As Reported by the Senate Local Government, Public Safety and Veterans Affairs Committee

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Sub. 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

Senators Uecker, Hackett

A BILL

Го	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, to allow the parent or	7
	guardian of the minor to request a record of the	8
	accident containing the exempted information,	9
	and to exempt certain protected health	10
	information from the Public Records Law.	11

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

Se	ctio	n 1.	That	section	. 1	49.43 be	ame	ended	and	d section	12
149.436	of ·	the	Revise	d Code	be	enacted	to	read	as	follows:	13

Sec. 149.43. (A) As used in this section:	14
(1) "Public record" means records kept by any public	15
office, including, but not limited to, state, county, city,	16
village, township, and school district units, and records	17
pertaining to the delivery of educational services by an	18
alternative school in this state kept by the nonprofit or for-	19
profit entity operating the alternative school pursuant to	20
section 3313.533 of the Revised Code. "Public record" does not	21
mean any of the following:	22
(a) Medical records;	23
(b) Records pertaining to probation and parole proceedings	24
or to proceedings related to the imposition of community control	25
sanctions and post-release control sanctions;	26
(c) Records pertaining to actions under section 2151.85	27
and division (C) of section 2919.121 of the Revised Code and to	28
appeals of actions arising under those sections;	29
(d) Records pertaining to adoption proceedings, including	30
the contents of an adoption file maintained by the department of	31
health under sections 3705.12 to 3705.124 of the Revised Code;	32
(e) Information in a record contained in the putative	33
father registry established by section 3107.062 of the Revised	34
Code, regardless of whether the information is held by the	35
department of job and family services or, pursuant to section	36
3111.69 of the Revised Code, the office of child support in the	37
department or a child support enforcement agency;	38
(f) Records specified in division (A) of section 3107.52	39
of the Revised Code;	40
(q) Trial preparation records;	41

(h) Confidential law enforcement investigatory records;	42
(i) Records containing information that is confidential	43
under section 2710.03 or 4112.05 of the Revised Code;	44
(j) DNA records stored in the DNA database pursuant to	45
section 109.573 of the Revised Code;	46
(k) Inmate records released by the department of	47
rehabilitation and correction to the department of youth	48
services or a court of record pursuant to division (E) of	49
section 5120.21 of the Revised Code;	50
(1) Records maintained by the department of youth services	51
pertaining to children in its custody released by the department	52
of youth services to the department of rehabilitation and	53
correction pursuant to section 5139.05 of the Revised Code;	54
(m) Intellectual property records;	55
(n) Donor profile records;	56
(o) Records maintained by the department of job and family	57
services pursuant to section 3121.894 of the Revised Code;	58
(p) Peace officer, parole officer, probation officer,	59
bailiff, prosecuting attorney, assistant prosecuting attorney,	60
correctional employee, community-based correctional facility	61
employee, youth services employee, firefighter, EMT,	62
investigator of the bureau of criminal identification and	63
investigation, or federal law enforcement officer residential	64
and familial information;	65
(q) In the case of a county hospital operated pursuant to	66
Chapter 339. of the Revised Code or a municipal hospital	67
operated pursuant to Chapter 749. of the Revised Code,	68
information that constitutes a trade secret, as defined in	69

70 section 1333.61 of the Revised Code; (r) Information pertaining to the recreational activities 71 of a person under the age of eighteen; 72 (s) In the case of a child fatality review board acting 7.3 under sections 307.621 to 307.629 of the Revised Code or a 74 review conducted pursuant to guidelines established by the 7.5 director of health under section 3701.70 of the Revised Code, 76 77 records provided to the board or director, statements made by board members during meetings of the board or by persons 78 participating in the director's review, and all work products of 79 the board or director, and in the case of a child fatality 80 review board, child fatality review data submitted by the board 81 to the department of health or a national child death review 82 database, other than the report prepared pursuant to division 83 (A) of section 307.626 of the Revised Code; 84 (t) Records provided to and statements made by the 85 executive director of a public children services agency or a 86 prosecuting attorney acting pursuant to section 5153.171 of the 87 Revised Code other than the information released under that 88 section; 89 (u) Test materials, examinations, or evaluation tools used 90 in an examination for licensure as a nursing home administrator 91 that the board of executives of long-term services and supports 92 administers under section 4751.04 of the Revised Code or 93 contracts under that section with a private or government entity 94 to administer; 95 (v) Records the release of which is prohibited by state or 96 federal law; 97 (w) Proprietary information of or relating to any person 98

that is submitted to or compiled by the Ohio venture capital	99
authority created under section 150.01 of the Revised Code;	100
(x) Financial statements and data any person submits for	101
any purpose to the Ohio housing finance agency or the	102
controlling board in connection with applying for, receiving, or	103
accounting for financial assistance from the agency, and	104
information that identifies any individual who benefits directly	105
or indirectly from financial assistance from the agency;	106
(y) Records listed in section 5101.29 of the Revised Code;	107
(z) Discharges recorded with a county recorder under	108
section 317.24 of the Revised Code, as specified in division (B)	109
(2) of that section;	110
(aa) Usage information including names and addresses of	111
specific residential and commercial customers of a municipally	112
owned or operated public utility;	113
(bb) Records described in division (C) of section 187.04	114
of the Revised Code that are not designated to be made available	115
to the public as provided in that division;	116
(cc) Information and records that are made confidential,	117
privileged, and not subject to disclosure under divisions (B)	118
and (C) of section 2949.221 of the Revised Code;	119
(dd) Personal information, as defined in section 149.45 of	120
the Revised Code;	121
(ee) The confidential name, address, and other personally	122
identifiable information of a program participant in the address	123
confidentiality program established under sections 111.41 to	124
111.47 of the Revised Code, including the contents of any	125
application for absent voter's ballots, absent voter's ballot	126

identification envelope statement of voter, or provisional	127
ballot affirmation completed by a program participant who has a	128
confidential voter registration record, and records or portions	129
of records pertaining to that program that identify the number	130
of program participants that reside within a precinct, ward,	131
township, municipal corporation, county, or any other geographic	132
area smaller than the state. As used in this division,	133
"confidential address" and "program participant" have the	134
meaning defined in section 111.41 of the Revised Code.	135
(ff) Orders for active military service of an individual	136
serving or with previous service in the armed forces of the	137
United States, including a reserve component, or the Ohio	138
organized militia, except that, such order becomes a public	139
record on the day that is fifteen years after the published date	140
or effective date of the call to order;	141
(gg) The name, address, contact information, or other	142
personal information of an individual who is less than eighteen	143
years of age that is included in any record related to a traffic	144
accident involving a school vehicle in which the individual was	145
an occupant at the time of the accident;	146
(hh) Protected health information, as defined in 45 C.F.R.	147
160.103, that is in a claim for payment for a health care	148
product, service, or procedure, as well as any other health	149
claims data in another document that reveals the identity of an	150
individual who is the subject of the data or could be used to	151
reveal that individual's identity.	152
(2) "Confidential law enforcement investigatory record"	153
means any record that pertains to a law enforcement matter of a	154
criminal, quasi-criminal, civil, or administrative nature, but	155
only to the extent that the release of the record would create a	156

high probability of disclosure of any of the following:	157
(a) The identity of a suspect who has not been charged	158
with the offense to which the record pertains, or of an	159
information source or witness to whom confidentiality has been	160
reasonably promised;	161
(b) Information provided by an information source or	162
witness to whom confidentiality has been reasonably promised,	163
which information would reasonably tend to disclose the source's	164
or witness's identity;	165
(c) Specific confidential investigatory techniques or	166
procedures or specific investigatory work product;	167
(d) Information that would endanger the life or physical	168
safety of law enforcement personnel, a crime victim, a witness,	169
or a confidential information source.	170
(3) "Medical record" means any document or combination of	171
documents, except births, deaths, and the fact of admission to	172
or discharge from a hospital, that pertains to the medical	173
history, diagnosis, prognosis, or medical condition of a patient	174
and that is generated and maintained in the process of medical	175
treatment.	176
(4) "Trial preparation record" means any record that	177
contains information that is specifically compiled in reasonable	178
anticipation of, or in defense of, a civil or criminal action or	179
proceeding, including the independent thought processes and	180
personal trial preparation of an attorney.	181
(5) "Intellectual property record" means a record, other	182
than a financial or administrative record, that is produced or	183
collected by or for faculty or staff of a state institution of	184
higher learning in the conduct of or as a result of study or	185

research on an educational, commercial, scientific, artistic,	186
technical, or scholarly issue, regardless of whether the study	187
or research was sponsored by the institution alone or in	188
conjunction with a governmental body or private concern, and	189
that has not been publicly released, published, or patented.	190
(6) "Donor profile record" means all records about donors	191
or potential donors to a public institution of higher education	192
except the names and reported addresses of the actual donors and	193
the date, amount, and conditions of the actual donation.	194
(7) "Peace officer, parole officer, probation officer,	195
bailiff, prosecuting attorney, assistant prosecuting attorney,	196
correctional employee, community-based correctional facility	197
employee, youth services employee, firefighter, EMT,	198
investigator of the bureau of criminal identification and	199
investigation, or federal law enforcement officer residential	200
and familial information" means any information that discloses	201
any of the following about a peace officer, parole officer,	202
probation officer, bailiff, prosecuting attorney, assistant	203
prosecuting attorney, correctional employee, community-based	204
correctional facility employee, youth services employee,	205
firefighter, EMT, investigator of the bureau of criminal	206
identification and investigation, or federal law enforcement	207
officer:	208
(a) The address of the actual personal residence of a	209
peace officer, parole officer, probation officer, bailiff,	210
assistant prosecuting attorney, correctional employee,	211
community-based correctional facility employee, youth services	212
employee, firefighter, EMT, an investigator of the bureau of	213
criminal identification and investigation, or federal law	214
enforcement officer, except for the state or political	215

subdivision in which the peace officer, parole officer,	216
probation officer, bailiff, assistant prosecuting attorney,	217
correctional employee, community-based correctional facility	218
employee, youth services employee, firefighter, EMT,	219
investigator of the bureau of criminal identification and	220
investigation, or federal law enforcement officer resides;	221
(b) Information compiled from referral to or participation	222
in an employee assistance program;	223
(c) The social security number, the residential telephone	224
number, any bank account, debit card, charge card, or credit	225
card number, or the emergency telephone number of, or any	226
medical information pertaining to, a peace officer, parole	227
officer, probation officer, bailiff, prosecuting attorney,	228
assistant prosecuting attorney, correctional employee,	229
community-based correctional facility employee, youth services	230
employee, firefighter, EMT, investigator of the bureau of	231
criminal identification and investigation, or federal law	232
enforcement officer;	233
(d) The name of any beneficiary of employment benefits,	234
including, but not limited to, life insurance benefits, provided	235
to a peace officer, parole officer, probation officer, bailiff,	236
prosecuting attorney, assistant prosecuting attorney,	237
correctional employee, community-based correctional facility	238
employee, youth services employee, firefighter, EMT,	239
investigator of the bureau of criminal identification and	240
investigation, or federal law enforcement officer by the peace	241
officer's, parole officer's, probation officer's, bailiff's,	242
prosecuting attorney's, assistant prosecuting attorney's,	243
correctional employee's, community-based correctional facility	244
employee's, youth services employee's, firefighter's, EMT's,	245

investigator of the bureau of criminal identification and	246
investigation's, or federal law enforcement officer's employer;	247
(e) The identity and amount of any charitable or	248
employment benefit deduction made by the peace officer's, parole	249
officer's, probation officer's, bailiff's, prosecuting	250
attorney's, assistant prosecuting attorney's, correctional	251
employee's, community-based correctional facility employee's,	252
youth services employee's, firefighter's, EMT's, investigator of	253
the bureau of criminal identification and investigation's, or	254
federal law enforcement officer's employer from the peace	255
officer's, parole officer's, probation officer's, bailiff's,	256
prosecuting attorney's, assistant prosecuting attorney's,	257
correctional employee's, community-based correctional facility	258
employee's, youth services employee's, firefighter's, EMT's,	259
investigator of the bureau of criminal identification and	260
investigation's, or federal law enforcement officer's	261
compensation unless the amount of the deduction is required by	262
state or federal law;	263
(f) The name, the residential address, the name of the	264
employer, the address of the employer, the social security	265
number, the residential telephone number, any bank account,	266
debit card, charge card, or credit card number, or the emergency	267
telephone number of the spouse, a former spouse, or any child of	268
a peace officer, parole officer, probation officer, bailiff,	269
prosecuting attorney, assistant prosecuting attorney,	270
correctional employee, community-based correctional facility	271
employee, youth services employee, firefighter, EMT,	272
investigator of the bureau of criminal identification and	273
investigation, or federal law enforcement officer;	274
(g) A photograph of a peace officer who holds a position	275

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or has an assignment that may include undercover or plain	276
clothes positions or assignments as determined by the peace	277
officer's appointing authority.	278
As used in divisions (A)(7) and (B)(9) of this section,	279
"peace officer" has the same meaning as in section 109.71 of the	280
Revised Code and also includes the superintendent and troopers	281
of the state highway patrol; it does not include the sheriff of	282
a county or a supervisory employee who, in the absence of the	283
sheriff, is authorized to stand in for, exercise the authority	284
of, and perform the duties of the sheriff.	285
As used in divisions (A)(7) and (B)(9) of this section,	286
"correctional employee" means any employee of the department of	287
rehabilitation and correction who in the course of performing	288
the employee's job duties has or has had contact with inmates	289
and persons under supervision.	290
As used in divisions (A) (7) and (B) (9) of this section,	291
"youth services employee" means any employee of the department	292
of youth services who in the course of performing the employee's	293
job duties has or has had contact with children committed to the	294
custody of the department of youth services.	295
As used in divisions (A)(7) and (B)(9) of this section,	296
"firefighter" means any regular, paid or volunteer, member of a	297
lawfully constituted fire department of a municipal corporation,	298
township, fire district, or village.	299
As used in divisions (A)(7) and (B)(9) of this section,	300
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide	301
emergency medical services for a public emergency medical	302
service organization. "Emergency medical service organization,"	303
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as	304

in section 4765.01 of the Revised Code.	305
As used in divisions (A) (7) and (B) (9) of this section,	306
"investigator of the bureau of criminal identification and	307
investigation" has the meaning defined in section 2903.11 of the	308
Revised Code.	309
As used in divisions (A)(7) and (B)(9) of this section,	310
"federal law enforcement officer" has the meaning defined in	311
section 9.88 of the Revised Code.	312
(8) "Information pertaining to the recreational activities	313
of a person under the age of eighteen" means information that is	314
kept in the ordinary course of business by a public office, that	315
pertains to the recreational activities of a person under the	316
age of eighteen years, and that discloses any of the following:	317
(a) The address or telephone number of a person under the	318
age of eighteen or the address or telephone number of that	319
person's parent, guardian, custodian, or emergency contact	320
person;	321
(b) The social security number, birth date, or	322
photographic image of a person under the age of eighteen;	323
(c) Any medical record, history, or information pertaining	324
to a person under the age of eighteen;	325
(d) Any additional information sought or required about a	326
person under the age of eighteen for the purpose of allowing	327
that person to participate in any recreational activity	328
conducted or sponsored by a public office or to use or obtain	329
admission privileges to any recreational facility owned or	330
operated by a public office.	331
(9) "Community control sanction" has the same meaning as	332

in section 2929.01 of the Revised Code.	333
(10) "Post-release control sanction" has the same meaning	334
as in section 2967.01 of the Revised Code.	335
(11) "Redaction" means obscuring or deleting any	336
information that is exempt from the duty to permit public	337
inspection or copying from an item that otherwise meets the	338
definition of a "record" in section 149.011 of the Revised Code.	339
(12) "Designee" and "elected official" have the same	340
meanings as in section 109.43 of the Revised Code.	341
(B)(1) Upon request and subject to division (B)(8) of this	342
section, all public records responsive to the request shall be	343
promptly prepared and made available for inspection to any	344
person at all reasonable times during regular business hours.	345
Subject to division (B)(8) of this section, upon request, a	346
public office or person responsible for public records shall	347
make copies of the requested public record available at cost and	348
within a reasonable period of time. If a public record contains	349
information that is exempt from the duty to permit public	350
inspection or to copy the public record, the public office or	351
the person responsible for the public record shall make	352
available all of the information within the public record that	353
is not exempt. When making that public record available for	354
public inspection or copying that public record, the public	355
office or the person responsible for the public record shall	356
notify the requester of any redaction or make the redaction	357
plainly visible. A redaction shall be deemed a denial of a	358
request to inspect or copy the redacted information, except if	359
federal or state law authorizes or requires a public office to	360
make the redaction.	361

- (2) To facilitate broader access to public records, a 362 public office or the person responsible for public records shall 363 organize and maintain public records in a manner that they can 364 be made available for inspection or copying in accordance with 365 division (B) of this section. A public office also shall have 366 available a copy of its current records retention schedule at a 367 location readily available to the public. If a requester makes 368 an ambiguous or overly broad request or has difficulty in making 369 a request for copies or inspection of public records under this 370 section such that the public office or the person responsible 371 for the requested public record cannot reasonably identify what 372 public records are being requested, the public office or the 373 person responsible for the requested public record may deny the 374 request but shall provide the requester with an opportunity to 375 revise the request by informing the requester of the manner in 376 which records are maintained by the public office and accessed 377 in the ordinary course of the public office's or person's 378 duties. 379
- (3) If a request is ultimately denied, in part or in 380 whole, the public office or the person responsible for the 381 requested public record shall provide the requester with an 382 explanation, including legal authority, setting forth why the 383 request was denied. If the initial request was provided in 384 writing, the explanation also shall be provided to the requester 385 in writing. The explanation shall not preclude the public office 386 or the person responsible for the requested public record from 387 relying upon additional reasons or legal authority in defending 388 an action commenced under division (C) of this section. 389
- (4) Unless specifically required or authorized by state orfederal law or in accordance with division (B) of this section,no public office or person responsible for public records may392

limit or condition the availability of public records by

requiring disclosure of the requester's identity or the intended

use of the requested public record. Any requirement that the

requester disclose the requester's identity or the intended use

of the requested public record constitutes a denial of the

request.

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- (5) A public office or person responsible for public 399 records may ask a requester to make the request in writing, may 400 ask for the requester's identity, and may inquire about the 401 402 intended use of the information requested, but may do so only after disclosing to the requester that a written request is not 403 mandatory and that the requester may decline to reveal the 404 requester's identity or the intended use and when a written 405 request or disclosure of the identity or intended use would 406 benefit the requester by enhancing the ability of the public 407 office or person responsible for public records to identify, 408 locate, or deliver the public records sought by the requester. 409
- (6) If any person chooses to obtain a copy of a public 410 record in accordance with division (B) of this section, the 411 public office or person responsible for the public record may 412 require that person to pay in advance the cost involved in 413 providing the copy of the public record in accordance with the 414 choice made by the person seeking the copy under this division. 415 The public office or the person responsible for the public 416 record shall permit that person to choose to have the public 417 record duplicated upon paper, upon the same medium upon which 418 the public office or person responsible for the public record 419 keeps it, or upon any other medium upon which the public office 420 or person responsible for the public record determines that it 421 reasonably can be duplicated as an integral part of the normal 422 operations of the public office or person responsible for the 423

public record. When the person seeking the copy makes a choice	424
under this division, the public office or person responsible for	425
the public record shall provide a copy of it in accordance with	426
the choice made by the person seeking the copy. Nothing in this	427
section requires a public office or person responsible for the	428
public record to allow the person seeking a copy of the public	429
record to make the copies of the public record.	430
(7)(a) Upon a request made in accordance with division (B)	431
of this section and subject to division (B)(6) of this section,	432
a public office or person responsible for public records shall	433
transmit a copy of a public record to any person by United	434
States mail or by any other means of delivery or transmission	435
within a reasonable period of time after receiving the request	436
for the copy. The public office or person responsible for the	437
public record may require the person making the request to pay	438
in advance the cost of postage if the copy is transmitted by	439
United States mail or the cost of delivery if the copy is	440
transmitted other than by United States mail, and to pay in	441
advance the costs incurred for other supplies used in the	442
mailing, delivery, or transmission.	443
(b) Any public office may adopt a policy and procedures	444
that it will follow in transmitting, within a reasonable period	445
of time after receiving a request, copies of public records by	446
United States mail or by any other means of delivery or	447
transmission pursuant to division (B)(7) of this section. A	448
public office that adopts a policy and procedures under division	449
(B)(7) of this section shall comply with them in performing its	450
duties under that division.	451
(c) In any policy and procedures adopted under division	452
(B) (7) of this section:	453

(i) A public office may limit the number of records	454
requested by a person that the office will physically deliver by	455
United States mail or by another delivery service to ten per	456
month, unless the person certifies to the office in writing that	457
the person does not intend to use or forward the requested	458
records, or the information contained in them, for commercial	459
purposes;	460
(ii) A public office that chooses to provide some or all	461
of its public records on a web site that is fully accessible to	462
and searchable by members of the public at all times, other than	463
during acts of God outside the public office's control or	464
maintenance, and that charges no fee to search, access,	465
download, or otherwise receive records provided on the web site,	466
may limit to ten per month the number of records requested by a	467
person that the office will deliver in a digital format, unless	468
the requested records are not provided on the web site and	469
unless the person certifies to the office in writing that the	470
person does not intend to use or forward the requested records,	471
or the information contained in them, for commercial purposes.	472
(iii) For purposes of division (B)(7) of this section,	473
"commercial" shall be narrowly construed and does not include	474
reporting or gathering news, reporting or gathering information	475
to assist citizen oversight or understanding of the operation or	476
activities of government, or nonprofit educational research.	477
(8) A public office or person responsible for public	478
records is not required to permit a person who is incarcerated	479
pursuant to a criminal conviction or a juvenile adjudication to	480
inspect or to obtain a copy of any public record concerning a	481
criminal investigation or prosecution or concerning what would	482
be a criminal investigation or prosecution if the subject of the	483

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investigation or prosecution were an adult, unless the request	484
to inspect or to obtain a copy of the record is for the purpose	485
of acquiring information that is subject to release as a public	486
record under this section and the judge who imposed the sentence	487
or made the adjudication with respect to the person, or the	488
judge's successor in office, finds that the information sought	489
in the public record is necessary to support what appears to be	490
a justiciable claim of the person.	491
(9)(a) Upon written request made and signed by a	492
journalist on or after December 16, 1999, a public office, or	493
person responsible for public records, having custody of the	494
records of the agency employing a specified peace officer,	495
parole officer, probation officer, bailiff, prosecuting	496
attorney, assistant prosecuting attorney, correctional employee,	497
community-based correctional facility employee, youth services	498
employee, firefighter, EMT, investigator of the bureau of	499
criminal identification and investigation, or federal law	500
enforcement officer shall disclose to the journalist the address	501
of the actual personal residence of the peace officer, parole	502
officer, probation officer, bailiff, prosecuting attorney,	503
assistant prosecuting attorney, correctional employee,	504
community-based correctional facility employee, youth services	505
employee, firefighter, EMT, investigator of the bureau of	506
criminal identification and investigation, or federal law	507
enforcement officer and, if the peace officer's, parole	508
officer's, probation officer's, bailiff's, prosecuting	509
attorney's, assistant prosecuting attorney's, correctional	510
employee's, community-based correctional facility employee's,	511
youth services employee's, firefighter's, EMT's, investigator of	512
the bureau of criminal identification and investigation's, or	513

federal law enforcement officer's spouse, former spouse, or

child is employed by a public office, the name and address of	515
the employer of the peace officer's, parole officer's, probation	516
officer's, bailiff's, prosecuting attorney's, assistant	517
prosecuting attorney's, correctional employee's, community-based	518
correctional facility employee's, youth services employee's,	519
firefighter's, EMT's, investigator of the bureau of criminal	520
identification and investigation's, or federal law enforcement	521
officer's spouse, former spouse, or child. The request shall	522
include the journalist's name and title and the name and address	523
of the journalist's employer and shall state that disclosure of	524
the information sought would be in the public interest.	525
(b) Division (B)(9)(a) of this section also applies to	526
journalist requests for customer information maintained by a	527
municipally owned or operated public utility, other than social	528
security numbers and any private financial information such as	529
credit reports, payment methods, credit card numbers, and bank	530
account information.	531
(c) As used in division (B)(9) of this section,	532
"journalist" means a person engaged in, connected with, or	533
employed by any news medium, including a newspaper, magazine,	534
press association, news agency, or wire service, a radio or	535
television station, or a similar medium, for the purpose of	536
gathering, processing, transmitting, compiling, editing, or	537
disseminating information for the general public.	538
(C)(1) If a person allegedly is aggrieved by the failure	539
of a public office or the person responsible for public records	540
to promptly prepare a public record and to make it available to	541
the person for inspection in accordance with division (B) of	542
this section or by any other failure of a public office or the	543
person responsible for public records to comply with an	544

obligation in accordance with division (B) of this section, the	545
person allegedly aggrieved may do only one of the following, and	546
not both:	547
(a) File a complaint with the clerk of the court of claims	548
or the clerk of the court of common pleas under section 2743.75	549
of the Revised Code;	550
(b) Commence a mandamus action to obtain a judgment that	551
orders the public office or the person responsible for the	552
public record to comply with division (B) of this section, that	553
awards court costs and reasonable attorney's fees to the person	554
that instituted the mandamus action, and, if applicable, that	555
includes an order fixing statutory damages under division (C)(2)	556
of this section. The mandamus action may be commenced in the	557
court of common pleas of the county in which division (B) of	558
this section allegedly was not complied with, in the supreme	559
court pursuant to its original jurisdiction under Section 2 of	560
Article IV, Ohio Constitution, or in the court of appeals for	561
the appellate district in which division (B) of this section	562
allegedly was not complied with pursuant to its original	563
jurisdiction under Section 3 of Article IV, Ohio Constitution.	564
(2) If a requester transmits a written request by hand	565
delivery or certified mail to inspect or receive copies of any	566
public record in a manner that fairly describes the public	567
record or class of public records to the public office or person	568
responsible for the requested public records, except as	569
otherwise provided in this section, the requester shall be	570
entitled to recover the amount of statutory damages set forth in	571
this division if a court determines that the public office or	572
the person responsible for public records failed to comply with	573

an obligation in accordance with division (B) of this section.

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The amount of statutory damages shall be fixed at one	575
hundred dollars for each business day during which the public	576
office or person responsible for the requested public records	577
failed to comply with an obligation in accordance with division	578
(B) of this section, beginning with the day on which the	579
requester files a mandamus action to recover statutory damages,	580
up to a maximum of one thousand dollars. The award of statutory	581
damages shall not be construed as a penalty, but as compensation	582
for injury arising from lost use of the requested information.	583
The existence of this injury shall be conclusively presumed. The	584
award of statutory damages shall be in addition to all other	585
remedies authorized by this section.	586
The court may reduce an award of statutory damages or not	587
award statutory damages if the court determines both of the	588
following:	589
(a) That, based on the ordinary application of statutory	590
law and case law as it existed at the time of the conduct or	591
threatened conduct of the public office or person responsible	592
for the requested public records that allegedly constitutes a	593
failure to comply with an obligation in accordance with division	594
(B) of this section and that was the basis of the mandamus	595
action, a well-informed public office or person responsible for	596
the requested public records reasonably would believe that the	597
conduct or threatened conduct of the public office or person	598
responsible for the requested public records did not constitute	599
a failure to comply with an obligation in accordance with	600
division (B) of this section;	601
(b) That a well-informed public office or person	602
responsible for the requested public records reasonably would	603

believe that the conduct or threatened conduct of the public

office or person responsible for the requested public records	605
would serve the public policy that underlies the authority that	606
is asserted as permitting that conduct or threatened conduct.	607
(3) In a mandamus action filed under division (C)(1) of	608
this section, the following apply:	609
(a)(i) If the court orders the public office or the person	610
responsible for the public record to comply with division (B) of	611
this section, the court shall determine and award to the relator	612
all court costs, which shall be construed as remedial and not	613
punitive.	614
(ii) If the court makes a determination described in	615
division (C)(3)(b)(iii) of this section, the court shall	616
determine and award to the relator all court costs, which shall	617
be construed as remedial and not punitive.	618
(b) If the court renders a judgment that orders the public	619
office or the person responsible for the public record to comply	620
with division (B) of this section or if the court determines any	621
of the following, the court may award reasonable attorney's fees	622
to the relator, subject to the provisions of division (C)(4) of	623
this section:	624
(i) The public office or the person responsible for the	625
public records failed to respond affirmatively or negatively to	626
the public records request in accordance with the time allowed	627
under division (B) of this section.	628
(ii) The public office or the person responsible for the	629
public records promised to permit the relator to inspect or	630
receive copies of the public records requested within a	631
specified period of time but failed to fulfill that promise	632
within that specified period of time.	633

(iii) The public office or the person responsible for the 634 public records acted in bad faith when the office or person 635 voluntarily made the public records available to the relator for 636 the first time after the relator commenced the mandamus action, 637 but before the court issued any order concluding whether or not 638 the public office or person was required to comply with division 639 (B) of this section. No discovery may be conducted on the issue 640 of the alleged bad faith of the public office or person 641 responsible for the public records. This division shall not be 642 construed as creating a presumption that the public office or 643 the person responsible for the public records acted in bad faith 644 when the office or person voluntarily made the public records 645 available to the relator for the first time after the relator 646 commenced the mandamus action, but before the court issued any 647 order described in this division. 648 (c) The court shall not award attorney's fees to the 649 relator if the court determines both of the following: 650 (i) That, based on the ordinary application of statutory 651 law and case law as it existed at the time of the conduct or 652 threatened conduct of the public office or person responsible 653 for the requested public records that allegedly constitutes a 654 failure to comply with an obligation in accordance with division 655 (B) of this section and that was the basis of the mandamus 656 action, a well-informed public office or person responsible for 657 the requested public records reasonably would believe that the 658 conduct or threatened conduct of the public office or person 659 responsible for the requested public records did not constitute 660 a failure to comply with an obligation in accordance with 661 division (B) of this section; 662

(ii) That a well-informed public office or person

responsible for the requested public records reasonably would	664
believe that the conduct or threatened conduct of the public	665
office or person responsible for the requested public records	666
would serve the public policy that underlies the authority that	667
is asserted as permitting that conduct or threatened conduct.	668
(4) All of the following apply to any award of reasonable	669
attorney's fees awarded under division (C)(3)(b) of this	670
section:	671
(a) The fees shall be construed as remedial and not	672
punitive.	673
(b) The fees awarded shall not exceed the total of the	674
reasonable attorney's fees incurred before the public record was	675
made available to the relator and the fees described in division	676
(C)(4)(c) of this section.	677
(c) Reasonable attorney's fees shall include reasonable	678
fees incurred to produce proof of the reasonableness and amount	679
of the fees and to otherwise litigate entitlement to the fees.	680
(d) The court may reduce the amount of fees awarded if the	681
court determines that, given the factual circumstances involved	682
with the specific public records request, an alternative means	683
should have been pursued to more effectively and efficiently	684
resolve the dispute that was subject to the mandamus action	685
filed under division (C)(1) of this section.	686
(5) If the court does not issue a writ of mandamus under	687
division (C) of this section and the court determines at that	688
time that the bringing of the mandamus action was frivolous	689
conduct as defined in division (A) of section 2323.51 of the	690
Revised Code, the court may award to the public office all court	691
costs, expenses, and reasonable attorney's fees, as determined	692

by the court. 693 (D) Chapter 1347. of the Revised Code does not limit the 694 provisions of this section. 695 (E)(1) To ensure that all employees of public offices are 696 appropriately educated about a public office's obligations under 697 division (B) of this section, all elected officials or their 698 appropriate designees shall attend training approved by the 699 attorney general as provided in section 109.43 of the Revised 700 Code. In addition, all public offices shall adopt a public 701 702 records policy in compliance with this section for responding to public records requests. In adopting a public records policy 703 under this division, a public office may obtain quidance from 704 the model public records policy developed and provided to the 705 public office by the attorney general under section 109.43 of 706 the Revised Code. Except as otherwise provided in this section, 707 the policy may not limit the number of public records that the 708 public office will make available to a single person, may not 709 limit the number of public records that it will make available 710 during a fixed period of time, and may not establish a fixed 711 period of time before it will respond to a request for 712 inspection or copying of public records, unless that period is 713 less than eight hours. 714 (2) The public office shall distribute the public records 715 policy adopted by the public office under division (E)(1) of 716 this section to the employee of the public office who is the 717 records custodian or records manager or otherwise has custody of 718 the records of that office. The public office shall require that 719 employee to acknowledge receipt of the copy of the public 720 records policy. The public office shall create a poster that 721 describes its public records policy and shall post the poster in 722

a conspicuous place in the public office and in all locations	723
where the public office has branch offices. The public office	724
may post its public records policy on the internet web site of	725
the public office if the public office maintains an internet web	726
site. A public office that has established a manual or handbook	727
of its general policies and procedures for all employees of the	728
public office shall include the public records policy of the	729
public office in the manual or handbook.	730
(F)(1) The bureau of motor vehicles may adopt rules	731
pursuant to Chapter 119. of the Revised Code to reasonably limit	732
the number of bulk commercial special extraction requests made	733
by a person for the same records or for updated records during a	734
calendar year. The rules may include provisions for charges to	735
be made for bulk commercial special extraction requests for the	736
actual cost of the bureau, plus special extraction costs, plus	737
ten per cent. The bureau may charge for expenses for redacting	738
information, the release of which is prohibited by law.	739
(2) As used in division (F)(1) of this section:	740
(a) "Actual cost" means the cost of depleted supplies,	741
records storage media costs, actual mailing and alternative	742
delivery costs, or other transmitting costs, and any direct	743
equipment operating and maintenance costs, including actual	744
costs paid to private contractors for copying services.	745
(b) "Bulk commercial special extraction request" means a	746
request for copies of a record for information in a format other	747
than the format already available, or information that cannot be	748
extracted without examination of all items in a records series,	749
class of records, or database by a person who intends to use or	750
forward the copies for surveys, marketing, solicitation, or	751

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resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who	753
gives assurance to the bureau that the person making the request	754
does not intend to use or forward the requested copies for	755
surveys, marketing, solicitation, or resale for commercial	756
purposes.	757
(c) "Commercial" means profit-seeking production, buying,	758
or selling of any good, service, or other product.	759
(d) "Special extraction costs" means the cost of the time	760
spent by the lowest paid employee competent to perform the task,	761
the actual amount paid to outside private contractors employed	762
by the bureau, or the actual cost incurred to create computer	763
programs to make the special extraction. "Special extraction	764
costs" include any charges paid to a public agency for computer	765
or records services.	766
(3) For purposes of divisions (F)(1) and (2) of this	767
section, "surveys, marketing, solicitation, or resale for	768
commercial purposes" shall be narrowly construed and does not	769
include reporting or gathering news, reporting or gathering	770
information to assist citizen oversight or understanding of the	771
operation or activities of government, or nonprofit educational	772
research.	773
(G) A request by a defendant, counsel of a defendant, or	774
any agent of a defendant in a criminal action that public	775
records related to that action be made available under this	776
section shall be considered a demand for discovery pursuant to	777
the Criminal Rules, except to the extent that the Criminal Rules	778
plainly indicate a contrary intent. The defendant, counsel of	779
the defendant, or agent of the defendant making a request under	780
this division shall serve a copy of the request on the	781
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prosecuting attorney, director of law, or other chief legal

officer responsible for prosecuting the action.	783
Sec. 149.436. Notwithstanding division (A) (1) (gg) of	784
section 149.43 of the Revised Code, upon written request made	785
and signed by the parent or quardian of an individual who is	786
less than eighteen years of age and was an occupant of a school	787
vehicle involved in a traffic accident, a public office or	788
person responsible for public records, having custody of any	789
record related to the traffic accident containing the personal	790
information of the individual, shall transmit a copy of that	791
record to the recipient identified in the request.	792
The written request shall identify the individual on whose	793
behalf the record is requested and the person to whom the record	794
shall be transmitted. The record shall be transmitted only to	795
the person identified in the written request as the recipient of	796
the record.	797
A public office or person responsible for records	798
responding to a request under this section shall redact any	799
personal information contained in the record of any individual	800
less than eighteen years of age who is not the subject of the	801
request, before providing the record to the recipient.	802
Section 2. That existing section 149.43 of the Revised	803
Code is hereby repealed.	804