

As Introduced

132nd General Assembly

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H. B. No. 728

Representative Roegner

Cosponsors: Representatives Lang, Becker, Smith, K., Riedel, Thompson

A BILL

To amend sections 149.43 and 149.45 of the Revised Code to include emergency service telecommunicators as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet.

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

Section 1. That sections 149.43 and 149.45 of the Revised Code be amended to read as follows:

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

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

mean any of the following:	19
(a) Medical records;	20
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	21 22 23
(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;	24 25 26
(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;	27 28 29
(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;	30 31 32 33 34 35
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	36 37
(g) Trial preparation records;	38
(h) Confidential law enforcement investigatory records;	39
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	40 41
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	42 43
(k) Inmate records released by the department of rehabilitation and correction to the department of youth	44 45

services or a court of record pursuant to division (E) of	46
section 5120.21 of the Revised Code;	47
(1) Records maintained by the department of youth services	48
pertaining to children in its custody released by the department	49
of youth services to the department of rehabilitation and	50
correction pursuant to section 5139.05 of the Revised Code;	51
(m) Intellectual property records;	52
(n) Donor profile records;	53
(o) Records maintained by the department of job and family	54
services pursuant to section 3121.894 of the Revised Code;	55
<p>(p) Peace officer, parole officer, probation officer,</p>	56
<p>bailiff, prosecuting attorney, assistant prosecuting attorney,</p>	57
<p>correctional employee, community-based correctional facility</p>	58
<p>employee, youth services employee, firefighter, EMT,</p>	59
<p>investigator of the bureau of criminal identification and</p>	60
<p>investigation, or federal law enforcement officer <u>Designated</u></p>	61
<u>public service worker</u> residential and familial information;	62
(q) In the case of a county hospital operated pursuant to	63
Chapter 339. of the Revised Code or a municipal hospital	64
operated pursuant to Chapter 749. of the Revised Code,	65
information that constitutes a trade secret, as defined in	66
section 1333.61 of the Revised Code;	67
(r) Information pertaining to the recreational activities	68
of a person under the age of eighteen;	69
(s) In the case of a child fatality review board acting	70
under sections 307.621 to 307.629 of the Revised Code or a	71
review conducted pursuant to guidelines established by the	72
director of health under section 3701.70 of the Revised Code,	73

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

(t) Records provided to and statements made by the 82
executive director of a public children services agency or a 83
prosecuting attorney acting pursuant to section 5153.171 of the 84
Revised Code other than the information released under that 85
section; 86

(u) Test materials, examinations, or evaluation tools used 87
in an examination for licensure as a nursing home administrator 88
that the board of executives of long-term services and supports 89
administers under section 4751.04 of the Revised Code or 90
contracts under that section with a private or government entity 91
to administer; 92

(v) Records the release of which is prohibited by state or 93
federal law; 94

(w) Proprietary information of or relating to any person 95
that is submitted to or compiled by the Ohio venture capital 96
authority created under section 150.01 of the Revised Code; 97

(x) Financial statements and data any person submits for 98
any purpose to the Ohio housing finance agency or the 99
controlling board in connection with applying for, receiving, or 100
accounting for financial assistance from the agency, and 101
information that identifies any individual who benefits directly 102

or indirectly from financial assistance from the agency;	103
(y) Records listed in section 5101.29 of the Revised Code;	104
(z) Discharges recorded with a county recorder under	105
section 317.24 of the Revised Code, as specified in division (B)	106
(2) of that section;	107
(aa) Usage information including names and addresses of	108
specific residential and commercial customers of a municipally	109
owned or operated public utility;	110
(bb) Records described in division (C) of section 187.04	111
of the Revised Code that are not designated to be made available	112
to the public as provided in that division;	113
(cc) Information and records that are made confidential,	114
privileged, and not subject to disclosure under divisions (B)	115
and (C) of section 2949.221 of the Revised Code;	116
(dd) Personal information, as defined in section 149.45 of	117
the Revised Code;	118
(ee) The confidential name, address, and other personally	119
identifiable information of a program participant in the address	120
confidentiality program established under sections 111.41 to	121
111.47 of the Revised Code, including the contents of any	122
application for absent voter's ballots, absent voter's ballot	123
identification envelope statement of voter, or provisional	124
ballot affirmation completed by a program participant who has a	125
confidential voter registration record, and records or portions	126
of records pertaining to that program that identify the number	127
of program participants that reside within a precinct, ward,	128
township, municipal corporation, county, or any other geographic	129
area smaller than the state. As used in this division,	130
"confidential address" and "program participant" have the	131

meaning defined in section 111.41 of the Revised Code.	132
(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order.	133 134 135 136 137 138
(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:	139 140 141 142 143
(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;	144 145 146 147
(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;	148 149 150 151
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	152 153
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	154 155 156
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient	157 158 159 160

and that is generated and maintained in the process of medical 161
treatment. 162

(4) "Trial preparation record" means any record that 163
contains information that is specifically compiled in reasonable 164
anticipation of, or in defense of, a civil or criminal action or 165
proceeding, including the independent thought processes and 166
personal trial preparation of an attorney. 167

(5) "Intellectual property record" means a record, other 168
than a financial or administrative record, that is produced or 169
collected by or for faculty or staff of a state institution of 170
higher learning in the conduct of or as a result of study or 171
research on an educational, commercial, scientific, artistic, 172
technical, or scholarly issue, regardless of whether the study 173
or research was sponsored by the institution alone or in 174
conjunction with a governmental body or private concern, and 175
that has not been publicly released, published, or patented. 176

(6) "Donor profile record" means all records about donors 177
or potential donors to a public institution of higher education 178
except the names and reported addresses of the actual donors and 179
the date, amount, and conditions of the actual donation. 180

(7) "~~Peace~~ Designated public service worker" means a peace 181
officer, parole officer, probation officer, bailiff, prosecuting 182
attorney, assistant prosecuting attorney, correctional employee, 183
community-based correctional facility employee, youth services 184
employee, firefighter, EMT, investigator of the bureau of 185
criminal identification and investigation, emergency service 186
telecommunicator, or federal law enforcement officer. 187

(8) "Designated public service worker residential and 188
familial information" means any information that discloses any 189

of the following about a ~~peace officer, parole officer,~~ 190
~~probation officer, bailiff, prosecuting attorney, assistant~~ 191
~~prosecuting attorney, correctional employee, community-based~~ 192
~~correctional facility employee, youth services employee,~~ 193
~~firefighter, EMT, investigator of the bureau of criminal~~ 194
~~identification and investigation, or federal law enforcement~~ 195
~~officer designated public service worker:~~ 196

(a) The address of the actual personal residence of a 197
~~peace officer, parole officer, probation officer, bailiff,~~ 198
~~assistant designated public service worker, other than a~~ 199
prosecuting attorney, ~~correctional employee, community-based~~ 200
~~correctional facility employee, youth services employee,~~ 201
~~firefighter, EMT, an investigator of the bureau of criminal~~ 202
~~identification and investigation, or federal law enforcement~~ 203
~~officer, except for the state or political subdivision in which~~ 204
the ~~peace officer, parole officer, probation officer, bailiff,~~ 205
~~assistant designated public service worker, other than a~~ 206
prosecuting attorney, ~~correctional employee, community-based~~ 207
~~correctional facility employee, youth services employee,~~ 208
~~firefighter, EMT, investigator of the bureau of criminal~~ 209
~~identification and investigation, or federal law enforcement~~ 210
~~officer resides;~~ 211

(b) Information compiled from referral to or participation 212
in an employee assistance program; 213

(c) The social security number, the residential telephone 214
number, any bank account, debit card, charge card, or credit 215
card number, or the emergency telephone number of, or any 216
medical information pertaining to, a ~~peace officer, parole~~ 217
~~officer, probation officer, bailiff, prosecuting attorney,~~ 218
~~assistant prosecuting attorney, correctional employee,~~ 219

~~community based correctional facility employee, youth services-~~ 220
~~employee, firefighter, EMT, investigator of the bureau of~~ 221
~~criminal identification and investigation, or federal law~~ 222
~~enforcement officer~~ designated public service worker; 223

(d) The name of any beneficiary of employment benefits, 224
including, but not limited to, life insurance benefits, provided 225
to a ~~peace officer, parole officer, probation officer, bailiff,~~ 226
~~prosecuting attorney, assistant prosecuting attorney,~~ 227
~~correctional employee, community based correctional facility-~~ 228
~~employee, youth services employee, firefighter, EMT,~~ 229
~~investigator of the bureau of criminal identification and~~ 230
~~investigation, or federal law enforcement officer~~ designated 231
public service worker by the ~~peace officer's, parole officer's,~~ 232
~~probation officer's, bailiff's, prosecuting attorney's,~~ 233
~~assistant prosecuting attorney's, correctional employee's,~~ 234
~~community based correctional facility employee's, youth services-~~ 235
~~employee's, firefighter's, EMT's, investigator of the bureau of~~ 236
~~criminal identification and investigation's, or federal law~~ 237
~~enforcement officer's~~ designated public service worker's 238
employer; 239

(e) The identity and amount of any charitable or 240
employment benefit deduction made by the ~~peace officer's, parole-~~ 241
~~officer's, probation officer's, bailiff's, prosecuting~~ 242
~~attorney's, assistant prosecuting attorney's, correctional-~~ 243
~~employee's, community based correctional facility employee's,~~ 244
~~youth services employee's, firefighter's, EMT's, investigator of~~ 245
~~the bureau of criminal identification and investigation's, or~~ 246
~~federal law enforcement officer's~~ designated public service 247
worker's employer from the ~~peace officer's, parole officer's,~~ 248
~~probation officer's, bailiff's, prosecuting attorney's,~~ 249
~~assistant prosecuting attorney's, correctional employee's,~~ 250

~~community based correctional facility employee's, youth services-~~ 251
~~employee's, firefighter's, EMT's, investigator of the bureau of-~~ 252
~~criminal identification and investigation's, or federal law-~~ 253
~~enforcement officer's~~ designated public service worker's 254
compensation, unless the amount of the deduction is required by 255
state or federal law; 256

(f) The name, the residential address, the name of the 257
employer, the address of the employer, the social security 258
number, the residential telephone number, any bank account, 259
debit card, charge card, or credit card number, or the emergency 260
telephone number of the spouse, a former spouse, or any child of 261
~~a peace officer, parole officer, probation officer, bailiff,~~ 262
~~prosecuting attorney, assistant prosecuting attorney,~~ 263
~~correctional employee, community based correctional facility-~~ 264
~~employee, youth services employee, firefighter, EMT,~~ 265
~~investigator of the bureau of criminal identification and-~~ 266
~~investigation, or federal law enforcement officer~~ designated 267
public service worker; 268

(g) A photograph of a peace officer who holds a position 269
or has an assignment that may include undercover or plain 270
clothes positions or assignments as determined by the peace 271
officer's appointing authority. 272

(9) As used in ~~divisions~~ division (A) (7) and ~~(B) (9)~~ of 273
this section, ~~"peace~~ : 274

"Peace officer" has the ~~same~~ meaning as defined in section 275
109.71 of the Revised Code and also includes the superintendent 276
and troopers of the state highway patrol; it does not include 277
the sheriff of a county or a supervisory employee who, in the 278
absence of the sheriff, is authorized to stand in for, exercise 279
the authority of, and perform the duties of the sheriff. 280

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 281
~~"correctional"~~ "Correctional employee" means any employee of the 282
department of rehabilitation and correction who in the course of 283
performing the employee's job duties has or has had contact with 284
inmates and persons under supervision. 285

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 286
~~"youth"~~ "Youth services employee" means any employee of the 287
department of youth services who in the course of performing the 288
employee's job duties has or has had contact with children 289
committed to the custody of the department of youth services. 290

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 291
~~"firefighter"~~ "Firefighter" means any regular, paid or 292
volunteer, member of a lawfully constituted fire department of a 293
municipal corporation, township, fire district, or village. 294

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 295
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 296
emergency medical services for a public emergency medical 297
service organization. "Emergency medical service organization," 298
"EMT-basic," "EMT-I," and "paramedic" have the ~~same~~ meanings ~~as~~ 299
defined in section 4765.01 of the Revised Code. 300

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 301
~~"investigator"~~ "Investigator of the bureau of criminal 302
identification and investigation" has the meaning defined in 303
section 2903.11 of the Revised Code. 304

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 305
~~"federal"~~ "Emergency service telecommunicator" has the meaning 306
defined in section 4742.01 of the Revised Code. 307

"Federal law enforcement officer" has the meaning defined 308
in section 9.88 of the Revised Code. 309

~~(8)~~(10) "Information pertaining to the recreational 310
activities of a person under the age of eighteen" means 311
information that is kept in the ordinary course of business by a 312
public office, that pertains to the recreational activities of a 313
person under the age of eighteen years, and that discloses any 314
of the following: 315

(a) The address or telephone number of a person under the 316
age of eighteen or the address or telephone number of that 317
person's parent, guardian, custodian, or emergency contact 318
person; 319

(b) The social security number, birth date, or 320
photographic image of a person under the age of eighteen; 321

(c) Any medical record, history, or information pertaining 322
to a person under the age of eighteen; 323

(d) Any additional information sought or required about a 324
person under the age of eighteen for the purpose of allowing 325
that person to participate in any recreational activity 326
conducted or sponsored by a public office or to use or obtain 327
admission privileges to any recreational facility owned or 328
operated by a public office. 329

~~(9)~~(11) "Community control sanction" has the ~~same~~ meaning 330
~~as defined~~ in section 2929.01 of the Revised Code. 331

~~(10)~~(12) "Post-release control sanction" has the ~~same~~ 332
meaning ~~as defined~~ in section 2967.01 of the Revised Code. 333

~~(11)~~(13) "Redaction" means obscuring or deleting any 334
information that is exempt from the duty to permit public 335
inspection or copying from an item that otherwise meets the 336
definition of a "record" in section 149.011 of the Revised Code. 337

~~(12)~~ ~~(14)~~ "Designee" and "elected official" have the ~~same~~ 338
meanings ~~as~~ defined in section 109.43 of the Revised Code. 339

(B) (1) Upon request by any person and subject to division 340
(B) (8) of this section, all public records responsive to the 341
request shall be promptly prepared and made available for 342
inspection to ~~any person~~ the requester at all reasonable times 343
during regular business hours. Subject to division (B) (8) of 344
this section, upon request by any person, a public office or 345
person responsible for public records shall make copies of the 346
requested public record available to the requester at cost and 347
within a reasonable period of time. If a public record contains 348
information that is exempt from the duty to permit public 349
inspection or to copy the public record, the public office or 350
the person responsible for the public record shall make 351
available all of the information within the public record that 352
is not exempt. When making that public record available for 353
public inspection or copying that public record, the public 354
office or the person responsible for the public record shall 355
notify the requester of any redaction or make the redaction 356
plainly visible. A redaction shall be deemed a denial of a 357
request to inspect or copy the redacted information, except if 358
federal or state law authorizes or requires a public office to 359
make the redaction. 360

(2) To facilitate broader access to public records, a 361
public office or the person responsible for public records shall 362
organize and maintain public records in a manner that they can 363
be made available for inspection or copying in accordance with 364
division (B) of this section. A public office also shall have 365
available a copy of its current records retention schedule at a 366
location readily available to the public. If a requester makes 367
an ambiguous or overly broad request or has difficulty in making 368

a request for copies or inspection of public records under this 369
section such that the public office or the person responsible 370
for the requested public record cannot reasonably identify what 371
public records are being requested, the public office or the 372
person responsible for the requested public record may deny the 373
request but shall provide the requester with an opportunity to 374
revise the request by informing the requester of the manner in 375
which records are maintained by the public office and accessed 376
in the ordinary course of the public office's or person's 377
duties. 378

(3) If a request is ultimately denied, in part or in 379
whole, the public office or the person responsible for the 380
requested public record shall provide the requester with an 381
explanation, including legal authority, setting forth why the 382
request was denied. If the initial request was provided in 383
writing, the explanation also shall be provided to the requester 384
in writing. The explanation shall not preclude the public office 385
or the person responsible for the requested public record from 386
relying upon additional reasons or legal authority in defending 387
an action commenced under division (C) of this section. 388

(4) Unless specifically required or authorized by state or 389
federal law or in accordance with division (B) of this section, 390
no public office or person responsible for public records may 391
limit or condition the availability of public records by 392
requiring disclosure of the requester's identity or the intended 393
use of the requested public record. Any requirement that the 394
requester disclose the requester's identity or the intended use 395
of the requested public record constitutes a denial of the 396
request. 397

(5) A public office or person responsible for public 398

records may ask a requester to make the request in writing, may 399
ask for the requester's identity, and may inquire about the 400
intended use of the information requested, but may do so only 401
after disclosing to the requester that a written request is not 402
mandatory and that the requester may decline to reveal the 403
requester's identity or the intended use and when a written 404
request or disclosure of the identity or intended use would 405
benefit the requester by enhancing the ability of the public 406
office or person responsible for public records to identify, 407
locate, or deliver the public records sought by the requester. 408

(6) If any person ~~chooses to obtain~~ requests a copy of a 409
public record in accordance with division (B) of this section, 410
the public office or person responsible for the public record 411
may require ~~that person~~ the requester to pay in advance the cost 412
involved in providing the copy of the public record in 413
accordance with the choice made by the ~~person seeking the copy~~ 414
requester under this division. The public office or the person 415
responsible for the public record shall permit ~~that person~~ the 416
requester to choose to have the public record duplicated upon 417
paper, upon the same medium upon which the public office or 418
person responsible for the public record keeps it, or upon any 419
other medium upon which the public office or person responsible 420
for the public record determines that it reasonably can be 421
duplicated as an integral part of the normal operations of the 422
public office or person responsible for the public record. When 423
the ~~person seeking the copy~~ requester makes a choice under this 424
division, the public office or person responsible for the public 425
record shall provide a copy of it in accordance with the choice 426
made by the ~~person seeking the copy~~ requester. Nothing in this 427
section requires a public office or person responsible for the 428
public record to allow the ~~person seeking~~ requester of a copy of 429

the public record to make the copies of the public record. 430

(7) (a) Upon a request made in accordance with division (B) 431
of this section and subject to division (B) (6) of this section, 432
a public office or person responsible for public records shall 433
transmit a copy of a public record to any person by United 434
States mail or by any other means of delivery or transmission 435
within a reasonable period of time after receiving the request 436
for the copy. The public office or person responsible for the 437
public record may require the person making the request to pay 438
in advance the cost of postage if the copy is transmitted by 439
United States mail or the cost of delivery if the copy is 440
transmitted other than by United States mail, and to pay in 441
advance the costs incurred for other supplies used in the 442
mailing, delivery, or transmission. 443

(b) Any public office may adopt a policy and procedures 444
that it will follow in transmitting, within a reasonable period 445
of time after receiving a request, copies of public records by 446
United States mail or by any other means of delivery or 447
transmission pursuant to division (B) (7) of this section. A 448
public office that adopts a policy and procedures under division 449
(B) (7) of this section shall comply with them in performing its 450
duties under that division. 451

(c) In any policy and procedures adopted under division 452
(B) (7) of this section: 453

(i) A public office may limit the number of records 454
requested by a person that the office will physically deliver by 455
United States mail or by another delivery service to ten per 456
month, unless the person certifies to the office in writing that 457
the person does not intend to use or forward the requested 458
records, or the information contained in them, for commercial 459

purposes; 460

(ii) A public office that chooses to provide some or all 461
of its public records on a web site that is fully accessible to 462
and searchable by members of the public at all times, other than 463
during acts of God outside the public office's control or 464
maintenance, and that charges no fee to search, access, 465
download, or otherwise receive records provided on the web site, 466
may limit to ten per month the number of records requested by a 467
person that the office will deliver in a digital format, unless 468
the requested records are not provided on the web site and 469
unless the person certifies to the office in writing that the 470
person does not intend to use or forward the requested records, 471
or the information contained in them, for commercial purposes. 472

(iii) For purposes of division (B) (7) of this section, 473
"commercial" shall be narrowly construed and does not include 474
reporting or gathering news, reporting or gathering information 475
to assist citizen oversight or understanding of the operation or 476
activities of government, or nonprofit educational research. 477

(8) A public office or person responsible for public 478
records is not required to permit a person who is incarcerated 479
pursuant to a criminal conviction or a juvenile adjudication to 480
inspect or to obtain a copy of any public record concerning a 481
criminal investigation or prosecution or concerning what would 482
be a criminal investigation or prosecution if the subject of the 483
investigation or prosecution were an adult, unless the request 484
to inspect or to obtain a copy of the record is for the purpose 485
of acquiring information that is subject to release as a public 486
record under this section and the judge who imposed the sentence 487
or made the adjudication with respect to the person, or the 488
judge's successor in office, finds that the information sought 489

in the public record is necessary to support what appears to be 490
a justiciable claim of the person. 491

(9) (a) Upon written request made and signed by a 492
journalist ~~on or after December 16, 1999,~~ a public office, or 493
person responsible for public records, having custody of the 494
records of the agency employing a specified ~~peace officer,~~ 495
~~parole officer, probation officer, bailiff, prosecuting~~ 496
~~attorney, assistant prosecuting attorney, correctional employee,~~ 497
~~community based correctional facility employee, youth services~~ 498
~~employee, firefighter, EMT, investigator of the bureau of~~ 499
~~criminal identification and investigation, or federal law~~ 500
~~enforcement officer~~ designated public service worker shall 501
disclose to the journalist the address of the actual personal 502
residence of the ~~peace officer, parole officer, probation~~ 503
~~officer, bailiff, prosecuting attorney, assistant prosecuting~~ 504
~~attorney, correctional employee, community based correctional~~ 505
~~facility employee, youth services employee, firefighter, EMT,~~ 506
~~investigator of the bureau of criminal identification and~~ 507
~~investigation, or federal law enforcement officer~~ designated 508
public service worker and, if the ~~peace officer's, parole~~ 509
~~officer's, probation officer's, bailiff's, prosecuting~~ 510
~~attorney's, assistant prosecuting attorney's, correctional~~ 511
~~employee's, community based correctional facility employee's,~~ 512
~~youth services employee's, firefighter's, EMT's, investigator of~~ 513
~~the bureau of criminal identification and investigation's, or~~ 514
~~federal law enforcement officer's~~ designated public service 515
worker's spouse, former spouse, or child is employed by a public 516
office, the name and address of the employer of the ~~peace~~ 517
~~officer's, parole officer's, probation officer's, bailiff's,~~ 518
~~prosecuting attorney's, assistant prosecuting attorney's,~~ 519
~~correctional employee's, community based correctional facility~~ 520

~~employee's, youth services employee's, firefighter's, EMT's,~~ 521
~~investigator of the bureau of criminal identification and~~ 522
~~investigation's, or federal law enforcement officer's~~ designated 523
public service worker's spouse, former spouse, or child. The 524
request shall include the journalist's name and title and the 525
name and address of the journalist's employer and shall state 526
that disclosure of the information sought would be in the public 527
interest. 528

(b) Division (B) (9) (a) of this section also applies to 529
journalist requests for customer information maintained by a 530
municipally owned or operated public utility, other than social 531
security numbers and any private financial information such as 532
credit reports, payment methods, credit card numbers, and bank 533
account information. 534

(c) As used in division (B) (9) of this section, 535
"journalist" means a person engaged in, connected with, or 536
employed by any news medium, including a newspaper, magazine, 537
press association, news agency, or wire service, a radio or 538
television station, or a similar medium, for the purpose of 539
gathering, processing, transmitting, compiling, editing, or 540
disseminating information for the general public. 541

(C) (1) If a person allegedly is aggrieved by the failure 542
of a public office or the person responsible for public records 543
to promptly prepare a public record and to make it available to 544
the person for inspection in accordance with division (B) of 545
this section or by any other failure of a public office or the 546
person responsible for public records to comply with an 547
obligation in accordance with division (B) of this section, the 548
person allegedly aggrieved may do only one of the following, and 549
not both: 550

(a) File a complaint with the clerk of the court of claims 551
or the clerk of the court of common pleas under section 2743.75 552
of the Revised Code; 553

(b) Commence a mandamus action to obtain a judgment that 554
orders the public office or the person responsible for the 555
public record to comply with division (B) of this section, that 556
awards court costs and reasonable attorney's fees to the person 557
that instituted the mandamus action, and, if applicable, that 558
includes an order fixing statutory damages under division (C) (2) 559
of this section. The mandamus action may be commenced in the 560
court of common pleas of the county in which division (B) of 561
this section allegedly was not complied with, in the supreme 562
court pursuant to its original jurisdiction under Section 2 of 563
Article IV, Ohio Constitution, or in the court of appeals for 564
the appellate district in which division (B) of this section 565
allegedly was not complied with pursuant to its original 566
jurisdiction under Section 3 of Article IV, Ohio Constitution. 567

(2) If a requester transmits a written request by hand 568
delivery or certified mail to inspect or receive copies of any 569
public record in a manner that fairly describes the public 570
record or class of public records to the public office or person 571
responsible for the requested public records, except as 572
otherwise provided in this section, the requester shall be 573
entitled to recover the amount of statutory damages set forth in 574
this division if a court determines that the public office or 575
the person responsible for public records failed to comply with 576
an obligation in accordance with division (B) of this section. 577

The amount of statutory damages shall be fixed at one 578
hundred dollars for each business day during which the public 579
office or person responsible for the requested public records 580

failed to comply with an obligation in accordance with division 581
(B) of this section, beginning with the day on which the 582
requester files a mandamus action to recover statutory damages, 583
up to a maximum of one thousand dollars. The award of statutory 584
damages shall not be construed as a penalty, but as compensation 585
for injury arising from lost use of the requested information. 586
The existence of this injury shall be conclusively presumed. The 587
award of statutory damages shall be in addition to all other 588
remedies authorized by this section. 589

The court may reduce an award of statutory damages or not 590
award statutory damages if the court determines both of the 591
following: 592

(a) That, based on the ordinary application of statutory 593
law and case law as it existed at the time of the conduct or 594
threatened conduct of the public office or person responsible 595
for the requested public records that allegedly constitutes a 596
failure to comply with an obligation in accordance with division 597
(B) of this section and that was the basis of the mandamus 598
action, a well-informed public office or person responsible for 599
the requested public records reasonably would believe that the 600
conduct or threatened conduct of the public office or person 601
responsible for the requested public records did not constitute 602
a failure to comply with an obligation in accordance with 603
division (B) of this section; 604

(b) That a well-informed public office or person 605
responsible for the requested public records reasonably would 606
believe that the conduct or threatened conduct of the public 607
office or person responsible for the requested public records 608
would serve the public policy that underlies the authority that 609
is asserted as permitting that conduct or threatened conduct. 610

(3) In a mandamus action filed under division (C) (1) of 611
this section, the following apply: 612

(a) (i) If the court orders the public office or the person 613
responsible for the public record to comply with division (B) of 614
this section, the court shall determine and award to the relator 615
all court costs, which shall be construed as remedial and not 616
punitive. 617

(ii) If the court makes a determination described in 618
division (C) (3) (b) (iii) of this section, the court shall 619
determine and award to the relator all court costs, which shall 620
be construed as remedial and not punitive. 621

(b) If the court renders a judgment that orders the public 622
office or the person responsible for the public record to comply 623
with division (B) of this section or if the court determines any 624
of the following, the court may award reasonable attorney's fees 625
to the relator, subject to ~~the provisions of~~ division (C) (4) of 626
this section: 627

(i) The public office or the person responsible for the 628
public records failed to respond affirmatively or negatively to 629
the public records request in accordance with the time allowed 630
under division (B) of this section. 631

(ii) The public office or the person responsible for the 632
public records promised to permit the relator to inspect or 633
receive copies of the public records requested within a 634
specified period of time but failed to fulfill that promise 635
within that specified period of time. 636

(iii) The public office or the person responsible for the 637
public records acted in bad faith when the office or person 638
voluntarily made the public records available to the relator for 639

the first time after the relator commenced the mandamus action, 640
but before the court issued any order concluding whether or not 641
the public office or person was required to comply with division 642
(B) of this section. No discovery may be conducted on the issue 643
of the alleged bad faith of the public office or person 644
responsible for the public records. This division shall not be 645
construed as creating a presumption that the public office or 646
the person responsible for the public records acted in bad faith 647
when the office or person voluntarily made the public records 648
available to the relator for the first time after the relator 649
commenced the mandamus action, but before the court issued any 650
order described in this division. 651

(c) The court shall not award attorney's fees to the 652
relator if the court determines both of the following: 653

(i) That, based on the ordinary application of statutory 654
law and case law as it existed at the time of the conduct or 655
threatened conduct of the public office or person responsible 656
for the requested public records that allegedly constitutes a 657
failure to comply with an obligation in accordance with division 658
(B) of this section and that was the basis of the mandamus 659
action, a well-informed public office or person responsible for 660
the requested public records reasonably would believe that the 661
conduct or threatened conduct of the public office or person 662
responsible for the requested public records did not constitute 663
a failure to comply with an obligation in accordance with 664
division (B) of this section; 665

(ii) That a well-informed public office or person 666
responsible for the requested public records reasonably would 667
believe that the conduct or threatened conduct of the public 668
office or person responsible for the requested public records 669

would serve the public policy that underlies the authority that 670
is asserted as permitting that conduct or threatened conduct. 671

(4) All of the following apply to any award of reasonable 672
attorney's fees awarded under division (C) (3) (b) of this 673
section: 674

(a) The fees shall be construed as remedial and not 675
punitive. 676

(b) The fees awarded shall not exceed the total of the 677
reasonable attorney's fees incurred before the public record was 678
made available to the relator and the fees described in division 679
(C) (4) (c) of this section. 680

(c) Reasonable attorney's fees shall include reasonable 681
fees incurred to produce proof of the reasonableness and amount 682
of the fees and to otherwise litigate entitlement to the fees. 683

(d) The court may reduce the amount of fees awarded if the 684
court determines that, given the factual circumstances involved 685
with the specific public records request, an alternative means 686
should have been pursued to more effectively and efficiently 687
resolve the dispute that was subject to the mandamus action 688
filed under division (C) (1) of this section. 689

(5) If the court does not issue a writ of mandamus under 690
division (C) of this section and the court determines at that 691
time that the bringing of the mandamus action was frivolous 692
conduct as defined in division (A) of section 2323.51 of the 693
Revised Code, the court may award to the public office all court 694
costs, expenses, and reasonable attorney's fees, as determined 695
by the court. 696

(D) Chapter 1347. of the Revised Code does not limit the 697
provisions of this section. 698

(E) (1) To ensure that all employees of public offices are 699
appropriately educated about a public office's obligations under 700
division (B) of this section, all elected officials or their 701
appropriate designees shall attend training approved by the 702
attorney general as provided in section 109.43 of the Revised 703
Code. In addition, all public offices shall adopt a public 704
records policy in compliance with this section for responding to 705
public records requests. In adopting a public records policy 706
under this division, a public office may obtain guidance from 707
the model public records policy developed and provided to the 708
public office by the attorney general under section 109.43 of 709
the Revised Code. Except as otherwise provided in this section, 710
the policy may not limit the number of public records that the 711
public office will make available to a single person, may not 712
limit the number of public records that it will make available 713
during a fixed period of time, and may not establish a fixed 714
period of time before it will respond to a request for 715
inspection or copying of public records, unless that period is 716
less than eight hours. 717

(2) The public office shall distribute the public records 718
policy adopted by the public office under division (E) (1) of 719
this section to the employee of the public office who is the 720
records custodian or records manager or otherwise has custody of 721
the records of that office. The public office shall require that 722
employee to acknowledge receipt of the copy of the public 723
records policy. The public office shall create a poster that 724
describes its public records policy and shall post the poster in 725
a conspicuous place in the public office and in all locations 726
where the public office has branch offices. The public office 727
may post its public records policy on the internet web site of 728
the public office if the public office maintains an internet web 729

site. A public office that has established a manual or handbook 730
of its general policies and procedures for all employees of the 731
public office shall include the public records policy of the 732
public office in the manual or handbook. 733

(F) (1) The bureau of motor vehicles may adopt rules 734
pursuant to Chapter 119. of the Revised Code to reasonably limit 735
the number of bulk commercial special extraction requests made 736
by a person for the same records or for updated records during a 737
calendar year. The rules may include provisions for charges to 738
be made for bulk commercial special extraction requests for the 739
actual cost of the bureau, plus special extraction costs, plus 740
ten per cent. The bureau may charge for expenses for redacting 741
information, the release of which is prohibited by law. 742

(2) As used in division (F) (1) of this section: 743

(a) "Actual cost" means the cost of depleted supplies, 744
records storage media costs, actual mailing and alternative 745
delivery costs, or other transmitting costs, and any direct 746
equipment operating and maintenance costs, including actual 747
costs paid to private contractors for copying services. 748

(b) "Bulk commercial special extraction request" means a 749
request for copies of a record for information in a format other 750
than the format already available, or information that cannot be 751
extracted without examination of all items in a records series, 752
class of records, or database by a person who intends to use or 753
forward the copies for surveys, marketing, solicitation, or 754
resale for commercial purposes. "Bulk commercial special 755
extraction request" does not include a request by a person who 756
gives assurance to the bureau that the person making the request 757
does not intend to use or forward the requested copies for 758
surveys, marketing, solicitation, or resale for commercial 759

purposes. 760

(c) "Commercial" means profit-seeking production, buying, 761
or selling of any good, service, or other product. 762

(d) "Special extraction costs" means the cost of the time 763
spent by the lowest paid employee competent to perform the task, 764
the actual amount paid to outside private contractors employed 765
by the bureau, or the actual cost incurred to create computer 766
programs to make the special extraction. "Special extraction 767
costs" include any charges paid to a public agency for computer 768
or records services. 769

(3) For purposes of divisions (F) (1) and (2) of this 770
section, "surveys, marketing, solicitation, or resale for 771
commercial purposes" shall be narrowly construed and does not 772
include reporting or gathering news, reporting or gathering 773
information to assist citizen oversight or understanding of the 774
operation or activities of government, or nonprofit educational 775
research. 776

(G) A request by a defendant, counsel of a defendant, or 777
any agent of a defendant in a criminal action that public 778
records related to that action be made available under this 779
section shall be considered a demand for discovery pursuant to 780
the Criminal Rules, except to the extent that the Criminal Rules 781
plainly indicate a contrary intent. The defendant, counsel of 782
the defendant, or agent of the defendant making a request under 783
this division shall serve a copy of the request on the 784
prosecuting attorney, director of law, or other chief legal 785
officer responsible for prosecuting the action. 786

Sec. 149.45. (A) As used in this section: 787

(1) "Personal information" means any of the following: 788

(a) An individual's social security number;	789
(b) An individual's state or federal tax identification number;	790 791
(c) An individual's driver's license number or state identification number;	792 793
(d) An individual's checking account number, savings account number, credit card number, or debit card number;	794 795
(e) An individual's demand deposit account number, money market account number, mutual fund account number, or any other financial or medical account number.	796 797 798
(2) "Public record," <u>"designated public service worker,"</u> and "peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer <u>designated public service worker residential and familial information"</u> have the same <u>meanings as defined</u> in section 149.43 of the Revised Code.	799 800 801 802 803 804 805 806 807
(3) "Truncate" means to redact all but the last four digits of an individual's social security number.	808 809
(B) (1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number.	810 811 812 813 814
(2) A public office or person responsible for a public office's public records that prior to October 17, 2011, made	815 816

available to the general public on the internet any document 817
that contains an individual's social security number shall 818
redact, encrypt, or truncate the social security number from 819
that document. 820

(3) Divisions (B) (1) and (2) of this section do not apply 821
to documents that are only accessible through the internet with 822
a password. 823

(C) (1) An individual may request that a public office or a 824
person responsible for a public office's public records redact 825
personal information of that individual from any record made 826
available to the general public on the internet. An individual 827
who makes a request for redaction pursuant to this division 828
shall make the request in writing on a form developed by the 829
attorney general and shall specify the personal information to 830
be redacted and provide any information that identifies the 831
location of that personal information within a document that 832
contains that personal information. 833

(2) Upon receiving a request for a redaction pursuant to 834
division (C) (1) of this section, a public office or a person 835
responsible for a public office's public records shall act 836
within five business days in accordance with the request to 837
redact the personal information of the individual from any 838
record made available to the general public on the internet, if 839
practicable. If a redaction is not practicable, the public 840
office or person responsible for the public office's public 841
records shall verbally or in writing within five business days 842
after receiving the written request explain to the individual 843
why the redaction is impracticable. 844

(3) The attorney general shall develop a form to be used 845
by an individual to request a redaction pursuant to division (C) 846

(1) of this section. The form shall include a place to provide 847
any information that identifies the location of the personal 848
information to be redacted. 849

(D) (1) A ~~peace officer, parole officer, probation officer,~~ 850
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 851
~~correctional employee, youth services employee, firefighter,~~ 852
~~EMT, investigator of the bureau of criminal identification and~~ 853
~~investigation, or federal law enforcement officer designated~~ 854
public service worker may request that a public office, other 855
than a county auditor, or a person responsible for the public 856
records of a public office, other than a county auditor, redact 857
the address of the ~~person making the request~~ designated public 858
service worker from any record made available to the general 859
public on the internet that includes ~~peace officer, parole~~ 860
~~officer, probation officer, bailiff, prosecuting attorney,~~ 861
~~assistant prosecuting attorney, correctional employee, youth~~ 862
~~services employee, firefighter, EMT, investigator of the bureau~~ 863
~~of criminal identification and investigation, or federal law~~ 864
~~enforcement officer~~ designated public service worker residential 865
and familial information of the ~~person~~ designated public service 866
worker making the request. A ~~person~~ designated public service 867
worker who makes a request for a redaction pursuant to this 868
division shall make the request in writing and on a form 869
developed by the attorney general. 870

(2) Upon receiving a written request for a redaction 871
pursuant to division (D) (1) of this section, a public office, 872
other than a county auditor, or a person responsible for the 873
public records of a public office, other than a county auditor, 874
shall act within five business days in accordance with the 875
request to redact the address of the ~~peace officer, parole~~ 876
~~officer, probation officer, bailiff, prosecuting attorney,~~ 877

~~assistant prosecuting attorney, correctional employee, youth-~~ 878
~~services employee, firefighter, EMT, investigator of the bureau-~~ 879
~~of criminal identification and investigation, or federal law-~~ 880
~~enforcement officer~~ designated public service worker making the 881
request from any record made available to the general public on 882
the internet that includes ~~peace officer, parole officer,~~ 883
~~probation officer, bailiff, prosecuting attorney, assistant-~~ 884
~~prosecuting attorney, correctional employee, youth services-~~ 885
~~employee, firefighter, EMT, investigator of the bureau of-~~ 886
~~criminal identification and investigation, or federal law-~~ 887
~~enforcement officer~~ designated public service worker residential 888
and familial information of the ~~person~~ designated public service 889
worker making the request, if practicable. If a redaction is not 890
practicable, the public office or person responsible for the 891
public office's public records shall verbally or in writing 892
within five business days after receiving the written request 893
explain to the ~~peace officer, parole officer, probation officer,~~ 894
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 895
~~correctional employee, youth services employee, firefighter,~~ 896
~~EMT, investigator of the bureau of criminal identification and-~~ 897
~~investigation, or federal law enforcement officer~~ designated 898
public service worker why the redaction is impracticable. 899

(3) Except as provided in this section and section 319.28 900
of the Revised Code, a public office, or other than an employer of 901
a ~~peace officer, parole officer, probation officer, bailiff,~~ 902
~~prosecuting attorney, assistant prosecuting attorney,~~ 903
~~correctional employee, youth services employee, firefighter,~~ 904
~~EMT, investigator of the bureau of criminal identification and-~~ 905
~~investigation, or federal law enforcement officer~~ designated 906
public service worker, or a person responsible for the public 907
records of the employer, is not required to redact the 908

residential and familial information of the ~~peace officer,~~ 909
~~parole officer, probation officer, bailiff, prosecuting~~ 910
~~attorney, assistant prosecuting attorney, correctional employee,~~ 911
~~youth services employee, firefighter, EMT, investigator of the~~ 912
~~bureau of criminal identification and investigation, or federal~~ 913
~~law enforcement officer~~ designated public service worker from 914
other records maintained by the public office. 915

(4) The attorney general shall develop a form to be used 916
by a ~~peace officer, parole officer, probation officer, bailiff,~~ 917
~~prosecuting attorney, assistant prosecuting attorney,~~ 918
~~correctional employee, youth services employee, firefighter,~~ 919
~~EMT, investigator of the bureau of criminal identification and~~ 920
~~investigation, or federal law enforcement officer~~ designated 921
public service worker to request a redaction pursuant to 922
division (D) (1) of this section. The form shall include a place 923
to provide any information that identifies the location of the 924
address of a ~~peace officer, parole officer, probation officer,~~ 925
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 926
~~correctional employee, youth services employee, firefighter,~~ 927
~~EMT, investigator of the bureau of criminal identification and~~ 928
~~investigation, or federal law enforcement officer~~ designated 929
public service worker to be redacted. 930

(E) (1) If a public office or a person responsible for a 931
public office's public records becomes aware that an electronic 932
record of that public office that is made available to the 933
general public on the internet contains an individual's social 934
security number that was mistakenly not redacted, encrypted, or 935
truncated as required by division (B) (1) or (2) of this section, 936
the public office or person responsible for the public office's 937
public records shall redact, encrypt, or truncate the 938
individual's social security number within a reasonable period 939

of time. 940

(2) A public office or a person responsible for a public 941
office's public records is not liable in damages in a civil 942
action for any harm an individual allegedly sustains as a result 943
of the inclusion of that individual's personal information on 944
any record made available to the general public on the internet 945
or any harm a ~~peace officer, parole officer, probation officer,~~ 946
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 947
~~correctional employee, youth services employee, firefighter,~~ 948
~~EMT, investigator of the bureau of criminal identification and~~ 949
~~investigation, or federal law enforcement officer~~ designated 950
public service worker sustains as a result of the inclusion of 951
the designated public service worker's address ~~of the peace~~ 952
~~officer, parole officer, probation officer, bailiff, prosecuting~~ 953
~~attorney, assistant prosecuting attorney, correctional employee,~~ 954
~~youth services employee, firefighter, EMT, investigator of the~~ 955
~~bureau of criminal identification and investigation, or federal~~ 956
~~law enforcement officer~~ on any record made available to the 957
general public on the internet in violation of this section, 958
unless the public office or person responsible for the public 959
office's public records acted with malicious purpose, in bad 960
faith, or in a wanton or reckless manner or unless division (A) 961
(6) (a) or (c) of section 2744.03 of the Revised Code applies. 962

Section 2. That existing sections 149.43 and 149.45 of the 963
Revised Code are hereby repealed. 964

Section 3. Section 149.45 of the Revised Code is presented 965
in this act as a composite of the section as amended by both 966
Sub. H.B. 317 and Sub. H.B. 359 of the 131st General Assembly. 967
The General Assembly, applying the principle stated in division 968
(B) of section 1.52 of the Revised Code that amendments are to 969

be harmonized if reasonably capable of simultaneous operation,	970
finds that the composite is the resulting version of the section	971
in effect prior to the effective date of the section as	972
presented in this act.	973