

**As Reported by the House Finance Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 130**

**Representatives Hagan, Duffey**

**Cosponsors: Representatives Amstutz, Henne, Perales, Ruhl, Maag, Blessing, Retherford, Bishoff, Brown, Brenner, Hackett, Leland, Burkley, McClain, Reineke, Romanchuk, Scherer, Thompson**

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**A BILL**

To amend section 149.43 and to enact sections 117.432, 149.60, 149.62, and 149.65 of the Revised Code to create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make an appropriation. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 149.43 be amended and sections 117.432, 149.60, 149.62, and 149.65 of the Revised Code be enacted to read as follows: 11  
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**Sec. 117.432.** (A) The general assembly recognizes that uniform accounting procedures and charts of accounts improve financial management while maintaining the principle of home rule over local matters. It is the intent of the general 14  
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assembly to facilitate the ability of the public easily to 18  
compare public data generated by the state and other public 19  
offices using this common language. 20

(B) Within two years after the effective date of this 21  
section, the auditor of state shall establish, by rule adopted 22  
under Chapter 119. of the Revised Code, appropriate uniform 23  
accounting procedures and charts of accounts that may be used by 24  
all public offices. Public offices that maintain their financial 25  
records in accordance with the rules established by the auditor 26  
of state under this section shall be declared by the auditor of 27  
state to have earned a "DataOhio Transparency Award-Uniformity 28  
of Accounting." 29

(C) The auditor of state may use existing uniform 30  
accounting procedures or charts of accounts to satisfy the 31  
requirements of division (B) of this section, or may supplement 32  
or amend existing uniform accounting procedures or charts of 33  
accounts to satisfy the requirements of division (B) of this 34  
section. 35

**Sec. 149.43.** (A) As used in this section: 36

(1) "Public record" means records kept by any public 37  
office, including, but not limited to, state, county, city, 38  
village, township, and school district units, and records 39  
pertaining to the delivery of educational services by an 40  
alternative school in this state kept by the nonprofit or for- 41  
profit entity operating the alternative school pursuant to 42  
section 3313.533 of the Revised Code. "Public record" does not 43  
mean any of the following: 44

(a) Medical records; 45

(b) Records pertaining to probation and parole proceedings 46

or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	47 48
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	49 50 51
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	52 53 54
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	55 56 57 58 59 60
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	61 62
(g) Trial preparation records;	63
(h) Confidential law enforcement investigatory records;	64
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	65 66
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	67 68
(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;	69 70 71 72
(l) Records maintained by the department of youth services	73

pertaining to children in its custody released by the department	74
of youth services to the department of rehabilitation and	75
correction pursuant to section 5139.05 of the Revised Code;	76
(m) Intellectual property records;	77
(n) Donor profile records;	78
(o) Records maintained by the department of job and family	79
services pursuant to section 3121.894 of the Revised Code;	80
(p) Peace officer, parole officer, probation officer,	81
bailiff, prosecuting attorney, assistant prosecuting attorney,	82
correctional employee, community-based correctional facility	83
employee, youth services employee, firefighter, EMT, or	84
investigator of the bureau of criminal identification and	85
investigation residential and familial information;	86
(q) In the case of a county hospital operated pursuant to	87
Chapter 339. of the Revised Code or a municipal hospital	88
operated pursuant to Chapter 749. of the Revised Code,	89
information that constitutes a trade secret, as defined in	90
section 1333.61 of the Revised Code;	91
(r) Information pertaining to the recreational activities	92
of a person under the age of eighteen;	93
(s) In the case of a child fatality review board acting	94
under sections 307.621 to 307.629 of the Revised Code or a	95
review conducted pursuant to guidelines established by the	96
director of health under section 3701.70 of the Revised Code,	97
records provided to the board or director, statements made by	98
board members during meetings of the board or by persons	99
participating in the director's review, and all work products of	100
the board or director, and in the case of a child fatality	101
review board, child fatality review data submitted by the board	102

to the department of health or a national child death review	103
database, other than the report prepared pursuant to division	104
(A) of section 307.626 of the Revised Code;	105
(t) Records provided to and statements made by the	106
executive director of a public children services agency or a	107
prosecuting attorney acting pursuant to section 5153.171 of the	108
Revised Code other than the information released under that	109
section;	110
(u) Test materials, examinations, or evaluation tools used	111
in an examination for licensure as a nursing home administrator	112
that the board of executives of long-term services and supports	113
administers under section 4751.04 of the Revised Code or	114
contracts under that section with a private or government entity	115
to administer;	116
(v) Records the release of which is prohibited by state or	117
federal law;	118
(w) Proprietary information of or relating to any person	119
that is submitted to or compiled by the Ohio venture capital	120
authority created under section 150.01 of the Revised Code;	121
(x) Financial statements and data any person submits for	122
any purpose to the Ohio housing finance agency or the	123
controlling board in connection with applying for, receiving, or	124
accounting for financial assistance from the agency, and	125
information that identifies any individual who benefits directly	126
or indirectly from financial assistance from the agency;	127
(y) Records listed in section 5101.29 of the Revised Code;	128
(z) Discharges recorded with a county recorder under	129
section 317.24 of the Revised Code, as specified in division (B)	130
(2) of that section;	131

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	132 133 134
(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;	135 136 137
(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.	138 139 140
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	141 142 143 144 145
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	146 147 148 149
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	150 151 152 153
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	154 155
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	156 157 158
(3) "Medical record" means any document or combination of	159

documents, except births, deaths, and the fact of admission to 160  
or discharge from a hospital, that pertains to the medical 161  
history, diagnosis, prognosis, or medical condition of a patient 162  
and that is generated and maintained in the process of medical 163  
treatment. 164

(4) "Trial preparation record" means any record that 165  
contains information that is specifically compiled in reasonable 166  
anticipation of, or in defense of, a civil or criminal action or 167  
proceeding, including the independent thought processes and 168  
personal trial preparation of an attorney. 169

(5) "Intellectual property record" means a record, other 170  
than a financial or administrative record, that is produced or 171  
collected by or for faculty or staff of a state institution of 172  
higher learning in the conduct of or as a result of study or 173  
research on an educational, commercial, scientific, artistic, 174  
technical, or scholarly issue, regardless of whether the study 175  
or research was sponsored by the institution alone or in 176  
conjunction with a governmental body or private concern, and 177  
that has not been publicly released, published, or patented. 178

(6) "Donor profile record" means all records about donors 179  
or potential donors to a public institution of higher education 180  
except the names and reported addresses of the actual donors and 181  
the date, amount, and conditions of the actual donation. 182

(7) "Peace officer, parole officer, probation officer, 183  
bailiff, prosecuting attorney, assistant prosecuting attorney, 184  
correctional employee, community-based correctional facility 185  
employee, youth services employee, firefighter, EMT, or 186  
investigator of the bureau of criminal identification and 187  
investigation residential and familial information" means any 188  
information that discloses any of the following about a peace 189

officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation: 190  
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(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides; 195  
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(b) Information compiled from referral to or participation in an employee assistance program; 207  
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(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation; 209  
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided 218  
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to a peace officer, parole officer, probation officer, bailiff, 220  
prosecuting attorney, assistant prosecuting attorney, 221  
correctional employee, community-based correctional facility 222  
employee, youth services employee, firefighter, EMT, or 223  
investigator of the bureau of criminal identification and 224  
investigation by the peace officer's, parole officer's, 225  
probation officer's, bailiff's, prosecuting attorney's, 226  
assistant prosecuting attorney's, correctional employee's, 227  
community-based correctional facility employee's, youth services 228  
employee's, firefighter's, EMT's, or investigator of the bureau 229  
of criminal identification and investigation's employer; 230

(e) The identity and amount of any charitable or 231  
employment benefit deduction made by the peace officer's, parole 232  
officer's, probation officer's, bailiff's, prosecuting 233  
attorney's, assistant prosecuting attorney's, correctional 234  
employee's, community-based correctional facility employee's, 235  
youth services employee's, firefighter's, EMT's, or investigator 236  
of the bureau of criminal identification and investigation's 237  
employer from the peace officer's, parole officer's, probation 238  
officer's, bailiff's, prosecuting attorney's, assistant 239  
prosecuting attorney's, correctional employee's, community-based 240  
correctional facility employee's, youth services employee's, 241  
firefighter's, EMT's, or investigator of the bureau of criminal 242  
identification and investigation's compensation unless the 243  
amount of the deduction is required by state or federal law; 244

(f) The name, the residential address, the name of the 245  
employer, the address of the employer, the social security 246  
number, the residential telephone number, any bank account, 247  
debit card, charge card, or credit card number, or the emergency 248  
telephone number of the spouse, a former spouse, or any child of 249  
a peace officer, parole officer, probation officer, bailiff, 250

prosecuting attorney, assistant prosecuting attorney, 251  
correctional employee, community-based correctional facility 252  
employee, youth services employee, firefighter, EMT, or 253  
investigator of the bureau of criminal identification and 254  
investigation; 255

(g) A photograph of a peace officer who holds a position 256  
or has an assignment that may include undercover or plain 257  
clothes positions or assignments as determined by the peace 258  
officer's appointing authority. 259

As used in divisions (A) (7) and (B) (9) of this section, 260  
"peace officer" has the same meaning as in section 109.71 of the 261  
Revised Code and also includes the superintendent and troopers 262  
of the state highway patrol; it does not include the sheriff of 263  
a county or a supervisory employee who, in the absence of the 264  
sheriff, is authorized to stand in for, exercise the authority 265  
of, and perform the duties of the sheriff. 266

As used in divisions (A) (7) and (B) (9) of this section, 267  
"correctional employee" means any employee of the department of 268  
rehabilitation and correction who in the course of performing 269  
the employee's job duties has or has had contact with inmates 270  
and persons under supervision. 271

As used in divisions (A) (7) and (B) (9) of this section, 272  
"youth services employee" means any employee of the department 273  
of youth services who in the course of performing the employee's 274  
job duties has or has had contact with children committed to the 275  
custody of the department of youth services. 276

As used in divisions (A) (7) and (B) (9) of this section, 277  
"firefighter" means any regular, paid or volunteer, member of a 278  
lawfully constituted fire department of a municipal corporation, 279

township, fire district, or village.	280
As used in divisions (A) (7) and (B) (9) of this section,	281
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide	282
emergency medical services for a public emergency medical	283
service organization. "Emergency medical service organization,"	284
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as	285
in section 4765.01 of the Revised Code.	286
As used in divisions (A) (7) and (B) (9) of this section,	287
"investigator of the bureau of criminal identification and	288
investigation" has the meaning defined in section 2903.11 of the	289
Revised Code.	290
(8) "Information pertaining to the recreational activities	291
of a person under the age of eighteen" means information that is	292
kept in the ordinary course of business by a public office, that	293
pertains to the recreational activities of a person under the	294
age of eighteen years, and that discloses any of the following:	295
(a) The address or telephone number of a person under the	296
age of eighteen or the address or telephone number of that	297
person's parent, guardian, custodian, or emergency contact	298
person;	299
(b) The social security number, birth date, or	300
photographic image of a person under the age of eighteen;	301
(c) Any medical record, history, or information pertaining	302
to a person under the age of eighteen;	303
(d) Any additional information sought or required about a	304
person under the age of eighteen for the purpose of allowing	305
that person to participate in any recreational activity	306
conducted or sponsored by a public office or to use or obtain	307
admission privileges to any recreational facility owned or	308

operated by a public office. 309

(9) "Community control sanction" has the same meaning as 310  
in section 2929.01 of the Revised Code. 311

(10) "Post-release control sanction" has the same meaning 312  
as in section 2967.01 of the Revised Code. 313

(11) "Redaction" means obscuring or deleting any 314  
information that is exempt from the duty to permit public 315  
inspection or copying from an item that otherwise meets the 316  
definition of a "record" in section 149.011 of the Revised Code. 317

(12) "Designee" and "elected official" have the same 318  
meanings as in section 109.43 of the Revised Code. 319

(B) (1) Upon request and subject to division (B) (8) of this 320  
section, all public records responsive to the request shall be 321  
promptly prepared and made available for inspection to any 322  
person at all reasonable times during regular business hours. 323  
Subject to division (B) (8) of this section, upon request, a 324  
public office or person responsible for public records shall 325  
make copies of the requested public record available at cost and 326  
within a reasonable period of time. If a public record contains 327  
information that is exempt from the duty to permit public 328  
inspection or to copy the public record, the public office or 329  
the person responsible for the public record shall make 330  
available all of the information within the public record that 331  
is not exempt. When making that public record available for 332  
public inspection or copying that public record, the public 333  
office or the person responsible for the public record shall 334  
notify the requester of any redaction or make the redaction 335  
plainly visible. A redaction shall be deemed a denial of a 336  
request to inspect or copy the redacted information, except if 337

federal or state law authorizes or requires a public office to 338  
make the redaction. 339

(2) To facilitate broader access to public records, a 340  
public office or the person responsible for public records shall 341  
organize and maintain public records in a manner that they can 342  
be made available for inspection or copying in accordance with 343  
division (B) of this section. A public office also shall have 344  
available a copy of its current records retention schedule at a 345  
location readily available to the public. If a requester makes 346  
an ambiguous or overly broad request or has difficulty in making 347  
a request for copies or inspection of public records under this 348  
section such that the public office or the person responsible 349  
for the requested public record cannot reasonably identify what 350  
public records are being requested, the public office or the 351  
person responsible for the requested public record may deny the 352  
request but shall provide the requester with an opportunity to 353  
revise the request by informing the requester of the manner in 354  
which records are maintained by the public office and accessed 355  
in the ordinary course of the public office's or person's 356  
duties. 357

(3) If a request is ultimately denied, in part or in 358  
whole, the public office or the person responsible for the 359  
requested public record shall provide the requester with an 360  
explanation, including legal authority, setting forth why the 361  
request was denied. If the initial request was provided in 362  
writing, the explanation also shall be provided to the requester 363  
in writing. The explanation shall not preclude the public office 364  
or the person responsible for the requested public record from 365  
relying upon additional reasons or legal authority in defending 366  
an action commenced under division (C) of this section. 367

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may 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 requestor's identity or the intended use of the requested public record constitutes a denial of the request.

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

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office

or person responsible for the public record determines that it 399  
reasonably can be duplicated as an integral part of the normal 400  
operations of the public office or person responsible for the 401  
public record. When the person seeking the copy makes a choice 402  
under this division, the public office or person responsible for 403  
the public record shall provide a copy of it in accordance with 404  
the choice made by the person seeking the copy. Nothing in this 405  
section requires a public office or person responsible for the 406  
public record to allow the person seeking a copy of the public 407  
record to make the copies of the public record. 408

(7) Upon a request made in accordance with division (B) of 409  
this section and subject to division (B)(6) of this section, a 410  
public office or person responsible for public records shall 411  
transmit a copy of a public record to any person by United 412  
States mail or by any other means of delivery or transmission 413  
within a reasonable period of time after receiving the request 414  
for the copy. The public office or person responsible for the 415  
public record may require the person making the request to pay 416  
in advance the cost of postage if the copy is transmitted by 417  
United States mail or the cost of delivery if the copy is 418  
transmitted other than by United States mail, and to pay in 419  
advance the costs incurred for other supplies used in the 420  
mailing, delivery, or transmission. 421

Any public office may adopt a policy and procedures that 422  
it will follow in transmitting, within a reasonable period of 423  
time after receiving a request, copies of public records by 424  
United States mail or by any other means of delivery or 425  
transmission pursuant to this division. A public office that 426  
adopts a policy and procedures under this division shall comply 427  
with them in performing its duties under this division. 428

In any policy and procedures adopted under this division, 429  
a public office may limit the number of records requested by a 430  
person that the office will transmit by United States mail to 431  
ten per month, unless the person certifies to the office in 432  
writing that the person does not intend to use or forward the 433  
requested records, or the information contained in them, for 434  
commercial purposes. For purposes of this division, "commercial" 435  
shall be narrowly construed and does not include reporting or 436  
gathering news, reporting or gathering information to assist 437  
citizen oversight or understanding of the operation or 438  
activities of government, or nonprofit educational research. 439

(8) A public office or person responsible for public 440  
records is not required to permit a person who is incarcerated 441  
pursuant to a criminal conviction or a juvenile adjudication to 442  
inspect or to obtain a copy of any public record concerning a 443  
criminal investigation or prosecution or concerning what would 444  
be a criminal investigation or prosecution if the subject of the 445  
investigation or prosecution were an adult, unless the request 446  
to inspect or to obtain a copy of the record is for the purpose 447  
of acquiring information that is subject to release as a public 448  
record under this section and the judge who imposed the sentence 449  
or made the adjudication with respect to the person, or the 450  
judge's successor in office, finds that the information sought 451  
in the public record is necessary to support what appears to be 452  
a justiciable claim of the person. 453

(9) (a) Upon written request made and signed by a 454  
journalist on or after December 16, 1999, a public office, or 455  
person responsible for public records, having custody of the 456  
records of the agency employing a specified peace officer, 457  
parole officer, probation officer, bailiff, prosecuting 458  
attorney, assistant prosecuting attorney, correctional employee, 459



community-based correctional facility employee, youth services 460  
employee, firefighter, EMT, or investigator of the bureau of 461  
criminal identification and investigation shall disclose to the 462  
journalist the address of the actual personal residence of the 463  
peace officer, parole officer, probation officer, bailiff, 464  
prosecuting attorney, assistant prosecuting attorney, 465  
correctional employee, community-based correctional facility 466  
employee, youth services employee, firefighter, EMT, or 467  
investigator of the bureau of criminal identification and 468  
investigation and, if the peace officer's, parole officer's, 469  
probation officer's, bailiff's, prosecuting attorney's, 470  
assistant prosecuting attorney's, correctional employee's, 471  
community-based correctional facility employee's, youth services 472  
employee's, firefighter's, EMT's, or investigator of the bureau 473  
of criminal identification and investigation's spouse, former 474  
spouse, or child is employed by a public office, the name and 475  
address of the employer of the peace officer's, parole 476  
officer's, probation officer's, bailiff's, prosecuting 477  
attorney's, assistant prosecuting attorney's, correctional 478  
employee's, community-based correctional facility employee's, 479  
youth services employee's, firefighter's, EMT's, or investigator 480  
of the bureau of criminal identification and investigation's 481  
spouse, former spouse, or child. The request shall include the 482  
journalist's name and title and the name and address of the 483  
journalist's employer and shall state that disclosure of the 484  
information sought would be in the public interest. 485

(b) Division (B) (9) (a) of this section also applies to 486  
journalist requests for customer information maintained by a 487  
municipally owned or operated public utility, other than social 488  
security numbers and any private financial information such as 489  
credit reports, payment methods, credit card numbers, and bank 490

account information.	491
(c) As used in division (B) (9) of this section,	492
"journalist" means a person engaged in, connected with, or	493
employed by any news medium, including a newspaper, magazine,	494
press association, news agency, or wire service, a radio or	495
television station, or a similar medium, for the purpose of	496
gathering, processing, transmitting, compiling, editing, or	497
disseminating information for the general public.	498
(C) (1) If a person allegedly is aggrieved by the failure	499
of a public office or the person responsible for public records	500
to promptly prepare a public record and to make it available to	501
the person for inspection in accordance with division (B) of	502
this section or by any other failure of a public office or the	503
person responsible for public records to comply with an	504
obligation in accordance with division (B) of this section, the	505
person allegedly aggrieved may commence a mandamus action to	506
obtain a judgment that orders the public office or the person	507
responsible for the public record to comply with division (B) of	508
this section, that awards court costs and reasonable attorney's	509
fees to the person that instituted the mandamus action, and, if	510
applicable, that includes an order fixing statutory damages	511
under division (C) (1) of this section. The mandamus action may	512
be commenced in the court of common pleas of the county in which	513
division (B) of this section allegedly was not complied with, in	514
the supreme court pursuant to its original jurisdiction under	515
Section 2 of Article IV, Ohio Constitution, or in the court of	516
appeals for the appellate district in which division (B) of this	517
section allegedly was not complied with pursuant to its original	518
jurisdiction under Section 3 of Article IV, Ohio Constitution.	519
If a requestor transmits a written request by hand	520

delivery or certified mail to inspect or receive copies of any 521  
public record in a manner that fairly describes the public 522  
record or class of public records to the public office or person 523  
responsible for the requested public records, except as 524  
otherwise provided in this section, the requestor shall be 525  
entitled to recover the amount of statutory damages set forth in 526  
this division if a court determines that the public office or 527  
the person responsible for public records failed to comply with 528  
an obligation in accordance with division (B) of this section. 529

The amount of statutory damages shall be fixed at one 530  
hundred dollars for each business day during which the public 531  
office or person responsible for the requested public records 532  
failed to comply with an obligation in accordance with division 533  
(B) of this section, beginning with the day on which the 534  
requester files a mandamus action to recover statutory damages, 535  
up to a maximum of one thousand dollars. The award of statutory 536  
damages shall not be construed as a penalty, but as compensation 537  
for injury arising from lost use of the requested information. 538  
The existence of this injury shall be conclusively presumed. The 539  
award of statutory damages shall be in addition to all other 540  
remedies authorized by this section. 541

The court may reduce an award of statutory damages or not 542  
award statutory damages if the court determines both of the 543  
following: 544

(a) That, based on the ordinary application of statutory 545  
law and case law as it existed at the time of the conduct or 546  
threatened conduct of the public office or person responsible 547  
for the requested public records that allegedly constitutes a 548  
failure to comply with an obligation in accordance with division 549  
(B) of this section and that was the basis of the mandamus 550

action, a well-informed public office or person responsible for 551  
the requested public records reasonably would believe that the 552  
conduct or threatened conduct of the public office or person 553  
responsible for the requested public records did not constitute 554  
a failure to comply with an obligation in accordance with 555  
division (B) of this section; 556

(b) That a well-informed public office or person 557  
responsible for the requested public records reasonably would 558  
believe that the conduct or threatened conduct of the public 559  
office or person responsible for the requested public records 560  
would serve the public policy that underlies the authority that 561  
is asserted as permitting that conduct or threatened conduct. 562

(2) (a) If the court issues a writ of mandamus that orders 563  
the public office or the person responsible for the public 564  
record to comply with division (B) of this section and 565  
determines that the circumstances described in division (C) (1) 566  
of this section exist, the court shall determine and award to 567  
the relator all court costs. 568

(b) If the court renders a judgment that orders the public 569  
office or the person responsible for the public record to comply 570  
with division (B) of this section, the court may award 571  
reasonable attorney's fees subject to reduction as described in 572  
division (C) (2) (c) of this section. The court shall award 573  
reasonable attorney's fees, subject to reduction as described in 574  
division (C) (2) (c) of this section when either of the following 575  
applies: 576

(i) The public office or the person responsible for the 577  
public records failed to respond affirmatively or negatively to 578  
the public records request in accordance with the time allowed 579  
under division (B) of this section. 580

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

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

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

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C) (2) (c) (i) of this section would serve

the public policy that underlies the authority that is asserted 611  
as permitting that conduct or threatened conduct. 612

(D) Chapter 1347. of the Revised Code does not limit the 613  
provisions of this section. 614

(E) (1) To ensure that all employees of public offices are 615  
appropriately educated about a public office's obligations under 616  
division (B) of this section, all elected officials or their 617  
appropriate designees shall attend training approved by the 618  
attorney general as provided in section 109.43 of the Revised 619  
Code. In addition, all public offices shall adopt a public 620  
records policy in compliance with this section for responding to 621  
public records requests. In adopting a public records policy 622  
under this division, a public office may obtain guidance from 623  
the model public records policy developed and provided to the 624  
public office by the attorney general under section 109.43 of 625  
the Revised Code. Except as otherwise provided in this section, 626  
the policy may not limit the number of public records that the 627  
public office will make available to a single person, may not 628  
limit the number of public records that it will make available 629  
during a fixed period of time, and may not establish a fixed 630  
period of time before it will respond to a request for 631  
inspection or copying of public records, unless that period is 632  
less than eight hours. 633

(2) The public office shall distribute the public records 634  
policy adopted by the public office under division (E) (1) of 635  
this section to the employee of the public office who is the 636  
records custodian or records manager or otherwise has custody of 637  
the records of that office. The public office shall require that 638  
employee to acknowledge receipt of the copy of the public 639  
records policy. The public office shall create a poster that 640

describes its public records policy and shall post the poster in 641  
a conspicuous place in the public office and in all locations 642  
where the public office has branch offices. The public office 643  
may post its public records policy on the internet web site of 644  
the public office if the public office maintains an internet web 645  
site. A public office that has established a manual or handbook 646  
of its general policies and procedures for all employees of the 647  
public office shall include the public records policy of the 648  
public office in the manual or handbook. 649

(F) (1) The bureau of motor vehicles may adopt rules 650  
pursuant to Chapter 119. of the Revised Code to reasonably limit 651  
the number of bulk commercial special extraction requests made 652  
by a person for the same records or for updated records during a 653  
calendar year. The rules may include provisions for charges to 654  
be made for bulk commercial special extraction requests for the 655  
actual cost of the bureau, plus special extraction costs, plus 656  
ten per cent. The bureau may charge for expenses for redacting 657  
information, the release of which is prohibited by law. 658

(2) As used in division (F) (1) of this section: 659

(a) "Actual cost" means the cost of depleted supplies, 660  
records storage media costs, actual mailing and alternative 661  
delivery costs, or other transmitting costs, and any direct 662  
equipment operating and maintenance costs, including actual 663  
costs paid to private contractors for copying services. 664

(b) "Bulk commercial special extraction request" means a 665  
request for copies of a record for information in a format other 666  
than the format already available, or information that cannot be 667  
extracted without examination of all items in a records series, 668  
class of records, or database by a person who intends to use or 669  
forward the copies for surveys, marketing, solicitation, or 670

resale for commercial purposes. "Bulk commercial special 671  
extraction request" does not include a request by a person who 672  
gives assurance to the bureau that the person making the request 673  
does not intend to use or forward the requested copies for 674  
surveys, marketing, solicitation, or resale for commercial 675  
purposes. 676

(c) "Commercial" means profit-seeking production, buying, 677  
or selling of any good, service, or other product. 678

(d) "Special extraction costs" means the cost of the time 679  
spent by the lowest paid employee competent to perform the task, 680  
the actual amount paid to outside private contractors employed 681  
by the bureau, or the actual cost incurred to create computer 682  
programs to make the special extraction. "Special extraction 683  
costs" include any charges paid to a public agency for computer 684  
or records services. 685

(3) For purposes of divisions (F) (1) and (2) of this 686  
section, "surveys, marketing, solicitation, or resale for 687  
commercial purposes" shall be narrowly construed and does not 688  
include reporting or gathering news, reporting or gathering 689  
information to assist citizen oversight or understanding of the 690  
operation or activities of government, or nonprofit educational 691  
research. 692

(G) (1) A public office that posts a public record on its 693  
web site, or on a public web site maintained or authorized by 694  
the state, shall make its best efforts to post the public record 695  
in an open format so that the public record, or the data 696  
contained in the public record, is capable of being searched, 697  
viewed, and downloaded by the public, and is in a format that is 698  
machine readable. 699



(2) A public office that opts in to posting public records 700  
online in an open format shall include in the public office's 701  
public records policy a statement indicating which public 702  
records the public office posts in accordance with the 703  
requirements of division (G)(1) of this section, and shall make 704  
its best effort to continue to post public records online in an 705  
open format in accordance with its public records policy. A 706  
public office shall submit to the DataOhio board, not later than 707  
thirty days after amending its public records policy regarding 708  
public records posted in accordance with the requirements of 709  
division (G)(1) of this section, the portion of its public 710  
records policy that states which public records are posted. 711

(3) Nothing in this section requires a public office to 712  
post public records to a web site or prohibits a public office 713  
from opting out of posting public records online after opting 714  
in. A public office's decision regarding which public records to 715  
post in accordance with the requirements of division (G)(1) of 716  
this section, if any, is solely within the discretion of the 717  
public office. A public office's decision in this regard is 718  
final and may not be modified except by action of the public 719  
office. 720

**Sec. 149.60. (A) As used in this section:** 721

(1) "Metropolitan planning organization" means a 722  
metropolitan planning organization designated under 23 U.S.C. 723  
134, as amended. 724

(2) "Public record" has the meaning defined in section 725  
149.43 of the Revised Code. 726

(B) There is hereby established the local government 727  
information exchange grant program. The program shall be 728

administered by the state librarian. The state librarian shall 729  
adopt rules under Chapter 119. of the Revised Code as are 730  
necessary to administer the program. The rules shall include all 731  
of the following: 732

(1) Grant eligibility criteria, which shall include a 733  
requirement that a grantee be a county, township, municipal 734  
corporation, or public library, or a regional planning 735  
commission, metropolitan planning organization, or regional 736  
council of governments, which may apply for a grant on behalf of 737  
a county, township, municipal corporation, or public library or 738  
group thereof, to assist them in meeting the requirements of 739  
this section; 740

(2) Specifications for what data sets of public records 741  
must be included by a county, township, municipal corporation, 742  
or public library in order for the county, township, municipal 743  
corporation, or public library to be eligible for a grant; 744

(3) A requirement that data satisfying the grant criteria 745  
be posted on the internet by the county, township, municipal 746  
corporation, or public library, in an open format that is 747  
capable of being searched, viewed, and downloaded by the public; 748

(4) Specifications for consistent formatting and 749  
technology standards for data satisfying the grant eligibility 750  
criteria; 751

(5) Specifications for accounting standards for data 752  
provided by a county, township, municipal corporation, or public 753  
library; and 754

(6) A requirement that the data provided by a grantee be 755  
provided in a format that is compatible with, and able to be 756  
published by the treasurer of state as part of, the Ohio online 757

checkbook or a similar program. 758

Required data may be different for counties, townships, 759  
municipal corporations, or public libraries. 760

(C) The state librarian shall disburse a grant of ten 761  
thousand dollars to each county, township, municipal 762  
corporation, or public library that meets the grant eligibility 763  
criteria established by the state librarian, or to a regional 764  
planning commission, metropolitan planning organization, or 765  
regional council of governments for each county, township, 766  
municipal corporation, or public library applied for that meets 767  
the grant eligibility criteria established by the state 768  
librarian. Grants shall be awarded in the order in which the 769  
counties, townships, municipal corporations, or public libraries 770  
have met the eligibility criteria. The total amount of grants 771  
awarded shall not exceed the amount that can be funded with 772  
appropriations made by the general assembly for this purpose. 773

(D) Nothing in this section prohibits a grantee who 774  
received a grant under this section from pooling the grant with 775  
other grants received under this section by other grantees, to 776  
assist them in meeting the requirements of this section or to 777  
comply with division (G) of section 149.43 of the Revised Code. 778

**Sec. 149.62.** (A) As used in this section: 779

(1) "Local government" means bodies corporate and politic 780  
responsible for governmental activities only in geographical 781  
areas smaller than that of the state. 782

(2) "Open format" has the meaning defined contextually in 783  
division (G)(1) of section 149.43 of the Revised Code. 784

(3) "Public record" has the meaning defined in section 785  
149.43 of the Revised Code. 786

(B) The general assembly recognizes that public-use data 787  
from public offices offers an avenue toward open and transparent 788  
government, stimulates business innovation, and can help public 789  
offices become more effective. It is the intent of the general 790  
assembly to facilitate the ability of the public easily to find, 791  
download, and use public records and data sets of public records 792  
that are generated and held by public offices. With these goals 793  
in mind, the general assembly creates the DataOhio board to do 794  
all of the following: 795

(1) Recommend categories of public records that public 796  
offices should make available to the public online in an open 797  
format; 798

(2) Recommend technology standards for open data use in 799  
the state that reflect the most current standards used 800  
nationally and in other states; 801

(3) Recommend accounting standards for financial data of 802  
public offices to facilitate comparison across public offices 803  
and services; 804

(4) Recommend metadata definitional standards for 805  
nonfinancial data of public offices to facilitate comparison and 806  
use of this data across public offices; and 807

(5) Consider creation by the state of data.Ohio.gov, an 808  
online catalog of public records and data sets of public records 809  
made available by state agencies and local governments, as well 810  
as collaboration with efforts underway at the federal and state 811  
levels. 812

The board shall deliver a report of its findings and 813  
recommendations to the general assembly not later than one year 814  
after the effective date of this section, and thereafter shall 815

deliver a report of its findings and recommendations by the 816  
thirty-first day of March each year. 817

(C) The DataOhio board shall consist of the following 818  
members or their designees: 819

(1) The governor; 820

(2) The attorney general; 821

(3) The auditor of state; 822

(4) The secretary of state; 823

(5) The treasurer of state; 824

(6) The speaker of the house of representatives; 825

(7) The president of the senate; 826

(8) One member who represents newspapers, to be appointed 827  
by the Ohio newspaper association; 828

(9) One member who represents businesses that use data 829  
sets of public records, to be appointed by the chairperson after 830  
the chairperson is selected; 831

(10) The chancellor of the Ohio board of regents; 832

(11) The state librarian; 833

(12) One member who represents data consumers, to be 834  
appointed by the chairperson after the chairperson is selected; 835

(13) One member who is an officer of a municipal 836  
corporation, to be appointed by the Ohio municipal league; 837

(14) One member who is an officer of a township, to be 838  
appointed by the Ohio township association; 839

(15) One member who is an officer of a county, to be 840

appointed by the county commissioners association of Ohio; 841

(16) One member who represents non-profit think tanks that 842  
use data sets of public records, to be appointed by the 843  
chairperson after the chairperson is selected; and 844

(17) One member who represents national organizations that 845  
encourage open government records, to be appointed by the 846  
chairperson after the chairperson is selected. 847

The board also shall consist of one or more ex officio, 848  
nonvoting members or their designees appointed by the 849  
chairperson after the chairperson is selected. 850

At its initial meeting, the board shall select a 851  
chairperson from among its members. The chairperson shall select 852  
a member of the board to serve as the board's secretary. 853

Members of the board shall serve without compensation but 854  
shall be reimbursed for their actual and necessary expenses 855  
incurred in the performance of their duties. 856

(D) The state library of Ohio shall provide necessary 857  
meeting facilities to the board. 858

The initial meeting of the board shall be held at the call 859  
of the state librarian and not later than thirty days after the 860  
effective date of this section. The board shall meet at least 861  
ten times per year at the call of the chairperson and shall 862  
provide reasonable notice to the public before each meeting. At 863  
each meeting, the board shall designate a portion to be devoted 864  
to inviting suggestions from the public regarding the provision 865  
of data sets by state agencies and local governments. 866

(E) The presence of a majority of the members of the board 867  
constitutes a quorum for the conduct of its business. The 868

concurrence of at least a majority of the members of the board 869  
is necessary for any action to be taken by the board. 870

Sec. 149.65. (A) As used in this section, "public record" 871  
has the meaning defined in section 149.43 of the Revised Code. 872

(B) (1) The auditor of state shall establish, administer, 873  
and operate a web site to function as a portal and catalog where 874  
public records and data sets of public records created by public 875  
offices can be located and accessed by the public online. The 876  
web site shall be registered as data.Ohio.gov. The web site 877  
shall offer access to public records or data sets of public 878  
records posted online by public offices by providing web links 879  
to web sites of public offices that contain such information. 880  
The web site may post original data or data sets that contain 881  
original content or summarized content of data sets obtained 882  
from public offices. 883

(2) The auditor of state shall consult with the state 884  
librarian regarding the collection, aggregation, presentation, 885  
and accessibility of data in relation to the web site. 886

(C) The DataOhio board shall consider participation and 887  
affiliation of data.Ohio.gov with data.gov, the official online 888  
data catalog of the United States government. 889

(D) The auditor of state shall adopt rules under Chapter 890  
119. of the Revised Code that specify policies and procedures 891  
for the administration and operation of data.Ohio.gov. The rules 892  
shall include a requirement that the auditor of state may not 893  
charge a fee in relation to data.Ohio.gov. The auditor of state 894  
shall make every effort to ensure that data provided online at 895  
data.Ohio.gov via web link or posted as original data is open 896  
format and machine readable. 897

Section 2. That existing section 149.43 of the Revised Code is hereby repealed. 898  
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Section 3. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the General Revenue Fund. For all appropriations made in this act, those in the first column are for fiscal year 2016 and those in the second column are for fiscal year 2017. The appropriations made in this act are in addition to any other appropriations made for the FY 2016-FY 2017 biennium. 900  
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AUD AUDITOR OF STATE 908

GRF 070321	Operating Expenses	\$0	\$350,000	909
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Total GRF General Revenue Fund		\$0	\$350,000	910
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TOTAL ALL BUDGET FUND GROUPS		\$0	\$350,000	911
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DATAOHIO CHART OF ACCOUNTS 912

Of the foregoing appropriation item 070321, Operating Expenses, up to \$350,000 in fiscal year 2017 shall be used to develop a uniform charts of accounts, establish uniform accounting procedures, and adopt rules for their implementation by all public offices. 913  
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Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from the appropriations contained in this act shall be accounted for as though made in the main operating appropriations act of the 131st General Assembly. The appropriations made in this act are subject to all provisions of the main operating appropriations 918  
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act of the 131st General Assembly that are generally applicable	927
to such appropriations.	928