

**As Reported by the Senate Financial Institutions Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 317**

**Representative Maag**

**Cosponsors: Representatives Anielski, Antonio, Arndt, Ashford, Baker, Barnes, Becker, Bishoff, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Burkley, Cera, Conditt, Craig, Cupp, Derickson, Dever, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Ginter, Green, Grossman, Hackett, Hagan, Hall, Hambley, Hayes, Henne, Hill, Hood, Howse, Johnson, T., Kunze, Landis, Lepore-Hagan, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Phillips, Ramos, Reece, Reineke, Retherford, Rezabek, Roegner, Rogers, Ruhl, Ryan, Schaffer, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith, K., Smith, R., Terhar, Thompson, Vitale, Young, Zeltwanger**

**Senators Bacon, Obhof, Eklund, Gentile**

---

**A BILL**

To amend sections 149.43, 149.45, and 1349.52 and 1  
to enact section 1349.521 of the Revised Code to 2  
enable the parents or guardian of a protected 3  
consumer to freeze that consumer's credit to 4  
protect the consumer from identity theft. 5

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

**Section 1.** That sections 149.43, 149.45, and 1349.52 be 6  
amended and section 1349.521 of the Revised Code be enacted to 7  
read as follows: 8

**Sec. 149.43.** (A) As used in this section: 9

(1) "Public record" means records kept by any public 10  
office, including, but not limited to, state, county, city, 11

village, township, and school district units, and records 12  
pertaining to the delivery of educational services by an 13  
alternative school in this state kept by the nonprofit or for- 14  
profit entity operating the alternative school pursuant to 15  
section 3313.533 of the Revised Code. "Public record" does not 16  
mean any of the following: 17

(a) Medical records; 18

(b) Records pertaining to probation and parole proceedings 19  
or to proceedings related to the imposition of community control 20  
sanctions and post-release control sanctions; 21

(c) Records pertaining to actions under section 2151.85 22  
and division (C) of section 2919.121 of the Revised Code and to 23  
appeals of actions arising under those sections; 24

(d) Records pertaining to adoption proceedings, including 25  
the contents of an adoption file maintained by the department of 26  
health under sections 3705.12 to 3705.124 of the Revised Code; 27

(e) Information in a record contained in the putative 28  
father registry established by section 3107.062 of the Revised 29  
Code, regardless of whether the information is held by the 30  
department of job and family services or, pursuant to section 31  
3111.69 of the Revised Code, the office of child support in the 32  
department or a child support enforcement agency; 33

(f) Records specified in division (A) of section 3107.52 34  
of the Revised Code; 35

(g) Trial preparation records; 36

(h) Confidential law enforcement investigatory records; 37

(i) Records containing information that is confidential 38  
under section 2710.03 or 4112.05 of the Revised Code; 39

(j) DNA records stored in the DNA database pursuant to	40
section 109.573 of the Revised Code;	41
(k) Inmate records released by the department of	42
rehabilitation and correction to the department of youth	43
services or a court of record pursuant to division (E) of	44
section 5120.21 of the Revised Code;	45
(l) Records maintained by the department of youth services	46
pertaining to children in its custody released by the department	47
of youth services to the department of rehabilitation and	48
correction pursuant to section 5139.05 of the Revised Code;	49
(m) Intellectual property records;	50
(n) Donor profile records;	51
(o) Records maintained by the department of job and family	52
services pursuant to section 3121.894 of the Revised Code;	53
(p) Peace officer, parole officer, probation officer,	54
bailiff, prosecuting attorney, assistant prosecuting attorney,	55
correctional employee, community-based correctional facility	56
employee, youth services employee, firefighter, EMT, or	57
investigator of the bureau of criminal identification and	58
investigation residential and familial information;	59
(q) In the case of a county hospital operated pursuant to	60
Chapter 339. of the Revised Code or a municipal hospital	61
operated pursuant to Chapter 749. of the Revised Code,	62
information that constitutes a trade secret, as defined in	63
section 1333.61 of the Revised Code;	64
(r) Information pertaining to the recreational activities	65
of a person under the age of eighteen;	66
(s) In the case of a child fatality review board acting	67

under sections 307.621 to 307.629 of the Revised Code or a 68  
review conducted pursuant to guidelines established by the 69  
director of health under section 3701.70 of the Revised Code, 70  
records provided to the board or director, statements made by 71  
board members during meetings of the board or by persons 72  
participating in the director's review, and all work products of 73  
the board or director, and in the case of a child fatality 74  
review board, child fatality review data submitted by the board 75  
to the department of health or a national child death review 76  
database, other than the report prepared pursuant to division 77  
(A) of section 307.626 of the Revised Code; 78

(t) Records provided to and statements made by the 79  
executive director of a public children services agency or a 80  
prosecuting attorney acting pursuant to section 5153.171 of the 81  
Revised Code other than the information released under that 82  
section; 83

(u) Test materials, examinations, or evaluation tools used 84  
in an examination for licensure as a nursing home administrator 85  
that the board of executives of long-term services and supports 86  
administers under section 4751.04 of the Revised Code or 87  
contracts under that section with a private or government entity 88  
to administer; 89

(v) Records the release of which is prohibited by state or 90  
federal law; 91

(w) Proprietary information of or relating to any person 92  
that is submitted to or compiled by the Ohio venture capital 93  
authority created under section 150.01 of the Revised Code; 94

(x) Financial statements and data any person submits for 95  
any purpose to the Ohio housing finance agency or the 96

controlling board in connection with applying for, receiving, or	97
accounting for financial assistance from the agency, and	98
information that identifies any individual who benefits directly	99
or indirectly from financial assistance from the agency;	100
(y) Records listed in section 5101.29 of the Revised Code;	101
(z) Discharges recorded with a county recorder under	102
section 317.24 of the Revised Code, as specified in division (B)	103
(2) of that section;	104
(aa) Usage information including names and addresses of	105
specific residential and commercial customers of a municipally	106
owned or operated public utility;	107
(bb) Records described in division (C) of section 187.04	108
of the Revised Code that are not designated to be made available	109
to the public as provided in that division;	110
(cc) Information and records that are made confidential,	111
privileged, and not subject to disclosure under divisions (B)	112
and (C) of section 2949.221 of the Revised Code.	113
<u>(dd) Personal information, as defined in section 149.45 of</u>	114
<u>the Revised Code.</u>	115
(2) "Confidential law enforcement investigatory record"	116
means any record that pertains to a law enforcement matter of a	117
criminal, quasi-criminal, civil, or administrative nature, but	118
only to the extent that the release of the record would create a	119
high probability of disclosure of any of the following:	120
(a) The identity of a suspect who has not been charged	121
with the offense to which the record pertains, or of an	122
information source or witness to whom confidentiality has been	123
reasonably promised;	124

(b) Information provided by an information source or	125
witness to whom confidentiality has been reasonably promised,	126
which information would reasonably tend to disclose the source's	127
or witness's identity;	128
(c) Specific confidential investigatory techniques or	129
procedures or specific investigatory work product;	130
(d) Information that would endanger the life or physical	131
safety of law enforcement personnel, a crime victim, a witness,	132
or a confidential information source.	133
(3) "Medical record" means any document or combination of	134
documents, except births, deaths, and the fact of admission to	135
or discharge from a hospital, that pertains to the medical	136
history, diagnosis, prognosis, or medical condition of a patient	137
and that is generated and maintained in the process of medical	138
treatment.	139
(4) "Trial preparation record" means any record that	140
contains information that is specifically compiled in reasonable	141
anticipation of, or in defense of, a civil or criminal action or	142
proceeding, including the independent thought processes and	143
personal trial preparation of an attorney.	144
(5) "Intellectual property record" means a record, other	145
than a financial or administrative record, that is produced or	146
collected by or for faculty or staff of a state institution of	147
higher learning in the conduct of or as a result of study or	148
research on an educational, commercial, scientific, artistic,	149
technical, or scholarly issue, regardless of whether the study	150
or research was sponsored by the institution alone or in	151
conjunction with a governmental body or private concern, and	152
that has not been publicly released, published, or patented.	153

(6) "Donor profile record" means all records about donors 154  
or potential donors to a public institution of higher education 155  
except the names and reported addresses of the actual donors and 156  
the date, amount, and conditions of the actual donation. 157

(7) "Peace officer, parole officer, probation officer, 158  
bailiff, prosecuting attorney, assistant prosecuting attorney, 159  
correctional employee, community-based correctional facility 160  
employee, youth services employee, firefighter, EMT, or 161  
investigator of the bureau of criminal identification and 162  
investigation residential and familial information" means any 163  
information that discloses any of the following about a peace 164  
officer, parole officer, probation officer, bailiff, prosecuting 165  
attorney, assistant prosecuting attorney, correctional employee, 166  
community-based correctional facility employee, youth services 167  
employee, firefighter, EMT, or investigator of the bureau of 168  
criminal identification and investigation: 169

(a) The address of the actual personal residence of a 170  
peace officer, parole officer, probation officer, bailiff, 171  
assistant prosecuting attorney, correctional employee, 172  
community-based correctional facility employee, youth services 173  
employee, firefighter, EMT, or an investigator of the bureau of 174  
criminal identification and investigation, except for the state 175  
or political subdivision in which the peace officer, parole 176  
officer, probation officer, bailiff, assistant prosecuting 177  
attorney, correctional employee, community-based correctional 178  
facility employee, youth services employee, firefighter, EMT, or 179  
investigator of the bureau of criminal identification and 180  
investigation resides; 181

(b) Information compiled from referral to or participation 182  
in an employee assistance program; 183

(c) The social security number, the residential telephone 184  
number, any bank account, debit card, charge card, or credit 185  
card number, or the emergency telephone number of, or any 186  
medical information pertaining to, a peace officer, parole 187  
officer, probation officer, bailiff, prosecuting attorney, 188  
assistant prosecuting attorney, correctional employee, 189  
community-based correctional facility employee, youth services 190  
employee, firefighter, EMT, or investigator of the bureau of 191  
criminal identification and investigation; 192

(d) The name of any beneficiary of employment benefits, 193  
including, but not limited to, life insurance benefits, provided 194  
to a peace officer, parole officer, probation officer, bailiff, 195  
prosecuting attorney, assistant prosecuting attorney, 196  
correctional employee, community-based correctional facility 197  
employee, youth services employee, firefighter, EMT, or 198  
investigator of the bureau of criminal identification and 199  
investigation by the peace officer's, parole officer's, 200  
probation officer's, bailiff's, prosecuting attorney's, 201  
assistant prosecuting attorney's, correctional employee's, 202  
community-based correctional facility employee's, youth services 203  
employee's, firefighter's, EMT's, or investigator of the bureau 204  
of criminal identification and investigation's employer; 205

(e) The identity and amount of any charitable or 206  
employment benefit deduction made by the peace officer's, parole 207  
officer's, probation officer's, bailiff's, prosecuting 208  
attorney's, assistant prosecuting attorney's, correctional 209  
employee's, community-based correctional facility employee's, 210  
youth services employee's, firefighter's, EMT's, or investigator 211  
of the bureau of criminal identification and investigation's 212  
employer from the peace officer's, parole officer's, probation 213  
officer's, bailiff's, prosecuting attorney's, assistant 214



prosecuting attorney's, correctional employee's, community-based 215  
correctional facility employee's, youth services employee's, 216  
firefighter's, EMT's, or investigator of the bureau of criminal 217  
identification and investigation's compensation unless the 218  
amount of the deduction is required by state or federal law; 219

(f) The name, the residential address, the name of the 220  
employer, the address of the employer, the social security 221  
number, the residential telephone number, any bank account, 222  
debit card, charge card, or credit card number, or the emergency 223  
telephone number of the spouse, a former spouse, or any child of 224  
a peace officer, parole officer, probation officer, bailiff, 225  
prosecuting attorney, assistant prosecuting attorney, 226  
correctional employee, community-based correctional facility 227  
employee, youth services employee, firefighter, EMT, or 228  
investigator of the bureau of criminal identification and 229  
investigation; 230

(g) A photograph of a peace officer who holds a position 231  
or has an assignment that may include undercover or plain 232  
clothes positions or assignments as determined by the peace 233  
officer's appointing authority. 234

As used in divisions (A) (7) and (B) (9) of this section, 235  
"peace officer" has the same meaning as in section 109.71 of the 236  
Revised Code and also includes the superintendent and troopers 237  
of the state highway patrol; it does not include the sheriff of 238  
a county or a supervisory employee who, in the absence of the 239  
sheriff, is authorized to stand in for, exercise the authority 240  
of, and perform the duties of the sheriff. 241

As used in divisions (A) (7) and (B) (9) of this section, 242  
"correctional employee" means any employee of the department of 243  
rehabilitation and correction who in the course of performing 244

the employee's job duties has or has had contact with inmates 245  
and persons under supervision. 246

As used in divisions (A) (7) and (B) (9) of this section, 247  
"youth services employee" means any employee of the department 248  
of youth services who in the course of performing the employee's 249  
job duties has or has had contact with children committed to the 250  
custody of the department of youth services. 251

As used in divisions (A) (7) and (B) (9) of this section, 252  
"firefighter" means any regular, paid or volunteer, member of a 253  
lawfully constituted fire department of a municipal corporation, 254  
township, fire district, or village. 255

As used in divisions (A) (7) and (B) (9) of this section, 256  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 257  
emergency medical services for a public emergency medical 258  
service organization. "Emergency medical service organization," 259  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 260  
in section 4765.01 of the Revised Code. 261

As used in divisions (A) (7) and (B) (9) of this section, 262  
"investigator of the bureau of criminal identification and 263  
investigation" has the meaning defined in section 2903.11 of the 264  
Revised Code. 265

(8) "Information pertaining to the recreational activities 266  
of a person under the age of eighteen" means information that is 267  
kept in the ordinary course of business by a public office, that 268  
pertains to the recreational activities of a person under the 269  
age of eighteen years, and that discloses any of the following: 270

(a) The address or telephone number of a person under the 271  
age of eighteen or the address or telephone number of that 272  
person's parent, guardian, custodian, or emergency contact 273

person;	274
(b) The social security number, birth date, or	275
photographic image of a person under the age of eighteen;	276
(c) Any medical record, history, or information pertaining	277
to a person under the age of eighteen;	278
(d) Any additional information sought or required about a	279
person under the age of eighteen for the purpose of allowing	280
that person to participate in any recreational activity	281
conducted or sponsored by a public office or to use or obtain	282
admission privileges to any recreational facility owned or	283
operated by a public office.	284
(9) "Community control sanction" has the same meaning as	285
in section 2929.01 of the Revised Code.	286
(10) "Post-release control sanction" has the same meaning	287
as in section 2967.01 of the Revised Code.	288
(11) "Redaction" means obscuring or deleting any	289
information that is exempt from the duty to permit public	290
inspection or copying from an item that otherwise meets the	291
definition of a "record" in section 149.011 of the Revised Code.	292
(12) "Designee" and "elected official" have the same	293
meanings as in section 109.43 of the Revised Code.	294
(B) (1) Upon request and subject to division (B) (8) of this	295
section, all public records responsive to the request shall be	296
promptly prepared and made available for inspection to any	297
person at all reasonable times during regular business hours.	298
Subject to division (B) (8) of this section, upon request, a	299
public office or person responsible for public records shall	300
make copies of the requested public record available at cost and	301

within a reasonable period of time. If a public record contains 302  
information that is exempt from the duty to permit public 303  
inspection or to copy the public record, the public office or 304  
the person responsible for the public record shall make 305  
available all of the information within the public record that 306  
is not exempt. When making that public record available for 307  
public inspection or copying that public record, the public 308  
office or the person responsible for the public record shall 309  
notify the requester of any redaction or make the redaction 310  
plainly visible. A redaction shall be deemed a denial of a 311  
request to inspect or copy the redacted information, except if 312  
federal or state law authorizes or requires a public office to 313  
make the redaction. 314

(2) To facilitate broader access to public records, a 315  
public office or the person responsible for public records shall 316  
organize and maintain public records in a manner that they can 317  
be made available for inspection or copying in accordance with 318  
division (B) of this section. A public office also shall have 319  
available a copy of its current records retention schedule at a 320  
location readily available to the public. If a requester makes 321  
an ambiguous or overly broad request or has difficulty in making 322  
a request for copies or inspection of public records under this 323  
section such that the public office or the person responsible 324  
for the requested public record cannot reasonably identify what 325  
public records are being requested, the public office or the 326  
person responsible for the requested public record may deny the 327  
request but shall provide the requester with an opportunity to 328  
revise the request by informing the requester of the manner in 329  
which records are maintained by the public office and accessed 330  
in the ordinary course of the public office's or person's 331  
duties. 332

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

(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 reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

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

transmitted other than by United States mail, and to pay in 394  
advance the costs incurred for other supplies used in the 395  
mailing, delivery, or transmission. 396

Any public office may adopt a policy and procedures that 397  
it will follow in transmitting, within a reasonable period of 398  
time after receiving a request, copies of public records by 399  
United States mail or by any other means of delivery or 400  
transmission pursuant to this division. A public office that 401  
adopts a policy and procedures under this division shall comply 402  
with them in performing its duties under this division. 403

In any policy and procedures adopted under this division, 404  
a public office may limit the number of records requested by a 405  
person that the office will transmit by United States mail to 406  
ten per month, unless the person certifies to the office in 407  
writing that the person does not intend to use or forward the 408  
requested records, or the information contained in them, for 409  
commercial purposes. For purposes of this division, "commercial" 410  
shall be narrowly construed and does not include reporting or 411  
gathering news, reporting or gathering information to assist 412  
citizen oversight or understanding of the operation or 413  
activities of government, or nonprofit educational research. 414

(8) A public office or person responsible for public 415  
records is not required to permit a person who is incarcerated 416  
pursuant to a criminal conviction or a juvenile adjudication to 417  
inspect or to obtain a copy of any public record concerning a 418  
criminal investigation or prosecution or concerning what would 419  
be a criminal investigation or prosecution if the subject of the 420  
investigation or prosecution were an adult, unless the request 421  
to inspect or to obtain a copy of the record is for the purpose 422  
of acquiring information that is subject to release as a public 423

record under this section and the judge who imposed the sentence 424  
or made the adjudication with respect to the person, or the 425  
judge's successor in office, finds that the information sought 426  
in the public record is necessary to support what appears to be 427  
a justiciable claim of the person. 428

(9) (a) Upon written request made and signed by a 429  
journalist on or after December 16, 1999, a public office, or 430  
person responsible for public records, having custody of the 431  
records of the agency employing a specified peace officer, 432  
parole officer, probation officer, bailiff, prosecuting 433  
attorney, assistant prosecuting attorney, correctional employee, 434  
community-based correctional facility employee, youth services 435  
employee, firefighter, EMT, or investigator of the bureau of 436  
criminal identification and investigation shall disclose to the 437  
journalist the address of the actual personal residence of the 438  
peace officer, parole officer, probation officer, bailiff, 439  
prosecuting attorney, assistant prosecuting attorney, 440  
correctional employee, community-based correctional facility 441  
employee, youth services employee, firefighter, EMT, or 442  
investigator of the bureau of criminal identification and 443  
investigation and, if the peace officer's, parole officer's, 444  
probation officer's, bailiff's, prosecuting attorney's, 445  
assistant prosecuting attorney's, correctional employee's, 446  
community-based correctional facility employee's, youth services 447  
employee's, firefighter's, EMT's, or investigator of the bureau 448  
of criminal identification and investigation's spouse, former 449  
spouse, or child is employed by a public office, the name and 450  
address of the employer of the peace officer's, parole 451  
officer's, probation officer's, bailiff's, prosecuting 452  
attorney's, assistant prosecuting attorney's, correctional 453  
employee's, community-based correctional facility employee's, 454



youth services employee's, firefighter's, EMT's, or investigator 455  
of the bureau of criminal identification and investigation's 456  
spouse, former spouse, or child. The request shall include the 457  
journalist's name and title and the name and address of the 458  
journalist's employer and shall state that disclosure of the 459  
information sought would be in the public interest. 460

(b) Division (B) (9) (a) of this section also applies to 461  
journalist requests for customer information maintained by a 462  
municipally owned or operated public utility, other than social 463  
security numbers and any private financial information such as 464  
credit reports, payment methods, credit card numbers, and bank 465  
account information. 466

(c) As used in division (B) (9) of this section, 467  
"journalist" means a person engaged in, connected with, or 468  
employed by any news medium, including a newspaper, magazine, 469  
press association, news agency, or wire service, a radio or 470  
television station, or a similar medium, for the purpose of 471  
gathering, processing, transmitting, compiling, editing, or 472  
disseminating information for the general public. 473

(C) (1) If a person allegedly is aggrieved by the failure 474  
of a public office or the person responsible for public records 475  
to promptly prepare a public record and to make it available to 476  
the person for inspection in accordance with division (B) of 477  
this section or by any other failure of a public office or the 478  
person responsible for public records to comply with an 479  
obligation in accordance with division (B) of this section, the 480  
person allegedly aggrieved may commence a mandamus action to 481  
obtain a judgment that orders the public office or the person 482  
responsible for the public record to comply with division (B) of 483  
this section, that awards court costs and reasonable attorney's 484

fees to the person that instituted the mandamus action, and, if 485  
applicable, that includes an order fixing statutory damages 486  
under division (C) (1) of this section. The mandamus action may 487  
be commenced in the court of common pleas of the county in which 488  
division (B) of this section allegedly was not complied with, in 489  
the supreme court pursuant to its original jurisdiction under 490  
Section 2 of Article IV, Ohio Constitution, or in the court of 491  
appeals for the appellate district in which division (B) of this 492  
section allegedly was not complied with pursuant to its original 493  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 494

If a requestor transmits a written request by hand 495  
delivery or certified mail to inspect or receive copies of any 496  
public record in a manner that fairly describes the public 497  
record or class of public records to the public office or person 498  
responsible for the requested public records, except as 499  
otherwise provided in this section, the requestor shall be 500  
entitled to recover the amount of statutory damages set forth in 501  
this division if a court determines that the public office or 502  
the person responsible for public records failed to comply with 503  
an obligation in accordance with division (B) of this section. 504

The amount of statutory damages shall be fixed at one 505  
hundred dollars for each business day during which the public 506  
office or person responsible for the requested public records 507  
failed to comply with an obligation in accordance with division 508  
(B) of this section, beginning with the day on which the 509  
requester files a mandamus action to recover statutory damages, 510  
up to a maximum of one thousand dollars. The award of statutory 511  
damages shall not be construed as a penalty, but as compensation 512  
for injury arising from lost use of the requested information. 513  
The existence of this injury shall be conclusively presumed. The 514  
award of statutory damages shall be in addition to all other 515

remedies authorized by this section. 516

The court may reduce an award of statutory damages or not 517  
award statutory damages if the court determines both of the 518  
following: 519

(a) That, based on the ordinary application of statutory 520  
law and case law as it existed at the time of the conduct or 521  
threatened conduct of the public office or person responsible 522  
for the requested public records that allegedly constitutes a 523  
failure to comply with an obligation in accordance with division 524  
(B) of this section and that was the basis of the mandamus 525  
action, a well-informed public office or person responsible for 526  
the requested public records reasonably would believe that the 527  
conduct or threatened conduct of the public office or person 528  
responsible for the requested public records did not constitute 529  
a failure to comply with an obligation in accordance with 530  
division (B) of this section; 531

(b) That a well-informed public office or person 532  
responsible for the requested public records reasonably would 533  
believe that the conduct or threatened conduct of the public 534  
office or person responsible for the requested public records 535  
would serve the public policy that underlies the authority that 536  
is asserted as permitting that conduct or threatened conduct. 537

(2) (a) If the court issues a writ of mandamus that orders 538  
the public office or the person responsible for the public 539  
record to comply with division (B) of this section and 540  
determines that the circumstances described in division (C) (1) 541  
of this section exist, the court shall determine and award to 542  
the relator all court costs. 543

(b) If the court renders a judgment that orders the public 544

office or the person responsible for the public record to comply 545  
with division (B) of this section, the court may award 546  
reasonable attorney's fees subject to reduction as described in 547  
division (C) (2) (c) of this section. The court shall award 548  
reasonable attorney's fees, subject to reduction as described in 549  
division (C) (2) (c) of this section when either of the following 550  
applies: 551

(i) The public office or the person responsible for the 552  
public records failed to respond affirmatively or negatively to 553  
the public records request in accordance with the time allowed 554  
under division (B) of this section. 555

(ii) The public office or the person responsible for the 556  
public records promised to permit the relator to inspect or 557  
receive copies of the public records requested within a 558  
specified period of time but failed to fulfill that promise 559  
within that specified period of time. 560

(c) Court costs and reasonable attorney's fees awarded 561  
under this section shall be construed as remedial and not 562  
punitive. Reasonable attorney's fees shall include reasonable 563  
fees incurred to produce proof of the reasonableness and amount 564  
of the fees and to otherwise litigate entitlement to the fees. 565  
The court may reduce an award of attorney's fees to the relator 566  
or not award attorney's fees to the relator if the court 567  
determines both of the following: 568

(i) That, based on the ordinary application of statutory 569  
law and case law as it existed at the time of the conduct or 570  
threatened conduct of the public office or person responsible 571  
for the requested public records that allegedly constitutes a 572  
failure to comply with an obligation in accordance with division 573  
(B) of this section and that was the basis of the mandamus 574

action, a well-informed public office or person responsible for 575  
the requested public records reasonably would believe that the 576  
conduct or threatened conduct of the public office or person 577  
responsible for the requested public records did not constitute 578  
a failure to comply with an obligation in accordance with 579  
division (B) of this section; 580

(ii) That a well-informed public office or person 581  
responsible for the requested public records reasonably would 582  
believe that the conduct or threatened conduct of the public 583  
office or person responsible for the requested public records as 584  
described in division (C) (2) (c) (i) of this section would serve 585  
the public policy that underlies the authority that is asserted 586  
as permitting that conduct or threatened conduct. 587

(D) Chapter 1347. of the Revised Code does not limit the 588  
provisions of this section. 589

(E) (1) To ensure that all employees of public offices are 590  
appropriately educated about a public office's obligations under 591  
division (B) of this section, all elected officials or their 592  
appropriate designees shall attend training approved by the 593  
attorney general as provided in section 109.43 of the Revised 594  
Code. In addition, all public offices shall adopt a public 595  
records policy in compliance with this section for responding to 596  
public records requests. In adopting a public records policy 597  
under this division, a public office may obtain guidance from 598  
the model public records policy developed and provided to the 599  
public office by the attorney general under section 109.43 of 600  
the Revised Code. Except as otherwise provided in this section, 601  
the policy may not limit the number of public records that the 602  
public office will make available to a single person, may not 603  
limit the number of public records that it will make available 604

during a fixed period of time, and may not establish a fixed 605  
period of time before it will respond to a request for 606  
inspection or copying of public records, unless that period is 607  
less than eight hours. 608

(2) The public office shall distribute the public records 609  
policy adopted by the public office under division (E)(1) of 610  
this section to the employee of the public office who is the 611  
records custodian or records manager or otherwise has custody of 612  
the records of that office. The public office shall require that 613  
employee to acknowledge receipt of the copy of the public 614  
records policy. The public office shall create a poster that 615  
describes its public records policy and shall post the poster in 616  
a conspicuous place in the public office and in all locations 617  
where the public office has branch offices. The public office 618  
may post its public records policy on the internet web site of 619  
the public office if the public office maintains an internet web 620  
site. A public office that has established a manual or handbook 621  
of its general policies and procedures for all employees of the 622  
public office shall include the public records policy of the 623  
public office in the manual or handbook. 624

(F)(1) The bureau of motor vehicles may adopt rules 625  
pursuant to Chapter 119. of the Revised Code to reasonably limit 626  
the number of bulk commercial special extraction requests made 627  
by a person for the same records or for updated records during a 628  
calendar year. The rules may include provisions for charges to 629  
be made for bulk commercial special extraction requests for the 630  
actual cost of the bureau, plus special extraction costs, plus 631  
ten per cent. The bureau may charge for expenses for redacting 632  
information, the release of which is prohibited by law. 633

(2) As used in division (F)(1) of this section: 634

(a) "Actual cost" means the cost of depleted supplies, 635  
records storage media costs, actual mailing and alternative 636  
delivery costs, or other transmitting costs, and any direct 637  
equipment operating and maintenance costs, including actual 638  
costs paid to private contractors for copying services. 639

(b) "Bulk commercial special extraction request" means a 640  
request for copies of a record for information in a format other 641  
than the format already available, or information that cannot be 642  
extracted without examination of all items in a records series, 643  
class of records, or database by a person who intends to use or 644  
forward the copies for surveys, marketing, solicitation, or 645  
resale for commercial purposes. "Bulk commercial special 646  
extraction request" does not include a request by a person who 647  
gives assurance to the bureau that the person making the request 648  
does not intend to use or forward the requested copies for 649  
surveys, marketing, solicitation, or resale for commercial 650  
purposes. 651

(c) "Commercial" means profit-seeking production, buying, 652  
or selling of any good, service, or other product. 653

(d) "Special extraction costs" means the cost of the time 654  
spent by the lowest paid employee competent to perform the task, 655  
the actual amount paid to outside private contractors employed 656  
by the bureau, or the actual cost incurred to create computer 657  
programs to make the special extraction. "Special extraction 658  
costs" include any charges paid to a public agency for computer 659  
or records services. 660

(3) For purposes of divisions (F) (1) and (2) of this 661  
section, "surveys, marketing, solicitation, or resale for 662  
commercial purposes" shall be narrowly construed and does not 663  
include reporting or gathering news, reporting or gathering 664

information to assist citizen oversight or understanding of the 665  
operation or activities of government, or nonprofit educational 666  
research. 667

**Sec. 149.45.** (A) As used in this section: 668

(1) "Personal information" means any of the following: 669

(a) An individual's social security number; 670

(b) An individual's state or federal tax identification 671  
number; 672

(c) An individual's driver's license number or state 673  
identification number; 674

(d) An individual's checking account number, savings 675  
account number, ~~or credit card number,~~ or debit card number; 676

(e) An individual's demand deposit account number, money 677  
market account number, mutual fund account number, or any other 678  
financial or medical account number. 679

(2) "Public record" and "peace officer, parole officer, 680  
probation officer, bailiff, prosecuting attorney, assistant 681  
prosecuting attorney, correctional employee, youth services 682  
employee, firefighter, EMT, or investigator of the bureau of 683  
criminal identification and investigation residential and 684  
familial information" have the same meanings as in section 685  
149.43 of the Revised Code. 686

(3) "Truncate" means to redact all but the last four 687  
digits of an individual's social security number. 688

(B) (1) No public office or person responsible for a public 689  
office's public records shall make available to the general 690  
public on the internet any document that contains an 691



individual's social security number without otherwise redacting, 692  
encrypting, or truncating the social security number. 693

(2) A public office or person responsible for a public 694  
office's public records that prior to ~~the effective date of this~~ 695  
~~section~~ October 17, 2011, made available to the general public 696  
on the internet any document that contains an individual's 697  
social security number shall redact, encrypt, or truncate the 698  
social security number from that document. 699

(3) Divisions (B) (1) and (2) of this section do not apply 700  
to documents that are only accessible through the internet with 701  
a password. 702

(C) (1) An individual may request that a public office or a 703  
person responsible for a public office's public records redact 704  
personal information of that individual from any record made 705  
available to the general public on the internet. An individual 706  
who makes a request for redaction pursuant to this division 707  
shall make the request in writing on a form developed by the 708  
attorney general and shall specify the personal information to 709  
be redacted and provide any information that identifies the 710  
location of that personal information within a document that 711  
contains that personal information. 712

(2) Upon receiving a request for a redaction pursuant to 713  
division (C) (1) of this section, a public office or a person 714  
responsible for a public office's public records shall act 715  
within five business days in accordance with the request to 716  
redact the personal information of the individual from any 717  
record made available to the general public on the internet, if 718  
practicable. If a redaction is not practicable, the public 719  
office or person responsible for the public office's public 720  
records shall verbally or in writing within five business days 721

after receiving the written request explain to the individual 722  
why the redaction is impracticable. 723

(3) The attorney general shall develop a form to be used 724  
by an individual to request a redaction pursuant to division (C) 725  
(1) of this section. The form shall include a place to provide 726  
any information that identifies the location of the personal 727  
information to be redacted. 728

(D)(1) A peace officer, parole officer, probation officer, 729  
bailiff, prosecuting attorney, assistant prosecuting attorney, 730  
correctional employee, youth services employee, firefighter, 731  
EMT, or investigator of the bureau of criminal identification 732  
and investigation may request that a public office other than a 733  
county auditor or a person responsible for the public records of 734  
a public office other than a county auditor redact the address 735  
of the person making the request from any record made available 736  
to the general public on the internet that includes peace 737  
officer, parole officer, probation officer, bailiff, prosecuting 738  
attorney, assistant prosecuting attorney, correctional employee, 739  
youth services employee, firefighter, EMT, or investigator of 740  
the bureau of criminal identification and investigation 741  
residential and familial information of the person making the 742  
request. A person who makes a request for a redaction pursuant 743  
to this division shall make the request in writing and on a form 744  
developed by the attorney general. 745

(2) Upon receiving a written request for a redaction 746  
pursuant to division (D)(1) of this section, a public office 747  
other than a county auditor or a person responsible for the 748  
public records of a public office other than a county auditor 749  
shall act within five business days in accordance with the 750  
request to redact the address of the peace officer, parole 751

officer, probation officer, bailiff, prosecuting attorney, 752  
assistant prosecuting attorney, correctional employee, youth 753  
services employee, firefighter, EMT, or investigator of the 754  
bureau of criminal identification and investigation making the 755  
request from any record made available to the general public on 756  
the internet that includes peace officer, parole officer, 757  
probation officer, bailiff, prosecuting attorney, assistant 758  
prosecuting attorney, correctional employee, youth services 759  
employee, firefighter, EMT, or investigator of the bureau of 760  
criminal identification and investigation residential and 761  
familial information of the person making the request, if 762  
practicable. If a redaction is not practicable, the public 763  
office or person responsible for the public office's public 764  
records shall verbally or in writing within five business days 765  
after receiving the written request explain to the peace 766  
officer, parole officer, probation officer, bailiff, prosecuting 767  
attorney, assistant prosecuting attorney, correctional employee, 768  
youth services employee, firefighter, EMT, or investigator of 769  
the bureau of criminal identification and investigation why the 770  
redaction is impracticable. 771

(3) Except as provided in this section and section 319.28 772  
of the Revised Code, a public office other than an employer of a 773  
peace officer, parole officer, probation officer, bailiff, 774  
prosecuting attorney, assistant prosecuting attorney, 775  
correctional employee, youth services employee, firefighter, 776  
EMT, or investigator of the bureau of criminal identification 777  
and investigation or a person responsible for the public records 778  
of the employer is not required to redact the residential and 779  
familial information of the peace officer, parole officer, 780  
probation officer, bailiff, prosecuting attorney, assistant 781  
prosecuting attorney, correctional employee, youth services 782

employee, firefighter, EMT, or investigator of the bureau of 783  
criminal identification and investigation from other records 784  
maintained by the public office. 785

(4) The attorney general shall develop a form to be used 786  
by a peace officer, parole officer, probation officer, bailiff, 787  
prosecuting attorney, assistant prosecuting attorney, 788  
correctional employee, youth services employee, firefighter, 789  
EMT, or investigator of the bureau of criminal identification 790  
and investigation to request a redaction pursuant to division 791  
(D) (1) of this section. The form shall include a place to 792  
provide any information that identifies the location of the 793  
address of a peace officer, parole officer, probation officer, 794  
bailiff, prosecuting attorney, assistant prosecuting attorney, 795  
correctional employee, youth services employee, firefighter, 796  
EMT, or investigator of the bureau of criminal identification 797  
and investigation to be redacted. 798

(E) (1) If a public office or a person responsible for a 799  
public office's public records becomes aware that an electronic 800  
record of that public office that is made available to the 801  
general public on the internet contains an individual's social 802  
security number that was mistakenly not redacted, encrypted, or 803  
truncated as required by division (B) (1) or (2) of this section, 804  
the public office or person responsible for the public office's 805  
public records shall redact, encrypt, or truncate the 806  
individual's social security number within a reasonable period 807  
of time. 808

(2) A public office or a person responsible for a public 809  
office's public records is not liable in damages in a civil 810  
action for any harm an individual allegedly sustains as a result 811  
of the inclusion of that individual's personal information on 812

any record made available to the general public on the internet 813  
or any harm a peace officer, parole officer, probation officer, 814  
bailiff, prosecuting attorney, assistant prosecuting attorney, 815  
correctional employee, youth services employee, firefighter, 816  
EMT, or investigator of the bureau of criminal identification 817  
and investigation sustains as a result of the inclusion of the 818  
address of the peace officer, parole officer, probation officer, 819  
bailiff, prosecuting attorney, assistant prosecuting attorney, 820  
correctional employee, youth services employee, firefighter, 821  
EMT, or investigator of the bureau of criminal identification 822  
and investigation on any record made available to the general 823  
public on the internet in violation of this section unless the 824  
public office or person responsible for the public office's 825  
public records acted with malicious purpose, in bad faith, or in 826  
a wanton or reckless manner or division (A) (6) (a) or (c) of 827  
section 2744.03 of the Revised Code applies. 828

**Sec. 1349.52.** (A) As used in this section and in section 829  
1349.521 of the Revised Code: 830

(1) "Adult protected consumer" means a protected consumer 831  
who is not a minor protected consumer. 832

(2) "Consumer credit reporting agency" means any person 833  
that, for monetary fees, dues, or on a cooperative nonprofit 834  
basis, regularly engages in whole or in part in the practice of 835  
maintaining consumers' credit information for the purpose of 836  
furnishing credit reports to third parties. 837

~~(2)~~ (3) "Credit report" means any written, oral, or other 838  
communication of any credit information by a consumer credit 839  
reporting agency that operates or maintains a database of 840  
consumer credit information bearing on a consumer's credit 841  
worthiness, credit standing, or credit capacity. "Credit report" 842

includes a credit record created for the purposes of complying 843  
with section 1349.521 of the Revised Code. 844

~~(3)~~(4) "Credit record" means a compilation of information 845  
that meets both of the following: 846

(a) Identifies a protected consumer; 847

(b) Is created by a consumer reporting agency for the sole 848  
purpose of complying with section 1349.521 of the Revised Code. 849

(5) "Minor protected consumer" means an individual who is 850  
under sixteen years of age. 851

(6) "Protected consumer" means an individual, at the time 852  
a request for the placement of a security freeze is made, who 853  
meets either of the following: 854

(a) Is a minor protected consumer; 855

(b) Is a person for whom a guardian of the estate or 856  
conservator has been appointed. 857

(7) "Representative" means any person who provides 858  
sufficient proof of authority to a consumer credit reporting 859  
agency to act on the behalf of a protected consumer. 860

"Representative" includes a parent, guardian, or conservator. 861

(8) "Security freeze" means a restriction placed in a 862  
consumer's or protected consumer's credit report at the request 863

of the consumer or the protected consumer's representative that 864  
prohibits a consumer credit reporting agency from releasing all 865

or any part of the consumer's or protected consumer's credit 866  
report or any information derived from the consumer's or 867

protected consumer's credit report relating to the extension of 868  
credit without the express authorization of the consumer or 869

protected consumer's representative. 870

~~(4)~~ (9) "Sufficient proof of authority" means 871  
documentation that shows a representative has authority to act 872  
on behalf of a protected consumer. "Sufficient proof of 873  
authority" includes any of the following: 874

(a) An order issued by a court of competent jurisdiction; 875

(b) A lawfully executed and valid power of attorney; 876

(c) A birth certificate, naming the representative as a 877  
parent of the protected consumer, in the case of a minor 878  
protected consumer; 879

(d) A written, notarized statement signed by the 880  
representative that expressly describes the authority of the 881  
representative to act on behalf of the protected consumer. 882

(10) "Sufficient proof of identity" means information or 883  
documentation that identifies a protected consumer or a 884  
representative of a protected consumer. "Sufficient proof of 885  
identity" includes any of the following: 886

(a) A social security number or a copy of a social 887  
security card issued by the social security administration; 888

(b) A certified or official copy of a birth certificate 889  
issued by an entity authorized to issue the birth certificate; 890

(c) A copy of a driver's license, a state identification 891  
card, or any other government-issued identification; 892

(d) A copy of a bill, including a bill for telephone, 893  
sewer, septic tank, water, electric, oil, or natural gas 894  
services, that shows a name and home address. 895

(11) "Other comparable service" means a service for which 896  
a receipt of delivery is provided. 897

~~(B)–A–(1) Except as provided in division (B) (2) of this~~ 898  
section, a consumer may elect to place a security freeze on the 899  
consumer's credit report by making a request to a consumer 900  
credit reporting agency in writing by certified mail or other 901  
comparable service or by any secured electronic method 902  
authorized by the consumer credit reporting agency. 903

(2) Security freezes for protected consumers shall be 904  
governed by section 1349.521 of the Revised Code. 905

(C) A consumer credit reporting agency shall place a 906  
security freeze on a credit report not later than three business 907  
days after receiving a request pursuant to division (B) of this 908  
section. The consumer credit reporting agency shall send a 909  
written confirmation of the security freeze to the consumer 910  
within five business days of placing the security freeze and, at 911  
the same time, shall provide the consumer with a unique personal 912  
identification number or password. The number or password shall 913  
not be the consumer's social security number. 914

(D) A consumer may allow the consumer's credit report to 915  
be accessed for a specific party or period of time while a 916  
security freeze is in place by contacting the consumer credit 917  
reporting agency by certified mail or other comparable service, 918  
secure electronic method selected by the consumer credit 919  
reporting agency, or telephone and requesting that the security 920  
freeze be temporarily lifted, and providing all of the 921  
following: 922

(1) Information generally considered sufficient to 923  
identify the consumer; 924

(2) The unique personal identification number or password 925  
provided by the consumer credit reporting agency pursuant to 926



division (C) of this section; 927

(3) The proper information regarding the third party who 928  
is to receive the consumer credit report or the time period for 929  
which the consumer credit report shall be available to users of 930  
the credit report. 931

(E) (1) A consumer credit reporting agency that receives a 932  
request in writing by certified mail or other comparable service 933  
from a consumer to temporarily lift a security freeze on a 934  
credit report pursuant to division (D) of this section shall 935  
comply with the request not later than three business days after 936  
receiving the request. 937

(2) Except as otherwise provided in this section, a 938  
consumer credit reporting agency that receives a request by 939  
secure electronic method selected by the consumer credit 940  
reporting agency, telephone, or another means authorized by the 941  
consumer credit reporting agency from a consumer to temporarily 942  
lift a security freeze on a credit report pursuant to division 943  
(D) of this section shall comply with the request not later than 944  
fifteen minutes after receiving the request unless any of the 945  
following applies: 946

(a) The consumer fails to meet the requirements of 947  
division (D) of this section. 948

(b) The consumer credit reporting agency's ability to 949  
temporarily lift the security freeze within fifteen minutes is 950  
prevented by an act of God, including fire, earthquakes, 951  
hurricanes, storms, or similar natural disaster or phenomena; 952  
unauthorized or illegal acts by a third party, including 953  
terrorism, sabotage, riot, vandalism, labor strikes or disputes 954  
disrupting operations, or similar occurrence; operational 955

interruption, including electrical failure, unanticipated delay 956  
in equipment or replacement part delivery, computer hardware or 957  
software failures inhibiting response time, or similar 958  
disruption; governmental action, including emergency orders or 959  
regulations, judicial or law enforcement action, or similar 960  
directives; regularly scheduled maintenance, during other than 961  
normal business hours of, or updates to, the consumer credit 962  
reporting agency's systems; or commercially reasonable 963  
maintenance of, or repair to, the consumer credit reporting 964  
agency's systems that is unexpected or unscheduled. 965

(3) A consumer credit reporting agency shall remove or 966  
temporarily lift a security freeze placed on a credit report 967  
only in the following cases: 968

(a) Upon consumer request pursuant to division (D) of this 969  
section; 970

(b) If the credit report was frozen due to a material 971  
misrepresentation of fact by the consumer. If a consumer credit 972  
reporting agency intends to remove a security freeze upon a 973  
credit report pursuant to division (E) (3) (b) of this section, 974  
the consumer credit reporting agency shall notify the consumer 975  
in writing at least five business days prior to removing the 976  
security freeze on the credit report. 977

(F) A consumer credit reporting agency, when required by 978  
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 979  
1681g(c), to provide a summary of rights, or when receiving a 980  
request from a consumer for information about a security freeze, 981  
shall provide the following written notice: 982

"Ohio Consumers Have the Right to Obtain a Security 983  
Freeze: 984

You may obtain a security freeze on your credit report to 985  
protect your privacy and ensure that credit is not granted in 986  
your name without your knowledge. You have a right to place a 987  
"security freeze" on your credit report pursuant to Ohio law. 988  
The security freeze will prohibit a consumer credit reporting 989  
agency from releasing any information in your credit report 990  
without your express authorization or approval. The security 991  
freeze is designed to prevent credit, loans, and services from 992  
being approved in your name without your consent. When you place 993  
a security freeze on your credit report, within five business 994  
days you will be provided a personal identification number or 995  
password to use if you choose to remove the security freeze on 996  
your credit report or to temporarily authorize the release of 997  
your credit report for a specific party or parties or for a 998  
specific period of time after the security freeze is in place. 999  
To provide that authorization, you must contact the consumer 1000  
credit reporting agency and provide all of the following: 1001

(a) Information generally considered sufficient to 1002  
identify the consumer; 1003

(b) The unique personal identification number or password 1004  
provided by the consumer credit reporting agency; 1005

(c) The proper information regarding the third party who 1006  
is to receive the consumer credit report or the time period for 1007  
which the credit report shall be available to users of the 1008  
credit report. 1009

A consumer credit reporting agency that receives a request 1010  
from a consumer to temporarily lift a security freeze on a 1011  
credit report shall comply with the request not later than 1012  
fifteen minutes after receiving the request. 1013

A security freeze does not apply to circumstances in which 1014  
you have an existing account relationship and a copy of your 1015  
report is requested by your existing creditor or its agents or 1016  
affiliates for certain types of account review, collection, 1017  
fraud control, or similar activities. 1018

If you are actively seeking credit, you should understand 1019  
that the procedures involved in lifting a security freeze may 1020  
slow your own applications for credit. You should plan ahead and 1021  
lift a freeze, either completely if you are shopping around, or 1022  
specifically for a certain creditor, a few days before actually 1023  
applying for new credit. 1024

(G) Except as otherwise provided in division (E) of this 1025  
section, a consumer credit reporting agency shall keep a 1026  
security freeze in place until the consumer requests that the 1027  
security freeze be removed. A consumer credit reporting agency 1028  
shall remove a security freeze within three business days of 1029  
receiving a request by telephone or by any other means 1030  
authorized by the consumer credit reporting agency for removal 1031  
from the consumer when the consumer provides the following: 1032

(1) Information generally considered sufficient to 1033  
identify the consumer; 1034

(2) The unique personal identification number or password 1035  
provided by the consumer credit reporting agency pursuant to 1036  
division (C) of this section. 1037

(H) A consumer credit reporting agency may release a 1038  
credit report on which a security freeze has been placed to the 1039  
following: 1040

(1) A person, or subsidiary, affiliate, or agent of that 1041  
person, or an assignee of a financial obligation owing by the 1042

consumer to that person, or a prospective assignee of a 1043  
financial obligation owing by the consumer to that person in 1044  
conjunction with the proposed purchase of the financial 1045  
obligation, with which the consumer has or had prior to 1046  
assignment an account or contract, including a demand deposit 1047  
account, or to whom the consumer issued a negotiable instrument, 1048  
for the purposes of reviewing the account or collecting the 1049  
financial obligation owing for the account, contract, or 1050  
negotiable instrument. For purposes of this paragraph, 1051  
"reviewing the account" includes activities related to account 1052  
maintenance, monitoring, credit line increases, and account 1053  
upgrades and enhancements. 1054

(2) A subsidiary, affiliate, agent, assignee, or 1055  
prospective assignee of a person to whom access has been granted 1056  
under division (D) of this section, for purposes of facilitating 1057  
the extension of credit or other permissible use; 1058

(3) Any state or local law enforcement agency, trial 1059  
court, or private collection agency acting pursuant to a court 1060  
order, warrant, or subpoena; 1061

(4) Any federal, state, or local governmental entity, 1062  
agency, or instrumentality that is acting within the entity's, 1063  
agency's, or instrumentality's authority; 1064

(5) A state or local child support enforcement agency; 1065

(6) A person seeking to use the information contained in 1066  
the consumer's credit report for the purpose of prescreening 1067  
pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128 1068  
(1970), 15 U.S.C. 1681 et seq.; 1069

(7) Any person or entity administering a credit file 1070  
monitoring subscription service to which the consumer has 1071

subscribed; 1072

(8) Any person or entity providing a consumer with a copy 1073  
of the consumer's credit report upon the consumer's request; 1074

(9) Any person or entity for use in setting or adjusting a 1075  
rate, adjusting a claim, or underwriting for insurance purposes; 1076

(10) Any person or entity acting to investigate fraud or 1077  
acting to investigate or collect delinquent taxes or unpaid 1078  
court orders provided those responsibilities are consistent with 1079  
section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 1080  
et seq. 1081

(I)(1) A consumer credit reporting agency may charge a 1082  
consumer a reasonable fee not to exceed five dollars for placing 1083  
a security freeze on that consumer's credit report. If the 1084  
consumer is a victim of a violation of section 2913.49 of the 1085  
Revised Code, the consumer credit reporting agency shall not 1086  
charge a fee to place a security freeze on that consumer's 1087  
credit report, but that consumer shall send a copy of the police 1088  
report related to the violation of section 2913.49 of the 1089  
Revised Code to the consumer credit reporting agency. 1090

(2) A consumer credit reporting agency may charge a 1091  
consumer a reasonable fee not to exceed five dollars for 1092  
removing or temporarily lifting a security freeze on that 1093  
consumer's credit report if the consumer elects to remove or 1094  
temporarily lift the security freeze on the consumer's credit 1095  
report for a specific creditor and may charge a consumer a 1096  
reasonable fee not to exceed five dollars if the consumer elects 1097  
to temporarily lift the security freeze for a specified period 1098  
of time. 1099

(3) A consumer credit reporting agency may charge a 1100

reasonable fee not to exceed five dollars to a consumer who 1101  
fails to retain the original personal identification number 1102  
provided by the consumer credit reporting agency and must be 1103  
reissued the same or a new personal identification number. 1104

(J) If a security freeze is in place, a consumer credit 1105  
reporting agency shall not change any of the following official 1106  
information in a credit report without sending a written 1107  
confirmation of the change to the consumer within thirty days of 1108  
the change being posted to the consumer's file: name; date of 1109  
birth; social security number; or address. Written confirmation 1110  
is not required for technical modifications of a consumer's 1111  
official information, including name and street abbreviations, 1112  
complete spellings, or transposition of numbers or letters. In 1113  
the case of an address change, the written confirmation shall be 1114  
sent to both the new address and to the former address. 1115

(K) The provisions of this section do not apply to a 1116  
consumer credit reporting agency that acts only as a reseller of 1117  
credit information by assembling and merging information 1118  
contained in the database of another consumer credit reporting 1119  
agency or multiple consumer credit reporting agencies and does 1120  
not maintain a permanent database of credit information from 1121  
which new credit reports are produced, except that the reseller 1122  
of credit information shall honor any security freeze placed on 1123  
a credit report by another consumer credit reporting agency. 1124

(L) The following entities are not required to place a 1125  
security freeze in a credit report: 1126

(1) A check services company or fraud prevention services 1127  
company that issues reports on incidents of fraud or 1128  
authorizations for the purpose of approving or processing 1129  
negotiable instruments, electronic funds transfers, or similar 1130

methods of payments; 1131

(2) A demand deposit account information service company 1132  
that issues reports, regarding account closures due to fraud, 1133  
substantial overdrafts, automated teller machine abuse, or 1134  
similar negative information regarding a consumer, to inquiring 1135  
banks or other financial institutions for use only in reviewing 1136  
a consumer request for a demand deposit account at the inquiring 1137  
bank or financial institution. 1138

(3) A consumer reporting agency with regard to a database 1139  
or file that is not a credit report or credit record and that 1140  
consists entirely of consumer information concerning, and used 1141  
solely for, one or more of the following: 1142

(a) Criminal record information; 1143

(b) Personal loss history information; 1144

(c) Fraud prevention or detection; 1145

(d) Employment screening; 1146

(e) Tenant screening. 1147

(M) (1) The attorney general may conduct an investigation 1148  
if the attorney general, based on complaints or the attorney 1149  
general's own inquiries, has reason to believe that a consumer 1150  
credit reporting agency has failed or is failing to comply with 1151  
this section. 1152

(2) In any investigation conducted pursuant to this 1153  
section, the attorney general may administer oaths, subpoena 1154  
witnesses, adduce evidence, and subpoena the production of any 1155  
book, document, record, or other relevant matter. 1156

(3) If the attorney general under division (M) (2) of this 1157



section subpoenas the production of any relevant matter that is 1158  
located outside this state, the attorney general may designate a 1159  
representative, including an official of the state in which that 1160  
relevant matter is located, to inspect the relevant matter on 1161  
the attorney general's behalf. The attorney general may carry 1162  
out similar requests received from officials of other states. 1163

(4) Any person who is subpoenaed to produce relevant 1164  
matter pursuant to division (M) (2) of this section shall make 1165  
that relevant matter available at a convenient location within 1166  
this state or the state of the representative designated under 1167  
division (M) (3) of this section. 1168

(5) Any person who is subpoenaed as a witness or to 1169  
produce relevant matter pursuant to division (M) (2) of this 1170  
section may file in the court of common pleas of Franklin 1171  
county, the county in this state in which the person resides, or 1172  
the county in this state in which the person's principal place 1173  
of business is located a petition to extend for good cause shown 1174  
the date on which the subpoena is to be returned or to modify or 1175  
quash for good cause shown that subpoena. The person may file 1176  
the petition at any time prior to the date specified for the 1177  
return of the subpoena or within twenty days after the service 1178  
of the subpoena, whichever is earlier. 1179

(6) Any person who is subpoenaed as a witness or to 1180  
produce relevant matter pursuant to division (M) (2) of this 1181  
section shall comply with the terms of the subpoena unless the 1182  
court orders otherwise prior to the date specified for the 1183  
return of the subpoena or, if applicable, that date as extended. 1184  
If a person fails without lawful excuse to obey a subpoena, the 1185  
attorney general may apply to the court of common pleas for an 1186  
order that does one or more of the following: 1187

(a) Compels the requested discovery;	1188
(b) Adjudges the person in contempt of court;	1189
(c) Grants injunctive relief to restrain the person from failing to comply with section 1347.12 or 1349.19 of the Revised Code, whichever is applicable;	1190 1191 1192
(d) Grants injunctive relief to preserve or restore the status quo;	1193 1194
(e) Grants other relief that may be required until the person obeys the subpoena.	1195 1196
(N) (1) The attorney general has the authority to bring a civil action in a court of common pleas for appropriate relief under this section, including a temporary restraining order, preliminary or permanent injunction, and civil penalties, if it appears that a consumer credit reporting agency has failed or is failing to comply with this section. Upon its finding that a consumer credit reporting agency has intentionally or recklessly failed to comply with this section, the court shall impose a civil penalty upon the consumer credit reporting agency of up to two thousand five hundred dollars for each instance that the consumer credit reporting agency fails to comply.	1197 1198 1199 1200 1201 1202 1203 1204 1205 1206 1207
(2) Any civil penalty that is assessed under division (N) (1) of this section shall be deposited into the consumer protection enforcement fund created by section 1345.51 of the Revised Code.	1208 1209 1210 1211
(3) In determining the appropriate civil penalty to assess under division (N) (1) of this section, the court shall consider all relevant factors, including the degree of the defendant's culpability, any history of prior violations of this section by the defendant, the defendant's ability to pay, the effect of the	1212 1213 1214 1215 1216

court's decision on the defendant's ability to continue to 1217  
conduct the defendant's business, and whether or not the 1218  
defendant acted in bad faith in failing to comply with this 1219  
section. 1220

(O) Any consumer credit reporting agency that is found by 1221  
the court to have failed to comply with this section is liable 1222  
to the attorney general for the attorney general's costs in 1223  
conducting an investigation and bringing an action under this 1224  
section. 1225

(P) The rights and remedies that are provided under this 1226  
section are in addition to any other rights or remedies that are 1227  
provided by law. 1228

Sec. 1349.521. (A) (1) A representative of a protected 1229  
consumer may elect to place a security freeze on the protected 1230  
consumer's credit report in the manner prescribed in division 1231  
(B) of this section by making a request to a consumer credit 1232  
reporting agency in writing by certified mail or other 1233  
comparable service or by any secured electronic method 1234  
authorized by the consumer credit reporting agency. 1235

(2) A representative requesting a security freeze on a 1236  
protected consumer's credit report shall provide to the credit 1237  
reporting agency sufficient proof of authority and, for both the 1238  
representative and the protected consumer, sufficient proof of 1239  
identity. 1240

(B) (1) A consumer credit reporting agency shall place a 1241  
security freeze on a credit report not later than thirty days 1242  
after receiving a request pursuant to division (A) (1) of this 1243  
section and the information required pursuant to division (A) (2) 1244  
of this section. 1245

(2) The consumer credit reporting agency shall send a 1246  
written confirmation of the security freeze to the address 1247  
associated with the protected consumer within five business days 1248  
after placing the security freeze. 1249

(C) (1) If a consumer credit reporting agency does not have 1250  
a credit report pertaining to a protected consumer when the 1251  
consumer reporting agency receives a request under division (A) 1252  
(1) of this section related to that protected consumer, the 1253  
consumer credit reporting agency shall create a credit record 1254  
for the protected consumer and place a security freeze upon the 1255  
credit record in accordance with division (B) of this section. 1256

(2) A credit record created under division (C) (1) of this 1257  
section shall not be used to consider the protected consumer's 1258  
credit worthiness, credit standing, credit capacity, character, 1259  
general reputation, or personal characteristics. 1260

(D) A consumer credit reporting agency shall remove a 1261  
security freeze placed on a credit report only in the following 1262  
cases: 1263

(1) If the credit report was frozen due to a material 1264  
misrepresentation of fact by the protected consumer's 1265  
representative. If a consumer credit reporting agency intends to 1266  
remove a security freeze upon a credit report due to a material 1267  
misrepresentation, the consumer credit reporting agency shall 1268  
notify the protected consumer's representative in writing at 1269  
least five business days prior to removing the security freeze 1270  
on the credit report. 1271

(2) A protected consumer's representative requests that 1272  
the security freeze be removed. A protected consumer's 1273  
representative shall provide all of the following when 1274

requesting that a security freeze be removed: 1275

(a) Sufficient proof of identity for both the protected 1276  
consumer and the protected consumer's representative; 1277

(b) Sufficient proof of authority to act on the behalf of 1278  
the protected consumer. 1279

(3) (a) Upon request of a protected consumer who has 1280  
reached sixteen years of age. 1281

(b) A consumer reporting agency shall develop a procedure 1282  
by which a minor protected consumer, upon reaching sixteen years 1283  
of age, may remove the security freeze created on the minor's 1284  
behalf. The procedure shall, at a minimum, require the minor to 1285  
provide sufficient proof of identity and age. 1286

(E) A consumer credit reporting agency shall remove a 1287  
security freeze within thirty days after receiving a request by 1288  
certified mail or other comparable service, secure electronic 1289  
method selected by the consumer credit reporting agency, 1290  
telephone, or by any other means authorized by the consumer 1291  
credit reporting agency for removal from a protected consumer's 1292  
representative and of receiving the information specified in 1293  
division (D) (2) of this section. 1294

(F) A consumer credit reporting agency, when required by 1295  
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 1296  
1681g(c) to provide a summary of rights, or when providing the 1297  
written confirmation required under division (B) (2) of this 1298  
section, shall provide the following written notice: 1299

"The parent or guardian of a minor under the age of 1300  
sixteen or the guardian or conservator of an incapacitated or 1301  
protected adult, collectively referred to as a "protected 1302  
consumer" may seek a security freeze to protect the identity of 1303

a protected consumer and ensure that credit is not 1304  
inappropriately granted in the protected consumer's name. In 1305  
order to request a security freeze for a protected consumer, the 1306  
protected consumer's parent, guardian, or conservator must 1307  
present sufficient proof of authority to act on the protected 1308  
consumer's behalf. The parent, guardian, or conservator must 1309  
also present sufficient proof of identity for the parent, 1310  
guardian, or conservator, in addition to proof of identity for 1311  
the protected consumer. 1312

In order for the representative of a protected consumer to 1313  
request the removal of a security freeze of a protected 1314  
consumer, the representative must contact the consumer credit 1315  
reporting agency and provide all of the following: 1316

(a) Sufficient proof of identity for both the protected 1317  
consumer and the protected consumer's representative; 1318

(b) Sufficient proof of authority to act on the behalf of 1319  
the protected consumer. 1320

A minor protected consumer, upon reaching sixteen years of 1321  
age, may also request that the security freeze be removed. A 1322  
minor protected consumer making such a request must provide 1323  
proof of identity and age. 1324

A consumer credit reporting agency that receives a proper 1325  
request by certified mail or other comparable service, secure 1326  
electronic method selected by the consumer credit reporting 1327  
agency, telephone, or by any other means authorized by the 1328  
consumer credit reporting agency to remove a security freeze on 1329  
a credit report shall comply with the request not later than 1330  
thirty days after receiving the request. 1331

A security freeze does not apply to circumstances in which 1332

a protected consumer already has an existing account 1333  
relationship and a copy of the protected consumer's credit 1334  
report is requested by the protected consumer's existing 1335  
creditor or its agents or affiliates for certain types of 1336  
account review, collection, fraud control, or similar 1337  
activities. 1338

If a protected consumer is actively seeking credit, it 1339  
should be understood that the procedures involved in removing a 1340  
security freeze may slow any applications for credit. Plan ahead 1341  
and remove a freeze a month before actually applying for new 1342  
credit." 1343

(G) (1) With regard to adult protected consumers, a 1344  
consumer credit reporting agency may release a credit report on 1345  
which a security freeze has been placed to the following: 1346

(a) A person, or subsidiary, affiliate, or agent of that 1347  
person, or an assignee of a financial obligation owing by the 1348  
protected consumer, to that person, or a prospective assignee of 1349  
a financial obligation owing by the protected consumer, to that 1350  
person in conjunction with the proposed purchase of the 1351  
financial obligation, with which the protected consumer has or 1352  
had prior to assignment an account or contract, including a 1353  
demand deposit account, or to whom the protected consumer issued 1354  
a negotiable instrument, for the purposes of reviewing the 1355  
account or collecting the financial obligation owing for the 1356  
account, contract, or negotiable instrument. For purposes of 1357  
this paragraph, "reviewing the account" includes activities 1358  
related to account maintenance, monitoring, credit line 1359  
increases, and account upgrades and enhancements. 1360

(b) A person seeking to use the information contained in 1361  
the consumer's credit report for the purpose of prescreening 1362

<u>pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128</u>	1363
<u>(1970), 15 U.S.C. 1681 et seq.;</u>	1364
<u>(c) Any person or entity for use in any of the following</u>	1365
<u>insurance purposes:</u>	1366
<u>(i) Setting or adjusting a rate;</u>	1367
<u>(ii) Adjusting a claim;</u>	1368
<u>(iii) Underwriting.</u>	1369
<u>(2) With regard to all protected consumers, a consumer</u>	1370
<u>credit reporting agency may release a credit report on which a</u>	1371
<u>security freeze has been placed to the following:</u>	1372
<u>(a) Any state or local law enforcement agency, trial</u>	1373
<u>court, or private collection agency acting pursuant to a court</u>	1374
<u>order, warrant, or subpoena;</u>	1375
<u>(b) Any federal, state, or local governmental entity,</u>	1376
<u>agency, or instrumentality that is acting within the entity's,</u>	1377
<u>agency's, or instrumentality's authority;</u>	1378
<u>(c) A state or local child support enforcement agency;</u>	1379
<u>(d) A person seeking to use the information contained in</u>	1380
<u>the consumer's credit report for the purpose of prescreening</u>	1381
<u>pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128</u>	1382
<u>(1970), 15 U.S.C. 1681 et seq.;</u>	1383
<u>(e) Any person or entity administering a credit file</u>	1384
<u>monitoring subscription service to which the consumer has</u>	1385
<u>subscribed;</u>	1386
<u>(f) Any person or entity providing the protected</u>	1387
<u>consumer's representative with a copy of the protected</u>	1388
<u>consumer's credit report upon the representative's request;</u>	1389



<u>(g) Any person or entity for use in any of the following</u>	1390
<u>insurance purposes:</u>	1391
<u>(i) Setting or adjusting a rate;</u>	1392
<u>(ii) Adjusting a claim;</u>	1393
<u>(iii) Underwriting.</u>	1394
<u>(h) Any person or entity acting to investigate fraud or</u>	1395
<u>acting to investigate or collect delinquent taxes or unpaid</u>	1396
<u>court orders provided those responsibilities are consistent with</u>	1397
<u>section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681</u>	1398
<u>et seq.</u>	1399
<u>(i) An individual seeking to remove a security freeze</u>	1400
<u>under division (D) (3) of this section.</u>	1401
<u>(H) (1) Except as provided in division (H) (2) of this</u>	1402
<u>section, a consumer credit reporting agency may charge a</u>	1403
<u>protected consumer's representative the following fees with</u>	1404
<u>regard to protected consumer security freezes:</u>	1405
<u>(a) A consumer credit reporting agency may charge a</u>	1406
<u>protected consumer's representative a reasonable fee not to</u>	1407
<u>exceed five dollars for placing a security freeze on that</u>	1408
<u>protected consumer's credit report. If the protected consumer is</u>	1409
<u>a victim of a violation of section 2913.49 of the Revised Code,</u>	1410
<u>the consumer credit reporting agency shall not charge a fee to</u>	1411
<u>place a security freeze on that protected consumer's credit</u>	1412
<u>report, but that protected consumer's representative shall send</u>	1413
<u>a copy of the police report related to the violation of section</u>	1414
<u>2913.49 of the Revised Code to the consumer credit reporting</u>	1415
<u>agency.</u>	1416
<u>(b) A consumer credit reporting agency may charge a</u>	1417

protected consumer's representative a reasonable fee not to 1418  
exceed five dollars for removing a security freeze on that 1419  
protected consumer's credit report if the protected consumer's 1420  
representative elects to remove the security freeze on the 1421  
consumer's credit report. 1422

(2) A consumer credit reporting agency shall not charge 1423  
any fee to any of the following individuals: 1424

(a) A protected consumer representative that represents a 1425  
child in foster care; 1426

(b) A minor protected consumer, or a minor protected 1427  
consumer's representative, for whom a credit report already 1428  
exists; 1429

(c) An individual seeking to remove a security freeze 1430  
under division (D)(3) of this section. 1431

(I) If a security freeze is in place, a consumer credit 1432  
reporting agency shall not change any of the following official 1433  
information in a credit report without sending a written 1434  
confirmation of the change to the protected consumer's 1435  
representative within thirty days of the change being posted to 1436  
the protected consumer's file: name; date of birth; social 1437  
security number; or address. Written confirmation is not 1438  
required for technical modifications of a consumer's official 1439  
information, including name and street abbreviations, complete 1440  
spellings, or transposition of numbers or letters. In the case 1441  
of an address change, the written confirmation shall be sent to 1442  
both the new address and to the former address. 1443

(J) Divisions (K) to (P) of section 1349.52 of the Revised 1444  
Code apply with regard to protected consumer security freezes in 1445  
the same manner and with the same effect as security freezes 1446

provided for in section 1349.52 of the Revised Code. 1447

**Section 2.** That existing sections 149.43, 149.45, and 1448  
1349.52 of the Revised Code are hereby repealed. 1449

**Section 3.** Sections 1349.52 and 1349.521 of the Revised 1450  
Code, as amended or enacted by this act, shall take effect six 1451  
months after the effective date of this act. 1452