determines both of the following: 1269

(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 (C) (4) (c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 1299

(d) The court may reduce the amount of fees awarded if the 1300  
court determines that, given the factual circumstances involved 1301  
with the specific public records request, an alternative means 1302  
should have been pursued to more effectively and efficiently 1303  
resolve the dispute that was subject to the mandamus action 1304  
filed under division (C) (1) of this section. 1305

(5) If the court does not issue a writ of mandamus under 1306  
division (C) of this section and the court determines at that 1307  
time that the bringing of the mandamus action was frivolous 1308  
conduct as defined in division (A) of section 2323.51 of the 1309  
Revised Code, the court may award to the public office all court 1310  
costs, expenses, and reasonable attorney's fees, as determined 1311  
by the court. 1312

(D) Chapter 1347. of the Revised Code does not limit the 1313  
provisions of this section. 1314

(E) (1) To ensure that all employees of public offices are 1315  
appropriately educated about a public office's obligations under 1316  
division (B) of this section, all elected officials or their 1317  
appropriate designees shall attend training approved by the 1318  
attorney general as provided in section 109.43 of the Revised 1319  
Code. A future official may satisfy the requirements of this 1320  
division by attending the training before taking office, 1321  
provided that the future official may not send a designee in the 1322  
future official's place. 1323

(2) All public offices shall adopt a public records policy 1324  
in compliance with this section for responding to public records 1325  
requests. In adopting a public records policy under this 1326  
division, a public office may obtain guidance from the model 1327

public records policy developed and provided to the public 1328  
office by the attorney general under section 109.43 of the 1329  
Revised Code. Except as otherwise provided in this section, the 1330  
policy may not limit the number of public records that the 1331  
public office will make available to a single person, may not 1332  
limit the number of public records that it will make available 1333  
during a fixed period of time, and may not establish a fixed 1334  
period of time before it will respond to a request for 1335  
inspection or copying of public records, unless that period is 1336  
less than eight hours. 1337

The public office shall distribute the public records 1338  
policy adopted by the public office under this division to the 1339  
employee of the public office who is the records custodian or 1340  
records manager or otherwise has custody of the records of that 1341  
office. The public office shall require that employee to 1342  
acknowledge receipt of the copy of the public records policy. 1343  
The public office shall create a poster that describes its 1344  
public records policy and shall post the poster in a conspicuous 1345  
place in the public office and in all locations where the public 1346  
office has branch offices. The public office may post its public 1347  
records policy on the internet web site of the public office if 1348  
the public office maintains an internet web site. A public 1349  
office that has established a manual or handbook of its general 1350  
policies and procedures for all employees of the public office 1351  
shall include the public records policy of the public office in 1352  
the manual or handbook. 1353

(F) (1) The bureau of motor vehicles may adopt rules 1354  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1355  
the number of bulk commercial special extraction requests made 1356  
by a person for the same records or for updated records during a 1357  
calendar year. The rules may include provisions for charges to 1358

be made for bulk commercial special extraction requests for the 1359  
actual cost of the bureau, plus special extraction costs, plus 1360  
ten per cent. The bureau may charge for expenses for redacting 1361  
information, the release of which is prohibited by law. 1362

(2) As used in division (F)(1) of this section: 1363

(a) "Actual cost" means the cost of depleted supplies, 1364  
records storage media costs, actual mailing and alternative 1365  
delivery costs, or other transmitting costs, and any direct 1366  
equipment operating and maintenance costs, including actual 1367  
costs paid to private contractors for copying services. 1368

(b) "Bulk commercial special extraction request" means a 1369  
request for copies of a record for information in a format other 1370  
than the format already available, or information that cannot be 1371  
extracted without examination of all items in a records series, 1372  
class of records, or database by a person who intends to use or 1373  
forward the copies for surveys, marketing, solicitation, or 1374  
resale for commercial purposes. "Bulk commercial special 1375  
extraction request" does not include a request by a person who 1376  
gives assurance to the bureau that the person making the request 1377  
does not intend to use or forward the requested copies for 1378  
surveys, marketing, solicitation, or resale for commercial 1379  
purposes. 1380

(c) "Commercial" means profit-seeking production, buying, 1381  
or selling of any good, service, or other product. 1382

(d) "Special extraction costs" means the cost of the time 1383  
spent by the lowest paid employee competent to perform the task, 1384  
the actual amount paid to outside private contractors employed 1385  
by the bureau, or the actual cost incurred to create computer 1386  
programs to make the special extraction. "Special extraction 1387

costs" include any charges paid to a public agency for computer 1388  
or records services. 1389

(3) For purposes of divisions (F) (1) and (2) of this 1390  
section, "surveys, marketing, solicitation, or resale for 1391  
commercial purposes" shall be narrowly construed and does not 1392  
include reporting or gathering news, reporting or gathering 1393  
information to assist citizen oversight or understanding of the 1394  
operation or activities of government, or nonprofit educational 1395  
research. 1396

(G) A request by a defendant, counsel of a defendant, or 1397  
any agent of a defendant in a criminal action that public 1398  
records related to that action be made available under this 1399  
section shall be considered a demand for discovery pursuant to 1400  
the Criminal Rules, except to the extent that the Criminal Rules 1401  
plainly indicate a contrary intent. The defendant, counsel of 1402  
the defendant, or agent of the defendant making a request under 1403  
this division shall serve a copy of the request on the 1404  
prosecuting attorney, director of law, or other chief legal 1405  
officer responsible for prosecuting the action. 1406

(H) (1) Any portion of a body-worn camera or dashboard 1407  
camera recording described in divisions (A) (17) (b) to (h) of 1408  
this section may be released by consent of the subject of the 1409  
recording or a representative of that person, as specified in 1410  
those divisions, only if either of the following applies: 1411

(a) The recording will not be used in connection with any 1412  
probable or pending criminal proceedings; 1413

(b) The recording has been used in connection with a 1414  
criminal proceeding that was dismissed or for which a judgment 1415  
has been entered pursuant to Rule 32 of the Rules of Criminal 1416

Procedure, and will not be used again in connection with any 1417  
probable or pending criminal proceedings. 1418

(2) If a public office denies a request to release a 1419  
restricted portion of a body-worn camera or dashboard camera 1420  
recording, as defined in division (A)(17) of this section, any 1421  
person may file a mandamus action pursuant to this section or a 1422  
complaint with the clerk of the court of claims pursuant to 1423  
section 2743.75 of the Revised Code, requesting the court to 1424  
order the release of all or portions of the recording. If the 1425  
court considering the request determines that the filing 1426  
articulates by clear and convincing evidence that the public 1427  
interest in the recording substantially outweighs privacy 1428  
interests and other interests asserted to deny release, the 1429  
court shall order the public office to release the recording. 1430

**Sec. 315.25.** (A) The county engineer shall make and keep, 1431  
in a book provided for that purpose, an accurate record of all 1432  
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1433  
for the purpose of locating any land or road lines, or fixing 1434  
any corner or monument by which it may be determined, whether 1435  
official or otherwise. Such surveys shall include corners, 1436  
distances, azimuths, angles, calculations, plats, and a 1437  
description of the monuments set up, with such references 1438  
thereto as will aid in finding the names of the parties for whom 1439  
the surveys are made, and the date of making such surveys. Such 1440  
book shall be kept as a public record by the engineer at ~~his~~ the 1441  
engineer's office, and it shall be at all proper times open to 1442  
inspection and examination by all persons interested therein. 1443  
Any other surveys made in the county by competent surveyors, 1444  
certified by such surveyor to be correct and deemed worthy of 1445  
preservation, may, by order of the board of county 1446  
commissioners, be recorded by the engineer. 1447

(B) The county engineer shall keep confidential 1448  
information that is subject to a real property confidentiality 1449  
notice under section 111.431 of the Revised Code, in accordance 1450  
with that section. 1451

**Sec. 317.13.** (A) Except as otherwise provided in division 1452  
(B) of this section, the county recorder shall record in the 1453  
official records, in legible handwriting, typewriting, or 1454  
printing, or by any authorized photographic or electronic 1455  
process, all deeds, mortgages, plats, or other instruments of 1456  
writing that are required or authorized by the Revised Code to 1457  
be recorded and that are presented to the county recorder for 1458  
that purpose. The county recorder shall record the instruments 1459  
in regular succession, according to the priority of 1460  
presentation, and shall enter the file number at the beginning 1461  
of the record. On the record of each instrument, the county 1462  
recorder shall record the date and precise time the instrument 1463  
was presented for record. All records made, prior to July 28, 1464  
1949, by means authorized by this section or by section 9.01 of 1465  
the Revised Code shall be deemed properly made. 1466

(B) The county recorder may refuse to record an instrument 1467  
of writing presented for recording if the instrument is not 1468  
required or authorized by the Revised Code to be recorded or the 1469  
county recorder has reasonable cause to believe the instrument 1470  
is materially false or fraudulent. This division does not create 1471  
a duty upon a recorder to inspect, evaluate, or investigate an 1472  
instrument of writing that is presented for recording. 1473

(C) If a person presents an instrument of writing to the 1474  
county recorder for recording and the county recorder, pursuant 1475  
to division (B) of this section, refuses to record the 1476  
instrument, the person has a cause of action for an order from 1477

the court of common pleas in the county that the county recorder 1478  
serves, to require the county recorder to record the instrument. 1479  
If the court determines that the instrument is required or 1480  
authorized by the Revised Code to be recorded and is not 1481  
materially false or fraudulent, it shall order the county 1482  
recorder to record the instrument. 1483

(D) The county recorder shall keep confidential 1484  
information that is subject to a real property confidentiality 1485  
notice under section 111.431 of the Revised Code, in accordance 1486  
with that section. 1487

**Sec. 319.28.** (A) Except as otherwise provided in division 1488  
(B) of this section, on or before the first Monday of August, 1489  
annually, the county auditor shall compile and make up a general 1490  
tax list of real and public utility property in the county, 1491  
either in tabular form and alphabetical order, or, with the 1492  
consent of the county treasurer, by listing all parcels in a 1493  
permanent parcel number sequence to which a separate 1494  
alphabetical index is keyed, containing the names of the several 1495  
persons, companies, firms, partnerships, associations, and 1496  
corporations in whose names real property has been listed in 1497  
each township, municipal corporation, special district, or 1498  
separate school district, or part of either in the auditor's 1499  
county, placing separately, in appropriate columns opposite each 1500  
name, the description of each tract, lot, or parcel of real 1501  
estate, the value of each tract, lot, or parcel, the value of 1502  
the improvements thereon, and of the names of the several public 1503  
utilities whose property, subject to taxation on the general tax 1504  
list and duplicate, has been apportioned by the department of 1505  
taxation to the county, and the amount so apportioned to each 1506  
township, municipal corporation, special district, or separate 1507  
school district or part of either in the auditor's county, as 1508

shown by the certificates of apportionment of public utility 1509  
property. If the name of the owner of any tract, lot, or parcel 1510  
of real estate is unknown to the auditor, "unknown" shall be 1511  
entered in the column of names opposite said tract, lot, or 1512  
parcel. Such lists shall be prepared in duplicate. On or before 1513  
the first Monday of September in each year, the auditor shall 1514  
correct such lists in accordance with the additions and 1515  
deductions ordered by the tax commissioner and by the county 1516  
board of revision, and shall certify and on the first day of 1517  
October deliver one copy thereof to the county treasurer. The 1518  
copies prepared by the auditor shall constitute the auditor's 1519  
general tax list and treasurer's general duplicate of real and 1520  
public utility property for the current year. 1521

Once a permanent parcel numbering system has been 1522  
established in any county as provided by the preceding 1523  
paragraph, such system shall remain in effect until otherwise 1524  
agreed upon by the county auditor and county treasurer. 1525

(B) (1) An individual, or the spouse of that individual, 1526  
whose residential and familial information is not a public 1527  
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1528  
the Revised Code may submit an affidavit to the county auditor 1529  
requesting the county auditor to remove the name of the 1530  
individual filing the affidavit from any record made available 1531  
to the general public on the internet or a publicly accessible 1532  
database, and from the general tax list and duplicate\_of real 1533  
and public utility property, and to instead insert the 1534  
individual's initials on any such record, and on the general tax 1535  
list and duplicate of real and public utility property as the 1536  
name of the individual that appears on the deed. 1537

(2) Upon receiving an affidavit described in division (B) 1538

(1) of this section, the county auditor shall act within five 1539  
business days in accordance with the request to remove the 1540  
individual's name from any record made available to the general 1541  
public on the internet or a publicly accessible database, and 1542  
from the general tax list and duplicate of real and public 1543  
utility property and insert the individual's initials on any 1544  
such record and on the general tax list and duplicate of real 1545  
and public utility property, if practicable. If the removal and 1546  
insertion is not practicable, the county auditor shall verbally 1547  
or in writing within five business days after receiving the 1548  
affidavit explain to the individual why the removal and 1549  
insertion is impracticable. 1550

(C) The county auditor shall keep confidential information 1551  
that is subject to a real property confidentiality notice under 1552  
section 111.431 of the Revised Code, in accordance with that 1553  
section. 1554

Sec. 321.25. The county treasurer shall keep confidential 1555  
information that is subject to a real property confidentiality 1556  
notice under section 111.431 of the Revised Code, in accordance 1557  
with that section. 1558

Sec. 2303.12. (A) The clerk of the court of common pleas 1559  
shall keep at least four books. They shall be called the 1560  
appearance docket, trial docket and printed duplicates of the 1561  
trial docket for the use of the court and the officers thereof, 1562  
journal, and execution docket. ~~He~~ The clerk shall also keep a 1563  
record in book form or ~~he~~ the clerk may prepare a record by 1564  
using any photostatic, photographic, miniature photographic, 1565  
film, microfilm, or microphotographic process, electrostatic 1566  
process, perforated tape, magnetic tape, or other 1567  
electromagnetic means, electronic data processing, machine 1568

readable media, graphic or video display, or any combination 1569  
thereof, which correctly and accurately copies or reproduces the 1570  
original document, paper, or instrument in writing. ~~He~~ The clerk 1571  
shall use materials that comply with the minimum standards of 1572  
quality for permanent photographic records prescribed by the 1573  
National Bureau of Standards. ~~He~~ The clerk shall keep an index 1574  
to the trial docket and to the printed duplicates of the trial 1575  
docket and of the journal direct, and to the appearance docket, 1576  
record, and execution docket, direct and reverse. All clerks 1577  
keeping records and information by the methods described in this 1578  
section shall keep and make readily available to the public the 1579  
machine and equipment necessary to reproduce the records and 1580  
information in a readable form. 1581

(B) The clerk of the court of common pleas shall keep 1582  
confidential information that is subject to a real property 1583  
confidentiality notice under section 111.431 of the Revised 1584  
Code, in accordance with that section. 1585

**Section 2.** That existing sections 111.42, 111.43, 111.45, 1586  
111.46, 111.99, 149.43, 315.25, 317.13, 319.28, and 2303.12 of 1587  
the Revised Code are hereby repealed. 1588