

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. H. B. No. 8**

**Representatives Hambley, Rezabek**

**Cosponsors: Representatives Brenner, Thompson, Koehler, Riedel, Dean, Blessing, Goodman, Anielski, Antonio, Arndt, Barnes, Boccieri, Boyd, Conditt, Dever, Edwards, Faber, Fedor, Galonski, Gavarone, Green, Greenspan, Holmes, Householder, Ingram, Kick, Landis, Leland, Manning, O'Brien, Patmon, Patterson, Patton, Pelanda, Perales, Ramos, Reineke, Rogers, Ryan, Schaffer, Slaby, Smith, K., Stein, Sweeney, West, Young**

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**A BILL**

To amend section 149.43 and to enact section 1  
149.436 of the Revised Code to exempt from the 2  
Public Records Law certain information 3  
concerning a minor that is included in a record 4  
related to a traffic accident involving a school 5  
vehicle in which the minor was an occupant at 6  
the time of the accident and to allow the parent 7  
or guardian of the minor to request a record of 8  
the accident containing the exempted 9  
information. 10

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

**Section 1.** That section 149.43 be amended and section 11  
149.436 of the Revised Code be enacted to read as follows: 12

**Sec. 149.43.** (A) As used in this section: 13

(1) "Public record" means records kept by any public 14

office, including, but not limited to, state, county, city, 15  
village, township, and school district units, and records 16  
pertaining to the delivery of educational services by an 17  
alternative school in this state kept by the nonprofit or for- 18  
profit entity operating the alternative school pursuant to 19  
section 3313.533 of the Revised Code. "Public record" does not 20  
mean any of the following: 21

(a) Medical records; 22

(b) Records pertaining to probation and parole proceedings 23  
or to proceedings related to the imposition of community control 24  
sanctions and post-release control sanctions; 25

(c) Records pertaining to actions under section 2151.85 26  
and division (C) of section 2919.121 of the Revised Code and to 27  
appeals of actions arising under those sections; 28

(d) Records pertaining to adoption proceedings, including 29  
the contents of an adoption file maintained by the department of 30  
health under sections 3705.12 to 3705.124 of the Revised Code; 31

(e) Information in a record contained in the putative 32  
father registry established by section 3107.062 of the Revised 33  
Code, regardless of whether the information is held by the 34  
department of job and family services or, pursuant to section 35  
3111.69 of the Revised Code, the office of child support in the 36  
department or a child support enforcement agency; 37

(f) Records specified in division (A) of section 3107.52 38  
of the Revised Code; 39

(g) Trial preparation records; 40

(h) Confidential law enforcement investigatory records; 41

(i) Records containing information that is confidential 42

under section 2710.03 or 4112.05 of the Revised Code;	43
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	44 45
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	46 47 48 49
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	50 51 52 53
(m) Intellectual property records;	54
(n) Donor profile records;	55
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	56 57
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	58 59 60 61 62 63 64
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	65 66 67 68 69
(r) Information pertaining to the recreational activities	70

of a person under the age of eighteen; 71

(s) In the case of a child fatality review board acting 72  
under sections 307.621 to 307.629 of the Revised Code or a 73  
review conducted pursuant to guidelines established by the 74  
director of health under section 3701.70 of the Revised Code, 75  
records provided to the board or director, statements made by 76  
board members during meetings of the board or by persons 77  
participating in the director's review, and all work products of 78  
the board or director, and in the case of a child fatality 79  
review board, child fatality review data submitted by the board 80  
to the department of health or a national child death review 81  
database, other than the report prepared pursuant to division 82  
(A) of section 307.626 of the Revised Code; 83

(t) Records provided to and statements made by the 84  
executive director of a public children services agency or a 85  
prosecuting attorney acting pursuant to section 5153.171 of the 86  
Revised Code other than the information released under that 87  
section; 88

(u) Test materials, examinations, or evaluation tools used 89  
in an examination for licensure as a nursing home administrator 90  
that the board of executives of long-term services and supports 91  
administers under section 4751.04 of the Revised Code or 92  
contracts under that section with a private or government entity 93  
to administer; 94

(v) Records the release of which is prohibited by state or 95  
federal law; 96

(w) Proprietary information of or relating to any person 97  
that is submitted to or compiled by the Ohio venture capital 98  
authority created under section 150.01 of the Revised Code; 99

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	100 101 102 103 104 105
(y) Records listed in section 5101.29 of the Revised Code;	106
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	107 108 109
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	110 111 112
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	113 114 115
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code <del>;</del> ;	116 117 118
(dd) Personal information, as defined in section 149.45 of the Revised Code <del>;</del> ;	119 120
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions	121 122 123 124 125 126 127 128

of records pertaining to that program that identify the number 129  
of program participants that reside within a precinct, ward, 130  
township, municipal corporation, county, or any other geographic 131  
area smaller than the state. As used in this division, 132  
"confidential address" and "program participant" have the 133  
meaning defined in section 111.41 of the Revised Code. 134

(ff) The name, address, contact information, or other 135  
personal information of an individual who is less than eighteen 136  
years of age that is included in any record related to a traffic 137  
accident involving a school vehicle in which the individual was 138  
an occupant at the time of the accident. 139

(2) "Confidential law enforcement investigatory record" 140  
means any record that pertains to a law enforcement matter of a 141  
criminal, quasi-criminal, civil, or administrative nature, but 142  
only to the extent that the release of the record would create a 143  
high probability of disclosure of any of the following: 144

(a) The identity of a suspect who has not been charged 145  
with the offense to which the record pertains, or of an 146  
information source or witness to whom confidentiality has been 147  
reasonably promised; 148

(b) Information provided by an information source or 149  
witness to whom confidentiality has been reasonably promised, 150  
which information would reasonably tend to disclose the source's 151  
or witness's identity; 152

(c) Specific confidential investigatory techniques or 153  
procedures or specific investigatory work product; 154

(d) Information that would endanger the life or physical 155  
safety of law enforcement personnel, a crime victim, a witness, 156  
or a confidential information source. 157

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

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

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

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

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential

and familial information" means any information that discloses 188  
any of the following about a peace officer, parole officer, 189  
probation officer, bailiff, prosecuting attorney, assistant 190  
prosecuting attorney, correctional employee, community-based 191  
correctional facility employee, youth services employee, 192  
firefighter, EMT, investigator of the bureau of criminal 193  
identification and investigation, or federal law enforcement 194  
officer: 195

(a) The address of the actual personal residence of a 196  
peace officer, parole officer, probation officer, bailiff, 197  
assistant prosecuting attorney, correctional employee, 198  
community-based correctional facility employee, youth services 199  
employee, firefighter, EMT, an investigator of the bureau of 200  
criminal identification and investigation, or federal law 201  
enforcement officer, except for the state or political 202  
subdivision in which the peace officer, parole officer, 203  
probation officer, bailiff, assistant prosecuting attorney, 204  
correctional employee, community-based correctional facility 205  
employee, youth services employee, firefighter, EMT, 206  
investigator of the bureau of criminal identification and 207  
investigation, or federal law enforcement officer resides; 208

(b) Information compiled from referral to or participation 209  
in an employee assistance program; 210

(c) The social security number, the residential telephone 211  
number, any bank account, debit card, charge card, or credit 212  
card number, or the emergency telephone number of, or any 213  
medical information pertaining to, a peace officer, parole 214  
officer, probation officer, bailiff, prosecuting attorney, 215  
assistant prosecuting attorney, correctional employee, 216  
community-based correctional facility employee, youth services 217



employee, firefighter, EMT, investigator of the bureau of 218  
criminal identification and investigation, or federal law 219  
enforcement officer; 220

(d) The name of any beneficiary of employment benefits, 221  
including, but not limited to, life insurance benefits, provided 222  
to a peace officer, parole officer, probation officer, bailiff, 223  
prosecuting attorney, assistant prosecuting attorney, 224  
correctional employee, community-based correctional facility 225  
employee, youth services employee, firefighter, EMT, 226  
investigator of the bureau of criminal identification and 227  
investigation, or federal law enforcement officer by the peace 228  
officer's, parole officer's, probation officer's, bailiff's, 229  
prosecuting attorney's, assistant prosecuting attorney's, 230  
correctional employee's, community-based correctional facility 231  
employee's, youth services employee's, firefighter's, EMT's, 232  
investigator of the bureau of criminal identification and 233  
investigation's, or federal law enforcement officer's employer; 234

(e) The identity and amount of any charitable or 235  
employment benefit deduction made by the peace officer's, parole 236  
officer's, probation officer's, bailiff's, prosecuting 237  
attorney's, assistant prosecuting attorney's, correctional 238  
employee's, community-based correctional facility employee's, 239  
youth services employee's, firefighter's, EMT's, investigator of 240  
the bureau of criminal identification and investigation's, or 241  
federal law enforcement officer's employer from the peace 242  
officer's, parole officer's, probation officer's, bailiff's, 243  
prosecuting attorney's, assistant prosecuting attorney's, 244  
correctional employee's, community-based correctional facility 245  
employee's, youth services employee's, firefighter's, EMT's, 246  
investigator of the bureau of criminal identification and 247  
investigation's, or federal law enforcement officer's 248

compensation unless the amount of the deduction is required by 249  
state or federal law; 250

(f) The name, the residential address, the name of the 251  
employer, the address of the employer, the social security 252  
number, the residential telephone number, any bank account, 253  
debit card, charge card, or credit card number, or the emergency 254  
telephone number of the spouse, a former spouse, or any child of 255  
a peace officer, parole officer, probation officer, bailiff, 256  
prosecuting attorney, assistant prosecuting attorney, 257  
correctional employee, community-based correctional facility 258  
employee, youth services employee, firefighter, EMT, 259  
investigator of the bureau of criminal identification and 260  
investigation, or federal law enforcement officer; 261

(g) A photograph of a peace officer who holds a position 262  
or has an assignment that may include undercover or plain 263  
clothes positions or assignments as determined by the peace 264  
officer's appointing authority. 265

As used in divisions (A) (7) and (B) (9) of this section, 266  
"peace officer" has the same meaning as in section 109.71 of the 267  
Revised Code and also includes the superintendent and troopers 268  
of the state highway patrol; it does not include the sheriff of 269  
a county or a supervisory employee who, in the absence of the 270  
sheriff, is authorized to stand in for, exercise the authority 271  
of, and perform the duties of the sheriff. 272

As used in divisions (A) (7) and (B) (9) of this section, 273  
"correctional employee" means any employee of the department of 274  
rehabilitation and correction who in the course of performing 275  
the employee's job duties has or has had contact with inmates 276  
and persons under supervision. 277

As used in divisions (A) (7) and (B) (9) of this section, 278  
"youth services employee" means any employee of the department 279  
of youth services who in the course of performing the employee's 280  
job duties has or has had contact with children committed to the 281  
custody of the department of youth services. 282

As used in divisions (A) (7) and (B) (9) of this section, 283  
"firefighter" means any regular, paid or volunteer, member of a 284  
lawfully constituted fire department of a municipal corporation, 285  
township, fire district, or village. 286

As used in divisions (A) (7) and (B) (9) of this section, 287  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 288  
emergency medical services for a public emergency medical 289  
service organization. "Emergency medical service organization," 290  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 291  
in section 4765.01 of the Revised Code. 292

As used in divisions (A) (7) and (B) (9) of this section, 293  
"investigator of the bureau of criminal identification and 294  
investigation" has the meaning defined in section 2903.11 of the 295  
Revised Code. 296

As used in divisions (A) (7) and (B) (9) of this section, 297  
"federal law enforcement officer" has the meaning defined in 298  
section 9.88 of the Revised Code. 299

(8) "Information pertaining to the recreational activities 300  
of a person under the age of eighteen" means information that is 301  
kept in the ordinary course of business by a public office, that 302  
pertains to the recreational activities of a person under the 303  
age of eighteen years, and that discloses any of the following: 304

(a) The address or telephone number of a person under the 305  
age of eighteen or the address or telephone number of that 306

person's parent, guardian, custodian, or emergency contact 307  
person; 308

(b) The social security number, birth date, or 309  
photographic image of a person under the age of eighteen; 310

(c) Any medical record, history, or information pertaining 311  
to a person under the age of eighteen; 312

(d) Any additional information sought or required about a 313  
person under the age of eighteen for the purpose of allowing 314  
that person to participate in any recreational activity 315  
conducted or sponsored by a public office or to use or obtain 316  
admission privileges to any recreational facility owned or 317  
operated by a public office. 318

(9) "Community control sanction" has the same meaning as 319  
in section 2929.01 of the Revised Code. 320

(10) "Post-release control sanction" has the same meaning 321  
as in section 2967.01 of the Revised Code. 322

(11) "Redaction" means obscuring or deleting any 323  
information that is exempt from the duty to permit public 324  
inspection or copying from an item that otherwise meets the 325  
definition of a "record" in section 149.011 of the Revised Code. 326

(12) "Designee" and "elected official" have the same 327  
meanings as in section 109.43 of the Revised Code. 328

(B) (1) Upon request and subject to division (B) (8) of this 329  
section, all public records responsive to the request shall be 330  
promptly prepared and made available for inspection to any 331  
person at all reasonable times during regular business hours. 332  
Subject to division (B) (8) of this section, upon request, a 333  
public office or person responsible for public records shall 334

make copies of the requested public record available at cost and 335  
within a reasonable period of time. If a public record contains 336  
information that is exempt from the duty to permit public 337  
inspection or to copy the public record, the public office or 338  
the person responsible for the public record shall make 339  
available all of the information within the public record that 340  
is not exempt. When making that public record available for 341  
public inspection or copying that public record, the public 342  
office or the person responsible for the public record shall 343  
notify the requester of any redaction or make the redaction 344  
plainly visible. A redaction shall be deemed a denial of a 345  
request to inspect or copy the redacted information, except if 346  
federal or state law authorizes or requires a public office to 347  
make the redaction. 348

(2) To facilitate broader access to public records, a 349  
public office or the person responsible for public records shall 350  
organize and maintain public records in a manner that they can 351  
be made available for inspection or copying in accordance with 352  
division (B) of this section. A public office also shall have 353  
available a copy of its current records retention schedule at a 354  
location readily available to the public. If a requester makes 355  
an ambiguous or overly broad request or has difficulty in making 356  
a request for copies or inspection of public records under this 357  
section such that the public office or the person responsible 358  
for the requested public record cannot reasonably identify what 359  
public records are being requested, the public office or the 360  
person responsible for the requested public record may deny the 361  
request but shall provide the requester with an opportunity to 362  
revise the request by informing the requester of the manner in 363  
which records are maintained by the public office and accessed 364  
in the ordinary course of the public office's or person's 365

duties. 366

(3) If a request is ultimately denied, in part or in 367  
whole, the public office or the person responsible for the 368  
requested public record shall provide the requester with an 369  
explanation, including legal authority, setting forth why the 370  
request was denied. If the initial request was provided in 371  
writing, the explanation also shall be provided to the requester 372  
in writing. The explanation shall not preclude the public office 373  
or the person responsible for the requested public record from 374  
relying upon additional reasons or legal authority in defending 375  
an action commenced under division (C) of this section. 376

(4) Unless specifically required or authorized by state or 377  
federal law or in accordance with division (B) of this section, 378  
no public office or person responsible for public records may 379  
limit or condition the availability of public records by 380  
requiring disclosure of the requester's identity or the intended 381  
use of the requested public record. Any requirement that the 382  
requester disclose the requester's identity or the intended use 383  
of the requested public record constitutes a denial of the 384  
request. 385

(5) A public office or person responsible for public 386  
records may ask a requester to make the request in writing, may 387  
ask for the requester's identity, and may inquire about the 388  
intended use of the information requested, but may do so only 389  
after disclosing to the requester that a written request is not 390  
mandatory and that the requester may decline to reveal the 391  
requester's identity or the intended use and when a written 392  
request or disclosure of the identity or intended use would 393  
benefit the requester by enhancing the ability of the public 394  
office or person responsible for public records to identify, 395

locate, or deliver the public records sought by the requester. 396

(6) If any person chooses to obtain a copy of a public 397  
record in accordance with division (B) of this section, the 398  
public office or person responsible for the public record may 399  
require that person to pay in advance the cost involved in 400  
providing the copy of the public record in accordance with the 401  
choice made by the person seeking the copy under this division. 402  
The public office or the person responsible for the public 403  
record shall permit that person to choose to have the public 404  
record duplicated upon paper, upon the same medium upon which 405  
the public office or person responsible for the public record 406  
keeps it, or upon any other medium upon which the public office 407  
or person responsible for the public record determines that it 408  
reasonably can be duplicated as an integral part of the normal 409  
operations of the public office or person responsible for the 410  
public record. When the person seeking the copy makes a choice 411  
under this division, the public office or person responsible for 412  
the public record shall provide a copy of it in accordance with 413  
the choice made by the person seeking the copy. Nothing in this 414  
section requires a public office or person responsible for the 415  
public record to allow the person seeking a copy of the public 416  
record to make the copies of the public record. 417

(7) (a) Upon a request made in accordance with division (B) 418  
of this section and subject to division (B) (6) of this section, 419  
a public office or person responsible for public records shall 420  
transmit a copy of a public record to any person by United 421  
States mail or by any other means of delivery or transmission 422  
within a reasonable period of time after receiving the request 423  
for the copy. The public office or person responsible for the 424  
public record may require the person making the request to pay 425  
in advance the cost of postage if the copy is transmitted by 426

United States mail or the cost of delivery if the copy is 427  
transmitted other than by United States mail, and to pay in 428  
advance the costs incurred for other supplies used in the 429  
mailing, delivery, or transmission. 430

(b) Any public office may adopt a policy and procedures 431  
that it will follow in transmitting, within a reasonable period 432  
of time after receiving a request, copies of public records by 433  
United States mail or by any other means of delivery or 434  
transmission pursuant to division (B) (7) of this section. A 435  
public office that adopts a policy and procedures under division 436  
(B) (7) of this section shall comply with them in performing its 437  
duties under that division. 438

(c) In any policy and procedures adopted under division 439  
(B) (7) of this section: 440

(i) A public office may limit the number of records 441  
requested by a person that the office will physically deliver by 442  
United States mail or by another delivery service to ten per 443  
month, unless the person certifies to the office in writing that 444  
the person does not intend to use or forward the requested 445  
records, or the information contained in them, for commercial 446  
purposes; 447

(ii) A public office that chooses to provide some or all 448  
of its public records on a web site that is fully accessible to 449  
and searchable by members of the public at all times, other than 450  
during acts of God outside the public office's control or 451  
maintenance, and that charges no fee to search, access, 452  
download, or otherwise receive records provided on the web site, 453  
may limit to ten per month the number of records requested by a 454  
person that the office will deliver in a digital format, unless 455  
the requested records are not provided on the web site and 456



unless the person certifies to the office in writing that the 457  
person does not intend to use or forward the requested records, 458  
or the information contained in them, for commercial purposes. 459

(iii) For purposes of division (B)(7) of this section, 460  
"commercial" shall be narrowly construed and does not include 461  
reporting or gathering news, reporting or gathering information 462  
to assist citizen oversight or understanding of the operation or 463  
activities of government, or nonprofit educational research. 464

(8) A public office or person responsible for public 465  
records is not required to permit a person who is incarcerated 466  
pursuant to a criminal conviction or a juvenile adjudication to 467  
inspect or to obtain a copy of any public record concerning a 468  
criminal investigation or prosecution or concerning what would 469  
be a criminal investigation or prosecution if the subject of the 470  
investigation or prosecution were an adult, unless the request 471  
to inspect or to obtain a copy of the record is for the purpose 472  
of acquiring information that is subject to release as a public 473  
record under this section and the judge who imposed the sentence 474  
or made the adjudication with respect to the person, or the 475  
judge's successor in office, finds that the information sought 476  
in the public record is necessary to support what appears to be 477  
a justiciable claim of the person. 478

(9) (a) Upon written request made and signed by a 479  
journalist on or after December 16, 1999, a public office, or 480  
person responsible for public records, having custody of the 481  
records of the agency employing a specified peace officer, 482  
parole officer, probation officer, bailiff, prosecuting 483  
attorney, assistant prosecuting attorney, correctional employee, 484  
community-based correctional facility employee, youth services 485  
employee, firefighter, EMT, investigator of the bureau of 486

criminal identification and investigation, or federal law 487  
enforcement officer shall disclose to the journalist the address 488  
of the actual personal residence of the peace officer, parole 489  
officer, probation officer, bailiff, prosecuting attorney, 490  
assistant prosecuting attorney, correctional employee, 491  
community-based correctional facility employee, youth services 492  
employee, firefighter, EMT, investigator of the bureau of 493  
criminal identification and investigation, or federal law 494  
enforcement officer and, if the peace officer's, parole 495  
officer's, probation officer's, bailiff's, prosecuting 496  
attorney's, assistant prosecuting attorney's, correctional 497  
employee's, community-based correctional facility employee's, 498  
youth services employee's, firefighter's, EMT's, investigator of 499  
the bureau of criminal identification and investigation's, or 500  
federal law enforcement officer's spouse, former spouse, or 501  
child is employed by a public office, the name and address of 502  
the employer of the peace officer's, parole officer's, probation 503  
officer's, bailiff's, prosecuting attorney's, assistant 504  
prosecuting attorney's, correctional employee's, community-based 505  
correctional facility employee's, youth services employee's, 506  
firefighter's, EMT's, investigator of the bureau of criminal 507  
identification and investigation's, or federal law enforcement 508  
officer's spouse, former spouse, or child. The request shall 509  
include the journalist's name and title and the name and address 510  
of the journalist's employer and shall state that disclosure of 511  
the information sought would be in the public interest. 512

(b) Division (B) (9) (a) of this section also applies to 513  
journalist requests for customer information maintained by a 514  
municipally owned or operated public utility, other than social 515  
security numbers and any private financial information such as 516  
credit reports, payment methods, credit card numbers, and bank 517

account information. 518

(c) As used in division (B) (9) of this section, 519  
"journalist" means a person engaged in, connected with, or 520  
employed by any news medium, including a newspaper, magazine, 521  
press association, news agency, or wire service, a radio or 522  
television station, or a similar medium, for the purpose of 523  
gathering, processing, transmitting, compiling, editing, or 524  
disseminating information for the general public. 525

(C) (1) If a person allegedly is aggrieved by the failure 526  
of a public office or the person responsible for public records 527  
to promptly prepare a public record and to make it available to 528  
the person for inspection in accordance with division (B) of 529  
this section or by any other failure of a public office or the 530  
person responsible for public records to comply with an 531  
obligation in accordance with division (B) of this section, the 532  
person allegedly aggrieved may do only one of the following, and 533  
not both: 534

(a) File a complaint with the clerk of the court of claims 535  
or the clerk of the court of common pleas under section 2743.75 536  
of the Revised Code; 537

(b) Commence a mandamus action to obtain a judgment that 538  
orders the public office or the person responsible for the 539  
public record to comply with division (B) of this section, that 540  
awards court costs and reasonable attorney's fees to the person 541  
that instituted the mandamus action, and, if applicable, that 542  
includes an order fixing statutory damages under division (C) (2) 543  
of this section. The mandamus action may be commenced in the 544  
court of common pleas of the county in which division (B) of 545  
this section allegedly was not complied with, in the supreme 546  
court pursuant to its original jurisdiction under Section 2 of 547

Article IV, Ohio Constitution, or in the court of appeals for 548  
the appellate district in which division (B) of this section 549  
allegedly was not complied with pursuant to its original 550  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 551

(2) If a requester transmits a written request by hand 552  
delivery or certified mail to inspect or receive copies of any 553  
public record in a manner that fairly describes the public 554  
record or class of public records to the public office or person 555  
responsible for the requested public records, except as 556  
otherwise provided in this section, the requester shall be 557  
entitled to recover the amount of statutory damages set forth in 558  
this division if a court determines that the public office or 559  
the person responsible for public records failed to comply with 560  
an obligation in accordance with division (B) of this section. 561

The amount of statutory damages shall be fixed at one 562  
hundred dollars for each business day during which the public 563  
office or person responsible for the requested public records 564  
failed to comply with an obligation in accordance with division 565  
(B) of this section, beginning with the day on which the 566  
requester files a mandamus action to recover statutory damages, 567  
up to a maximum of one thousand dollars. The award of statutory 568  
damages shall not be construed as a penalty, but as compensation 569  
for injury arising from lost use of the requested information. 570  
The existence of this injury shall be conclusively presumed. The 571  
award of statutory damages shall be in addition to all other 572  
remedies authorized by this section. 573

The court may reduce an award of statutory damages or not 574  
award statutory damages if the court determines both of the 575  
following: 576

(a) That, based on the ordinary application of statutory 577

law and case law as it existed at the time of the conduct or 578  
threatened conduct of the public office or person responsible 579  
for the requested public records that allegedly constitutes a 580  
failure to comply with an obligation in accordance with division 581  
(B) of this section and that was the basis of the mandamus 582  
action, a well-informed public office or person responsible for 583  
the requested public records reasonably would believe that the 584  
conduct or threatened conduct of the public office or person 585  
responsible for the requested public records did not constitute 586  
a failure to comply with an obligation in accordance with 587  
division (B) of this section; 588

(b) That a well-informed public office or person 589  
responsible for the requested public records reasonably would 590  
believe that the conduct or threatened conduct of the public 591  
office or person responsible for the requested public records 592  
would serve the public policy that underlies the authority that 593  
is asserted as permitting that conduct or threatened conduct. 594

(3) In a mandamus action filed under division (C) (1) of 595  
this section, the following apply: 596

(a) (i) If the court orders the public office or the person 597  
responsible for the public record to comply with division (B) of 598  
this section, the court shall determine and award to the relator 599  
all court costs, which shall be construed as remedial and not 600  
punitive. 601

(ii) If the court makes a determination described in 602  
division (C) (3) (b) (iii) of this section, the court shall 603  
determine and award to the relator all court costs, which shall 604  
be construed as remedial and not punitive. 605

(b) If the court renders a judgment that orders the public 606

office or the person responsible for the public record to comply 607  
with division (B) of this section or if the court determines any 608  
of the following, the court may award reasonable attorney's fees 609  
to the relator, subject to the provisions of division (C) (4) of 610  
this section: 611

(i) The public office or the person responsible for the 612  
public records failed to respond affirmatively or negatively to 613  
the public records request in accordance with the time allowed 614  
under division (B) of this section. 615

(ii) The public office or the person responsible for the 616  
public records promised to permit the relator to inspect or 617  
receive copies of the public records requested within a 618  
specified period of time but failed to fulfill that promise 619  
within that specified period of time. 620

(iii) The public office or the person responsible for the 621  
public records acted in bad faith when the office or person 622  
voluntarily made the public records available to the relator for 623  
the first time after the relator commenced the mandamus action, 624  
but before the court issued any order concluding whether or not 625  
the public office or person was required to comply with division 626  
(B) of this section. No discovery may be conducted on the issue 627  
of the alleged bad faith of the public office or person 628  
responsible for the public records. This division shall not be 629  
construed as creating a presumption that the public office or 630  
the person responsible for the public records acted in bad faith 631  
when the office or person voluntarily made the public records 632  
available to the relator for the first time after the relator 633  
commenced the mandamus action, but before the court issued any 634  
order described in this division. 635

(c) The court shall not award attorney's fees to the 636

relator if the court determines both of the following: 637

(i) That, based on the ordinary application of statutory 638  
law and case law as it existed at the time of the conduct or 639  
threatened conduct of the public office or person responsible 640  
for the requested public records that allegedly constitutes a 641  
failure to comply with an obligation in accordance with division 642  
(B) of this section and that was the basis of the mandamus 643  
action, a well-informed public office or person responsible for 644  
the requested public records reasonably would believe that the 645  
conduct or threatened conduct of the public office or person 646  
responsible for the requested public records did not constitute 647  
a failure to comply with an obligation in accordance with 648  
division (B) of this section; 649

(ii) That a well-informed public office or person 650  
responsible for the requested public records reasonably would 651  
believe that the conduct or threatened conduct of the public 652  
office or person responsible for the requested public records 653  
would serve the public policy that underlies the authority that 654  
is asserted as permitting that conduct or threatened conduct. 655

(4) All of the following apply to any award of reasonable 656  
attorney's fees awarded under division (C) (3) (b) of this 657  
section: 658

(a) The fees shall be construed as remedial and not 659  
punitive. 660

(b) The fees awarded shall not exceed the total of the 661  
reasonable attorney's fees incurred before the public record was 662  
made available to the relator and the fees described in division 663  
(C) (4) (c) of this section. 664

(c) Reasonable attorney's fees shall include reasonable 665

fees incurred to produce proof of the reasonableness and amount 666  
of the fees and to otherwise litigate entitlement to the fees. 667

(d) The court may reduce the amount of fees awarded if the 668  
court determines that, given the factual circumstances involved 669  
with the specific public records request, an alternative means 670  
should have been pursued to more effectively and efficiently 671  
resolve the dispute that was subject to the mandamus action 672  
filed under division (C)(1) of this section. 673

(5) If the court does not issue a writ of mandamus under 674  
division (C) of this section and the court determines at that 675  
time that the bringing of the mandamus action was frivolous 676  
conduct as defined in division (A) of section 2323.51 of the 677  
Revised Code, the court may award to the public office all court 678  
costs, expenses, and reasonable attorney's fees, as determined 679  
by the court. 680

(D) Chapter 1347. of the Revised Code does not limit the 681  
provisions of this section. 682

(E)(1) To ensure that all employees of public offices are 683  
appropriately educated about a public office's obligations under 684  
division (B) of this section, all elected officials or their 685  
appropriate designees shall attend training approved by the 686  
attorney general as provided in section 109.43 of the Revised 687  
Code. In addition, all public offices shall adopt a public 688  
records policy in compliance with this section for responding to 689  
public records requests. In adopting a public records policy 690  
under this division, a public office may obtain guidance from 691  
the model public records policy developed and provided to the 692  
public office by the attorney general under section 109.43 of 693  
the Revised Code. Except as otherwise provided in this section, 694  
the policy may not limit the number of public records that the 695



public office will make available to a single person, may not 696  
limit the number of public records that it will make available 697  
during a fixed period of time, and may not establish a fixed 698  
period of time before it will respond to a request for 699  
inspection or copying of public records, unless that period is 700  
less than eight hours. 701

(2) The public office shall distribute the public records 702  
policy adopted by the public office under division (E)(1) of 703  
this section to the employee of the public office who is the 704  
records custodian or records manager or otherwise has custody of 705  
the records of that office. The public office shall require that 706  
employee to acknowledge receipt of the copy of the public 707  
records policy. The public office shall create a poster that 708  
describes its public records policy and shall post the poster in 709  
a conspicuous place in the public office and in all locations 710  
where the public office has branch offices. The public office 711  
may post its public records policy on the internet web site of 712  
the public office if the public office maintains an internet web 713  
site. A public office that has established a manual or handbook 714  
of its general policies and procedures for all employees of the 715  
public office shall include the public records policy of the 716  
public office in the manual or handbook. 717

(F)(1) The bureau of motor vehicles may adopt rules 718  
pursuant to Chapter 119. of the Revised Code to reasonably limit 719  
the number of bulk commercial special extraction requests made 720  
by a person for the same records or for updated records during a 721  
calendar year. The rules may include provisions for charges to 722  
be made for bulk commercial special extraction requests for the 723  
actual cost of the bureau, plus special extraction costs, plus 724  
ten per cent. The bureau may charge for expenses for redacting 725  
information, the release of which is prohibited by law. 726

- (2) As used in division (F) (1) of this section: 727
- (a) "Actual cost" means the cost of depleted supplies, 728  
records storage media costs, actual mailing and alternative 729  
delivery costs, or other transmitting costs, and any direct 730  
equipment operating and maintenance costs, including actual 731  
costs paid to private contractors for copying services. 732
- (b) "Bulk commercial special extraction request" means a 733  
request for copies of a record for information in a format other 734  
than the format already available, or information that cannot be 735  
extracted without examination of all items in a records series, 736  
class of records, or database by a person who intends to use or 737  
forward the copies for surveys, marketing, solicitation, or 738  
resale for commercial purposes. "Bulk commercial special 739  
extraction request" does not include a request by a person who 740  
gives assurance to the bureau that the person making the request 741  
does not intend to use or forward the requested copies for 742  
surveys, marketing, solicitation, or resale for commercial 743  
purposes. 744
- (c) "Commercial" means profit-seeking production, buying, 745  
or selling of any good, service, or other product. 746
- (d) "Special extraction costs" means the cost of the time 747  
spent by the lowest paid employee competent to perform the task, 748  
the actual amount paid to outside private contractors employed 749  
by the bureau, or the actual cost incurred to create computer 750  
programs to make the special extraction. "Special extraction 751  
costs" include any charges paid to a public agency for computer 752  
or records services. 753
- (3) For purposes of divisions (F) (1) and (2) of this 754  
section, "surveys, marketing, solicitation, or resale for 755

commercial purposes" shall be narrowly construed and does not 756  
include reporting or gathering news, reporting or gathering 757  
information to assist citizen oversight or understanding of the 758  
operation or activities of government, or nonprofit educational 759  
research. 760

(G) A request by a defendant, counsel of a defendant, or 761  
any agent of a defendant in a criminal action that public 762  
records related to that action be made available under this 763  
section shall be considered a demand for discovery pursuant to 764  
the Criminal Rules, except to the extent that the Criminal Rules 765  
plainly indicate a contrary intent. The defendant, counsel of 766  
the defendant, or agent of the defendant making a request under 767  
this division shall serve a copy of the request on the 768  
prosecuting attorney, director of law, or other chief legal 769  
officer responsible for prosecuting the action. 770

Sec. 149.436. Notwithstanding division (A)(1)(ff) of section 771  
149.43 of the Revised Code, upon written request made and signed by 772  
the parent or guardian of an individual who is less than eighteen 773  
years of age and was an occupant of a school vehicle involved in a 774  
traffic accident, a public office or person responsible for public 775  
records, having custody of any record related to the traffic 776  
accident containing the personal information of the individual, 777  
shall transmit a copy of that record to the recipient identified in 778  
the request. 779

The written request shall identify the individual on whose 780  
behalf the record is requested and the person to whom the record 781  
shall be transmitted. The record shall be transmitted only to 782  
the person identified in the written request as the recipient of 783  
the record. 784

A public office or person responsible for records 785

responding to a request under this section shall redact any 786  
personal information contained in the record of any individual 787  
less than eighteen years of age who is not the subject of the 788  
request, before providing the record to the recipient. 789

**Section 2.** That existing section 149.43 of the Revised 790  
Code is hereby repealed. 791

**Section 3.** Section 149.43 of the Revised Code is presented 792  
in this act as a composite of the section as amended by Sub. 793  
H.B. 317, Sub. H.B. 359, and Sub. S.B. 321, all of the 131st 794  
General Assembly. The General Assembly, applying the principle 795  
stated in division (B) of section 1.52 of the Revised Code that 796  
amendments are to be harmonized if reasonably capable of 797  
simultaneous operation, finds that the composite is the 798  
resulting version of the section in effect prior to the 799  
effective date of the section as presented in this act. 800