

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 576**

**Representative Ryan**

**Cosponsors: Representatives Becker, Hood, Brenner, Henne, Perales, Hambley**

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**A BILL**

To amend sections 149.43 and 323.13 of the Revised 1  
Code to exempt from the Public Records Act 2  
financial account numbers and identifying 3  
information in public records and to provide 4  
that taxpayer electronic mail address lists used 5  
by county treasurers to deliver tax bills are 6  
not public records. 7

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

**Section 1.** That sections 149.43 and 323.13 of the Revised 8  
Code be amended to read as follows: 9

**Sec. 149.43.** (A) As used in this section: 10

(1) "Public record" means records kept by any public 11  
office, including, but not limited to, state, county, city, 12  
village, township, and school district units, and records 13  
pertaining to the delivery of educational services by an 14  
alternative school in this state kept by the nonprofit or for- 15  
profit entity operating the alternative school pursuant to 16  
section 3313.533 of the Revised Code. "Public record" does not 17  
mean any of the following: 18

(a) Medical records;	19
(b) Records pertaining to probation and parole proceedings	20
or to proceedings related to the imposition of community control	21
sanctions and post-release control sanctions;	22
(c) Records pertaining to actions under section 2151.85	23
and division (C) of section 2919.121 of the Revised Code and to	24
appeals of actions arising under those sections;	25
(d) Records pertaining to adoption proceedings, including	26
the contents of an adoption file maintained by the department of	27
health under sections 3705.12 to 3705.124 of the Revised Code;	28
(e) Information in a record contained in the putative	29
father registry established by section 3107.062 of the Revised	30
Code, regardless of whether the information is held by the	31
department of job and family services or, pursuant to section	32
3111.69 of the Revised Code, the office of child support in the	33
department or a child support enforcement agency;	34
(f) Records specified in division (A) of section 3107.52	35
of the Revised Code;	36
(g) Trial preparation records;	37
(h) Confidential law enforcement investigatory records;	38
(i) Records containing information that is confidential	39
under section 2710.03 or 4112.05 of the Revised Code;	40
(j) DNA records stored in the DNA database pursuant to	41
section 109.573 of the Revised Code;	42
(k) Inmate records released by the department of	43
rehabilitation and correction to the department of youth	44
services or a court of record pursuant to division (E) of	45

section 5120.21 of the Revised Code; 46

(l) Records maintained by the department of youth services 47  
pertaining to children in its custody released by the department 48  
of youth services to the department of rehabilitation and 49  
correction pursuant to section 5139.05 of the Revised Code; 50

(m) Intellectual property records; 51

(n) Donor profile records; 52

(o) Records maintained by the department of job and family 53  
services pursuant to section 3121.894 of the Revised Code; 54

(p) Peace officer, parole officer, probation officer, 55  
bailiff, prosecuting attorney, assistant prosecuting attorney, 56  
correctional employee, community-based correctional facility 57  
employee, youth services employee, firefighter, EMT, or 58  
investigator of the bureau of criminal identification and 59  
investigation residential and familial information; 60

(q) In the case of a county hospital operated pursuant to 61  
Chapter 339. of the Revised Code or a municipal hospital 62  
operated pursuant to Chapter 749. of the Revised Code, 63  
information that constitutes a trade secret, as defined in 64  
section 1333.61 of the Revised Code; 65

(r) Information pertaining to the recreational activities 66  
of a person under the age of eighteen; 67

(s) In the case of a child fatality review board acting 68  
under sections 307.621 to 307.629 of the Revised Code or a 69  
review conducted pursuant to guidelines established by the 70  
director of health under section 3701.70 of the Revised Code, 71  
records provided to the board or director, statements made by 72  
board members during meetings of the board or by persons 73

participating in the director's review, and all work products of 74  
the board or director, and in the case of a child fatality 75  
review board, child fatality review data submitted by the board 76  
to the department of health or a national child death review 77  
database, other than the report prepared pursuant to division 78  
(A) of section 307.626 of the Revised Code; 79

(t) Records provided to and statements made by the 80  
executive director of a public children services agency or a 81  
prosecuting attorney acting pursuant to section 5153.171 of the 82  
Revised Code other than the information released under that 83  
section; 84

(u) Test materials, examinations, or evaluation tools used 85  
in an examination for licensure as a nursing home administrator 86  
that the board of executives of long-term services and supports 87  
administers under section 4751.04 of the Revised Code or 88  
contracts under that section with a private or government entity 89  
to administer; 90

(v) Records the release of which is prohibited by state or 91  
federal law; 92

(w) Proprietary information of or relating to any person 93  
that is submitted to or compiled by the Ohio venture capital 94  
authority created under section 150.01 of the Revised Code; 95

(x) Financial statements and data any person submits for 96  
any purpose to the Ohio housing finance agency or the 97  
controlling board in connection with applying for, receiving, or 98  
accounting for financial assistance from the agency, and 99  
information that identifies any individual who benefits directly 100  
or indirectly from financial assistance from the agency; 101

(y) Records listed in section 5101.29 of the Revised Code; 102

(z) Discharges recorded with a county recorder under 103  
section 317.24 of the Revised Code, as specified in division (B) 104  
(2) of that section; 105

(aa) Usage information including names and addresses of 106  
specific residential and commercial customers of a municipally 107  
owned or operated public utility; 108

(bb) Records described in division (C) of section 187.04 109  
of the Revised Code that are not designated to be made available 110  
to the public as provided in that division; 111

(cc) Information and records that are made confidential, 112  
privileged, and not subject to disclosure under divisions (B) 113  
and (C) of section 2949.221 of the Revised Code; 114

(dd) Financial account numbers or financial account 115  
identifying information in records, including the identity of 116  
the financial institution where a financial account is 117  
maintained. 118

(2) "Confidential law enforcement investigatory record" 119  
means any record that pertains to a law enforcement matter of a 120  
criminal, quasi-criminal, civil, or administrative nature, but 121  
only to the extent that the release of the record would create a 122  
high probability of disclosure of any of the following: 123

(a) The identity of a suspect who has not been charged 124  
with the offense to which the record pertains, or of an 125  
information source or witness to whom confidentiality has been 126  
reasonably promised; 127

(b) Information provided by an information source or 128  
witness to whom confidentiality has been reasonably promised, 129  
which information would reasonably tend to disclose the source's 130  
or witness's identity; 131

(c) Specific confidential investigatory techniques or 132  
procedures or specific investigatory work product; 133

(d) Information that would endanger the life or physical 134  
safety of law enforcement personnel, a crime victim, a witness, 135  
or a confidential information source. 136

(3) "Medical record" means any document or combination of 137  
documents, except births, deaths, and the fact of admission to 138  
or discharge from a hospital, that pertains to the medical 139  
history, diagnosis, prognosis, or medical condition of a patient 140  
and that is generated and maintained in the process of medical 141  
treatment. 142

(4) "Trial preparation record" means any record that 143  
contains information that is specifically compiled in reasonable 144  
anticipation of, or in defense of, a civil or criminal action or 145  
proceeding, including the independent thought processes and 146  
personal trial preparation of an attorney. 147

(5) "Intellectual property record" means a record, other 148  
than a financial or administrative record, that is produced or 149  
collected by or for faculty or staff of a state institution of 150  
higher learning in the conduct of or as a result of study or 151  
research on an educational, commercial, scientific, artistic, 152  
technical, or scholarly issue, regardless of whether the study 153  
or research was sponsored by the institution alone or in 154  
conjunction with a governmental body or private concern, and 155  
that has not been publicly released, published, or patented. 156

(6) "Donor profile record" means all records about donors 157  
or potential donors to a public institution of higher education 158  
except the names and reported addresses of the actual donors and 159  
the date, amount, and conditions of the actual donation. 160

(7) "Peace officer, parole officer, probation officer, 161  
bailiff, prosecuting attorney, assistant prosecuting attorney, 162  
correctional employee, community-based correctional facility 163  
employee, youth services employee, firefighter, EMT, or 164  
investigator of the bureau of criminal identification and 165  
investigation residential and familial information" means any 166  
information that discloses any of the following about a peace 167  
officer, parole officer, probation officer, bailiff, prosecuting 168  
attorney, assistant prosecuting attorney, correctional employee, 169  
community-based correctional facility employee, youth services 170  
employee, firefighter, EMT, or investigator of the bureau of 171  
criminal identification and investigation: 172

(a) The address of the actual personal residence of a 173  
peace officer, parole officer, probation officer, bailiff, 174  
assistant prosecuting attorney, correctional employee, 175  
community-based correctional facility employee, youth services 176  
employee, firefighter, EMT, or an investigator of the bureau of 177  
criminal identification and investigation, except for the state 178  
or political subdivision in which the peace officer, parole 179  
officer, probation officer, bailiff, assistant prosecuting 180  
attorney, correctional employee, community-based correctional 181  
facility employee, youth services employee, firefighter, EMT, or 182  
investigator of the bureau of criminal identification and 183  
investigation resides; 184

(b) Information compiled from referral to or participation 185  
in an employee assistance program; 186

(c) The social security number, the residential telephone 187  
number, any bank account, debit card, charge card, or credit 188  
card number, or the emergency telephone number of, or any 189  
medical information pertaining to, a peace officer, parole 190

officer, probation officer, bailiff, prosecuting attorney, 191  
assistant prosecuting attorney, correctional employee, 192  
community-based correctional facility employee, youth services 193  
employee, firefighter, EMT, or investigator of the bureau of 194  
criminal identification and investigation; 195

(d) The name of any beneficiary of employment benefits, 196  
including, but not limited to, life insurance benefits, provided 197  
to a peace officer, parole officer, probation officer, bailiff, 198  
prosecuting attorney, assistant prosecuting attorney, 199  
correctional employee, community-based correctional facility 200  
employee, youth services employee, firefighter, EMT, or 201  
investigator of the bureau of criminal identification and 202  
investigation by the peace officer's, parole officer's, 203  
probation officer's, bailiff's, prosecuting attorney's, 204  
assistant prosecuting attorney's, correctional employee's, 205  
community-based correctional facility employee's, youth services 206  
employee's, firefighter's, EMT's, or investigator of the bureau 207  
of criminal identification and investigation's employer; 208

(e) The identity and amount of any charitable or 209  
employment benefit deduction made by the peace officer's, parole 210  
officer's, probation officer's, bailiff's, prosecuting 211  
attorney's, assistant prosecuting attorney's, correctional 212  
employee's, community-based correctional facility employee's, 213  
youth services employee's, firefighter's, EMT's, or investigator 214  
of the bureau of criminal identification and investigation's 215  
employer from the peace officer's, parole officer's, probation 216  
officer's, bailiff's, prosecuting attorney's, assistant 217  
prosecuting attorney's, correctional employee's, community-based 218  
correctional facility employee's, youth services employee's, 219  
firefighter's, EMT's, or investigator of the bureau of criminal 220  
identification and investigation's compensation unless the 221



amount of the deduction is required by state or federal law; 222

(f) The name, the residential address, the name of the 223  
employer, the address of the employer, the social security 224  
number, the residential telephone number, any bank account, 225  
debit card, charge card, or credit card number, or the emergency 226  
telephone number of the spouse, a former spouse, or any child of 227  
a peace officer, parole officer, probation officer, bailiff, 228  
prosecuting attorney, assistant prosecuting attorney, 229  
correctional employee, community-based correctional facility 230  
employee, youth services employee, firefighter, EMT, or 231  
investigator of the bureau of criminal identification and 232  
investigation; 233

(g) A photograph of a peace officer who holds a position 234  
or has an assignment that may include undercover or plain 235  
clothes positions or assignments as determined by the peace 236  
officer's appointing authority. 237

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 238  
~~"peace~~ (8) "Peace officer" has the same meaning as in section 239  
109.71 of the Revised Code and also includes the superintendent 240  
and troopers of the state highway patrol; it does not include 241  
the sheriff of a county or a supervisory employee who, in the 242  
absence of the sheriff, is authorized to stand in for, exercise 243  
the authority of, and perform the duties of the sheriff. 244

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 245  
~~"correctional~~ (9) "Correctional employee" means any employee of 246  
the department of rehabilitation and correction who in the 247  
course of performing the employee's job duties has or has had 248  
contact with inmates and persons under supervision. 249

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 250

~~"youth (10)~~ "Youth services employee" means any employee of the 251  
department of youth services who in the course of performing the 252  
employee's job duties has or has had contact with children 253  
committed to the custody of the department of youth services. 254

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 255  
~~"firefighter" (11)~~ "Firefighter" means any regular, paid or 256  
volunteer, member of a lawfully constituted fire department of a 257  
municipal corporation, township, fire district, or village. 258

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 259  
~~(12)~~ "EMT" means EMTs-basic, EMTs-I, and paramedics that provide 260  
emergency medical services for a public emergency medical 261  
service organization. "Emergency medical service organization," 262  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 263  
in section 4765.01 of the Revised Code. 264

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 265  
~~"investigator (13)~~ "Investigator" of the bureau of criminal 266  
identification and investigation" has the meaning defined in 267  
section 2903.11 of the Revised Code. 268

~~(8)~~ ~~(14)~~ "Information pertaining to the recreational 269  
activities of a person under the age of eighteen" means 270  
information that is kept in the ordinary course of business by a 271  
public office, that pertains to the recreational activities of a 272  
person under the age of eighteen years, and that discloses any 273  
of the following: 274

(a) The address or telephone number of a person under the 275  
age of eighteen or the address or telephone number of that 276  
person's parent, guardian, custodian, or emergency contact 277  
person; 278

(b) The social security number, birth date, or 279

photographic image of a person under the age of eighteen; 280

(c) Any medical record, history, or information pertaining 281  
to a person under the age of eighteen; 282

(d) Any additional information sought or required about a 283  
person under the age of eighteen for the purpose of allowing 284  
that person to participate in any recreational activity 285  
conducted or sponsored by a public office or to use or obtain 286  
admission privileges to any recreational facility owned or 287  
operated by a public office. 288

~~(9)~~ (15) "Community control sanction" has the same meaning 289  
as in section 2929.01 of the Revised Code. 290

~~(10)~~ (16) "Post-release control sanction" has the same 291  
meaning as in section 2967.01 of the Revised Code. 292

~~(11)~~ (17) "Redaction" means obscuring or deleting any 293  
information that is exempt from the duty to permit public 294  
inspection or copying from an item that otherwise meets the 295  
definition of a "record" in section 149.011 of the Revised Code. 296

~~(12)~~ (18) "Designee" and "elected official" have the same 297  
meanings as in section 109.43 of the Revised Code. 298

(B) (1) Upon request and subject to division (B) (8) of this 299  
section, all public records responsive to the request shall be 300  
promptly prepared and made available for inspection to any 301  
person at all reasonable times during regular business hours. 302  
Subject to division (B) (8) of this section, upon request, a 303  
public office or person responsible for public records shall 304  
make copies of the requested public record available to the 305  
requester at cost and within a reasonable period of time. If a 306  
public record contains information that is exempt from the duty 307  
to permit public inspection or to copy the public record, the 308

public office or the person responsible for the public record 309  
shall redact the information that is exempt and shall make 310  
available all of the information within the public record that 311  
is not exempt. When making that public record available for 312  
public inspection or copying that public record, the public 313  
office or the person responsible for the public record shall 314  
notify the requester of any redaction or make the redaction 315  
plainly visible. A redaction shall be deemed a denial of a 316  
request to inspect or copy the redacted information, except if 317  
federal or state law authorizes or requires a public office to 318  
make the redaction. 319

(2) To facilitate broader access to public records, a 320  
public office or the person responsible for public records shall 321  
organize and maintain public records in a manner that they can 322  
be made available for inspection or copying in accordance with 323  
division (B) of this section. A public office also shall have 324  
available a copy of its current records retention schedule at a 325  
location readily available to the public. If a requester makes 326  
an ambiguous or overly broad request or has difficulty in making 327  
a request for copies or inspection of public records under this 328  
section such that the public office or the person responsible 329  
for the requested public record cannot reasonably identify what 330  
public records are being requested, the public office or the 331  
person responsible for the requested public record may deny the 332  
request but shall provide the requester with an opportunity to 333  
revise the request by informing the requester of the manner in 334  
which records are maintained by the public office and accessed 335  
in the ordinary course of the public office's or person's 336  
duties. 337

(3) If a request is ultimately denied, in part or in 338  
whole, the public office or the person responsible for the 339

requested public record shall provide the requester with an 340  
explanation, including legal authority, setting forth why the 341  
request was denied. If the initial request was provided in 342  
writing, the explanation also shall be provided to the requester 343  
in writing. The explanation shall not preclude the public office 344  
or the person responsible for the requested public record from 345  
relying upon additional reasons or legal authority in defending 346  
an action commenced under division (C) of this section. 347

(4) Unless specifically required or authorized by state or 348  
federal law or in accordance with division (B) of this section, 349  
no public office or person responsible for public records may 350  
limit or condition the availability of public records by 351  
requiring disclosure of the requester's identity or the intended 352  
use of the requested public record. Any requirement that the 353  
requester disclose the ~~requester's~~requester's identity or the 354  
intended use of the requested public record constitutes a denial 355  
of the request. 356

(5) A public office or person responsible for public 357  
records may ask a requester to make the request in writing, may 358  
ask for the requester's identity, and may inquire about the 359  
intended use of the information requested, but may do so only 360  
after disclosing to the requester that a written request is not 361  
mandatory~~and~~, that the requester may decline to reveal the 362  
requester's identity or the intended use~~,~~, and when a written 363  
request or disclosure of the identity or intended use would 364  
benefit the requester by enhancing the ability of the public 365  
office or person responsible for public records to identify, 366  
locate, or deliver the public records sought by the requester. 367

(6) If any person ~~chooses to obtain~~requests a copy of a 368  
public record in accordance with division (B) of this section, 369

the public office or person responsible for the public record 370  
may require ~~that person the requester~~ to pay in advance the cost 371  
involved in providing the copy of the public record in 372  
accordance with the choice made by the ~~person seeking the copy~~ 373  
requester under this division. The public office or the person 374  
responsible for the public record shall permit ~~that person the~~ 375  
requester to choose to have the public record duplicated upon 376  
paper, upon the same medium upon which the public office or 377  
person responsible for the public record keeps it, or upon any 378  
other medium upon which the public office or person responsible 379  
for the public record determines that it reasonably can be 380  
duplicated as an integral part of the normal operations of the 381  
public office or person responsible for the public record. When 382  
the ~~person seeking the copy requester~~ makes a choice under this 383  
division, the public office or person responsible for the public 384  
record shall provide a copy of it in accordance with the choice 385  
made by the ~~person requester~~ seeking the copy. Nothing in this 386  
section requires a public office or person responsible for the 387  
public record to allow the ~~person seeking a copy of the public~~ 388  
~~record requester~~ to make the copies of the public record. 389

(7) Upon a request made in accordance with division (B) of 390  
this section and subject to division (B)(6) of this section, a 391  
public office or person responsible for public records shall 392  
transmit a copy of a public record to any person by United 393  
States mail or by any other means of delivery or transmission 394  
within a reasonable period of time after receiving the request 395  
for the copy. The public office or person responsible for the 396  
public record may require the person making the request to pay 397  
in advance the cost of postage if the copy is transmitted by 398  
United States mail or the cost of delivery if the copy is 399  
transmitted other than by United States mail, and to pay in 400

advance the costs incurred for other supplies used in the 401  
mailing, delivery, or transmission. 402

Any public office may adopt a policy and procedures that 403  
it will follow in transmitting, within a reasonable period of 404  
time after receiving a request, copies of public records by 405  
United States mail or by any other means of delivery or 406  
transmission pursuant to this division. A public office that 407  
adopts a policy and procedures under this division shall comply 408  
with them in performing its duties under this division. 409

In any policy and procedures adopted under this division, 410  
a public office may limit the number of records requested by a 411  
person that the office will transmit by United States mail to 412  
ten per month, unless the person certifies to the office in 413  
writing that the person does not intend to use or forward the 414  
requested records, or the information contained in them, for 415  
commercial purposes. For purposes of this division, "commercial" 416  
shall be narrowly construed and does not include reporting or 417  
gathering news, reporting or gathering information to assist 418  
citizen oversight or understanding of the operation or 419  
activities of government, or nonprofit educational research. 420

(8) A public office or person responsible for public 421  
records is not required to permit a person who is incarcerated 422  
pursuant to a criminal conviction or a juvenile adjudication to 423  
inspect or to obtain a copy of any public record concerning a 424  
criminal investigation or prosecution or concerning what would 425  
be a criminal investigation or prosecution if the subject of the 426  
investigation or prosecution were an adult, unless the request 427  
to inspect or to obtain a copy of the record is for the purpose 428  
of acquiring information that is subject to release as a public 429  
record under this section and the judge who imposed the sentence 430

or made the adjudication with respect to the person, or the 431  
judge's successor in office, finds that the information sought 432  
in the public record is necessary to support what appears to be 433  
a justiciable claim of the person. 434

(9) (a) Upon written request made and signed by a 435  
~~journalist on or after December 16, 1999,~~ a public office, or 436  
person responsible for public records, having custody of the 437  
records of the agency employing a specified peace officer, 438  
parole officer, probation officer, bailiff, prosecuting 439  
attorney, assistant prosecuting attorney, correctional employee, 440  
community-based correctional facility employee, youth services 441  
employee, firefighter, EMT, or investigator of the bureau of 442  
criminal identification and investigation shall disclose to the 443  
journalist the address of the actual personal residence of the 444  
peace officer, parole officer, probation officer, bailiff, 445  
prosecuting attorney, assistant prosecuting attorney, 446  
correctional employee, community-based correctional facility 447  
employee, youth services employee, firefighter, EMT, or 448  
investigator of the bureau of criminal identification and 449  
investigation and, if the peace officer's, parole officer's, 450  
probation officer's, bailiff's, prosecuting attorney's, 451  
assistant prosecuting attorney's, correctional employee's, 452  
community-based correctional facility employee's, youth services 453  
employee's, firefighter's, EMT's, or investigator of the bureau 454  
of criminal identification and investigation's spouse, former 455  
spouse, or child is employed by a public office, the name and 456  
address of the employer of the peace officer's, parole 457  
officer's, probation officer's, bailiff's, prosecuting 458  
attorney's, assistant prosecuting attorney's, correctional 459  
employee's, community-based correctional facility employee's, 460  
youth services employee's, firefighter's, EMT's, or investigator 461



of the bureau of criminal identification and investigation's 462  
spouse, former spouse, or child. The request shall include the 463  
journalist's name and title and the name and address of the 464  
journalist's employer and shall state that disclosure of the 465  
information sought would be in the public interest. 466

(b) Division (B) (9) (a) of this section also applies to 467  
journalist requests for customer information maintained by a 468  
municipally owned or operated public utility, other than social 469  
security numbers and any private financial information such as 470  
credit reports, payment methods, credit card numbers, and bank 471  
account information. 472

(c) As used in division (B) (9) of this section, 473  
"journalist" means a person engaged in, connected with, or 474  
employed by any news medium, including a newspaper, magazine, 475  
press association, news agency, or wire service, a radio or 476  
television station, or a similar medium, for the purpose of 477  
gathering, processing, transmitting, compiling, editing, or 478  
disseminating information for the general public. 479

(C) (1) If a person allegedly is aggrieved by the failure 480  
of a public office or the person responsible for public records 481  
to promptly prepare a public record and to make it available to 482  
the person for inspection in accordance with division (B) of 483  
this section or by any other failure of a public office or the 484  
person responsible for public records to comply with an 485  
obligation in accordance with division (B) of this section, the 486  
person allegedly aggrieved may commence a mandamus action to 487  
obtain a judgment that orders the public office or the person 488  
responsible for the public record to comply with division (B) of 489  
this section, that awards court costs and reasonable attorney's 490  
fees to the person that instituted the mandamus action, and, if 491

applicable, that includes an order fixing statutory damages 492  
under division (C) (1) of this section. The mandamus action may 493  
be commenced in the court of common pleas of the county in which 494  
division (B) of this section allegedly was not complied with, in 495  
the supreme court pursuant to its original jurisdiction under 496  
Section 2 of Article IV, Ohio Constitution, or in the court of 497  
appeals for the appellate district in which division (B) of this 498  
section allegedly was not complied with pursuant to its original 499  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 500

If a ~~requester~~ requester transmits a written request by 501  
hand delivery or certified mail to inspect or receive copies of 502  
any public record in a manner that fairly describes the public 503  
record or class of public records to the public office or person 504  
responsible for the requested public records, except as 505  
otherwise provided in this section, the ~~requester~~ requester 506  
shall be entitled to recover the amount of statutory damages set 507  
forth in this division if a court determines that the public 508  
office or the person responsible for public records failed to 509  
comply with an obligation in accordance with division (B) of 510  
this section. 511

The amount of statutory damages shall be fixed at one 512  
hundred dollars for each business day during which the public 513  
office or person responsible for the requested public records 514  
failed to comply with an obligation in accordance with division 515  
(B) of this section, beginning with the day on which the 516  
requester files a mandamus action to recover statutory damages, 517  
up to a maximum of one thousand dollars. The award of statutory 518  
damages shall not be construed as a penalty, but as compensation 519  
for injury arising from lost use of the requested information. 520  
The existence of this injury shall be conclusively presumed. The 521  
award of statutory damages shall be in addition to all other 522

remedies authorized by this section. 523

The court may reduce an award of statutory damages or not 524  
award statutory damages if the court determines both of the 525  
following: 526

(a) That, based on the ordinary application of statutory 527  
law and case law as it existed at the time of the conduct or 528  
threatened conduct of the public office or person responsible 529  
for the requested public records that allegedly constitutes a 530  
failure to comply with an obligation in accordance with division 531  
(B) of this section and that was the basis of the mandamus 532  
action, a well-informed public office or person responsible for 533  
the requested public records reasonably would believe that the 534  
conduct or threatened conduct of the public office or person 535  
responsible for the requested public records did not constitute 536  
a failure to comply with an obligation in accordance with 537  
division (B) of this section; 538

(b) That a well-informed public office or person 539  
responsible for the requested public records reasonably would 540  
believe that the conduct or threatened conduct of the public 541  
office or person responsible for the requested public records 542  
would serve the public policy that underlies the authority that 543  
is asserted as permitting that conduct or threatened conduct. 544

(2) (a) If the court issues a writ of mandamus that orders 545  
the public office or the person responsible for the public 546  
record to comply with division (B) of this section and 547  
determines that the circumstances described in division (C) (1) 548  
of this section exist, the court shall determine and award to 549  
the relator all court costs. 550

(b) If the court renders a judgment that orders the public 551

office or the person responsible for the public record to comply 552  
with division (B) of this section, the court may award 553  
reasonable attorney's fees subject to reduction as described in 554  
division (C) (2) (c) of this section. The court shall award 555  
reasonable attorney's fees, subject to reduction as described in 556  
division (C) (2) (c) of this section when either of the following 557  
applies: 558

(i) The public office or the person responsible for the 559  
public records failed to respond affirmatively or negatively to 560  
the public records request in accordance with the time allowed 561  
under division (B) of this section. 562

(ii) The public office or the person responsible for the 563  
public records promised to permit the relator to inspect or 564  
receive copies of the public records requested within a 565  
specified period of time but failed to fulfill that promise 566  
within that specified period of time. 567

(c) Court costs and reasonable attorney's fees awarded 568  
under this section shall be construed as remedial and not 569  
punitive. Reasonable attorney's fees shall include reasonable 570  
fees incurred to produce proof of the reasonableness and amount 571  
of the fees and to otherwise litigate entitlement to the fees. 572  
The court may reduce an award of attorney's fees to the relator 573  
or not award attorney's fees to the relator if the court 574  
determines both of the following: 575

(i) That, based on the ordinary application of statutory 576  
law and case law as it existed at the time of the conduct or 577  
threatened conduct of the public office or person responsible 578  
for the requested public records that allegedly constitutes a 579  
failure to comply with an obligation in accordance with division 580  
(B) of this section and that was the basis of the mandamus 581

action, a well-informed public office or person responsible for 582  
the requested public records reasonably would believe that the 583  
conduct or threatened conduct of the public office or person 584  
responsible for the requested public records did not constitute 585  
a failure to comply with an obligation in accordance with 586  
division (B) of this section; 587

(ii) That a well-informed public office or person 588  
responsible for the requested public records reasonably would 589  
believe that the conduct or threatened conduct of the public 590  
office or person responsible for the requested public records as 591  
described in division (C) (2) (c) (i) of this section would serve 592  
the public policy that underlies the authority that is asserted 593  
as permitting that conduct or threatened conduct. 594

(D) Chapter 1347. of the Revised Code does not limit the 595  
provisions of this section. 596

(E) (1) To ensure that all employees of public offices are 597  
appropriately educated about a public office's obligations under 598  
division (B) of this section, all elected officials or their 599  
appropriate designees shall attend training approved by the 600  
attorney general as provided in section 109.43 of the Revised 601  
Code. In addition, all public offices shall adopt a public 602  
records policy in compliance with this section for responding to 603  
public records requests. In adopting a public records policy 604  
under this division, a public office may obtain guidance from 605  
the model public records policy developed and provided to the 606  
public office by the attorney general under section 109.43 of 607  
the Revised Code. Except as otherwise provided in this section, 608  
the policy may not limit the number of public records that the 609  
public office will make available to a single person, may not 610  
limit the number of public records that it will make available 611

during a fixed period of time, and may not establish a fixed 612  
period of time before it will respond to a request for 613  
inspection or copying of public records, unless that period is 614  
less than eight hours. 615

(2) The public office shall distribute the public records 616  
policy adopted by the public office under division (E)(1) of 617  
this section to the employee of the public office who is the 618  
records custodian or records manager or otherwise has custody of 619  
the records of that office. The public office shall require that 620  
employee to acknowledge receipt of the copy of the public 621  
records policy. The public office shall create a poster that 622  
describes its public records policy and shall post the poster in 623  
a conspicuous place in the public office and in all locations 624  
where the public office has branch offices. The public office 625  
may post its public records policy on the internet web site of 626  
the public office if the public office maintains an internet web 627  
site. A public office that has established a manual or handbook 628  
of its general policies and procedures for all employees of the 629  
public office shall include the public records policy of the 630  
public office in the manual or handbook. 631

(F)(1) The bureau of motor vehicles may adopt rules 632  
pursuant to Chapter 119. of the Revised Code to reasonably limit 633  
the number of bulk commercial special extraction requests made 634  
by a person for the same records or for updated records during a 635  
calendar year. The rules may include provisions for charges to 636  
be made for bulk commercial special extraction requests for the 637  
actual cost of the bureau, plus special extraction costs, plus 638  
ten per cent. The bureau may charge for expenses for redacting 639  
information, the release of which is prohibited by law. 640

(2) As used in division (F)(1) of this section: 641

(a) "Actual cost" means the cost of depleted supplies, 642  
records storage media costs, actual mailing and alternative 643  
delivery costs, or other transmitting costs, and any direct 644  
equipment operating and maintenance costs, including actual 645  
costs paid to private contractors for copying services. 646

(b) "Bulk commercial special extraction request" means a 647  
request for copies of a record for information in a format other 648  
than the format already available, or information that cannot be 649  
extracted without examination of all items in a records series, 650  
class of records, or database by a person who intends to use or 651  
forward the copies for surveys, marketing, solicitation, or 652  
resale for commercial purposes. "Bulk commercial special 653  
extraction request" does not include a request by a person who 654  
gives assurance to the bureau that the person making the request 655  
does not intend to use or forward the requested copies for 656  
surveys, marketing, solicitation, or resale for commercial 657  
purposes. 658

(c) "Commercial" means profit-seeking production, buying, 659  
or selling of any good, service, or other product. 660

(d) "Special extraction costs" means the cost of the time 661  
spent by the lowest paid employee competent to perform the task, 662  
the actual amount paid to outside private contractors employed 663  
by the bureau, or the actual cost incurred to create computer 664  
programs to make the special extraction. "Special extraction 665  
costs" include any charges paid to a public agency for computer 666  
or records services. 667

(3) For purposes of divisions (F)(1) and (2) of this 668  
section, "surveys, marketing, solicitation, or resale for 669  
commercial purposes" shall be narrowly construed and does not 670  
include reporting or gathering news, reporting or gathering 671

information to assist citizen oversight or understanding of the 672  
operation or activities of government, or nonprofit educational 673  
research. 674

**Sec. 323.13.** Except as provided in section 323.134 of the 675  
Revised Code, immediately upon receipt of any tax duplicate from 676  
the county auditor, but not less than twenty days prior to the 677  
last date on which the first one-half taxes may be paid without 678  
penalty as prescribed in section 323.12 or 323.17 of the Revised 679  
Code, the county treasurer shall cause to be prepared and mailed 680  
or delivered to each person charged on such duplicate with taxes 681  
or to an agent designated by such person, the tax bill 682  
prescribed by the commissioner of tax equalization under section 683  
323.131 of the Revised Code. When taxes are paid by 684  
installments, the county treasurer shall mail or deliver to each 685  
person charged on such duplicate or the agent designated by such 686  
person, a second tax bill showing the amount due at the time of 687  
the second tax collection. The second-half tax bill shall be 688  
mailed or delivered at least twenty days prior to the close of 689  
the second-half tax collection period. The treasurer shall 690  
maintain a record of the person or agent to whom each bill is 691  
mailed or delivered. 692

After delivery of the delinquent land duplicate as 693  
prescribed in section 5721.011 of the Revised Code, the county 694  
treasurer may prepare and mail to each person in whose name 695  
property therein is listed an additional tax bill showing the 696  
total amount of delinquent taxes appearing on such duplicate 697  
against such property. The tax bill shall include a notice that 698  
the interest charge prescribed by division (B) of section 699  
323.121 of the Revised Code has begun to accrue. 700

A change in the mailing address of any tax bill shall be 701



made in writing to the county treasurer. 702

Upon certification by the county auditor of the 703  
apportionment of taxes following the transfer of a part of a 704  
tract or lot of real estate, and upon request by the owner of 705  
any transferred or remaining part of such tract or parcel, the 706  
treasurer shall cause to be prepared and mailed or delivered to 707  
such owner a tax bill for the taxes allocated to the owner's 708  
part, together with the penalties, interest, and other charges. 709

Failure to receive any bill required by this section does 710  
not excuse failure or delay to pay any taxes shown on such bill 711  
or, except as provided in division (B)(1) of section 5715.39 of 712  
the Revised Code, avoid any penalty, interest, or charge for 713  
such delay. 714

Taxpayer electronic mail address lists created and used by 715  
a county treasurer's office for the delivery of tax bills or tax 716  
payment information are not public records under section 149.43 717  
of the Revised Code. 718

**Section 2.** That existing sections 149.43 and 323.13 of the 719  
Revised Code are hereby repealed. 720