

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

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

**Representatives Hambley, Rezabek**

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

**Senators Uecker, Hackett, Balderson, Brown, Burke, Huffman, Kunze, Lehner, Manning, Oelslager, Schiavoni, Tavares, Thomas, Yuko**

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**A BILL**

To amend section 149.43 and to enact section 1  
149.436 of the Revised Code to exempt from the 2  
Public Records Law certain information 3  
concerning a minor that is included in a record 4  
related to a traffic accident involving a school 5  
vehicle in which the minor was an occupant at 6  
the time of the accident, to allow the parent or 7  
guardian of the minor to request a record of the 8  
accident containing the exempted information, 9  
and to exempt certain protected health 10  
information from the Public Records Law. 11

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

**Section 1.** That section 149.43 be amended and section 12  
149.436 of the Revised Code be enacted to read as follows: 13

<b>Sec. 149.43.</b> (A) As used in this section:	14
(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:	15 16 17 18 19 20 21 22
(a) Medical records;	23
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	24 25 26
(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;	27 28 29
(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;	30 31 32
(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;	33 34 35 36 37 38
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	39 40
(g) Trial preparation records;	41

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

section 1333.61 of the Revised Code;	70
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	71 72
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	73 74 75 76 77 78 79 80 81 82 83 84
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	85 86 87 88 89
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	90 91 92 93 94 95
(v) Records the release of which is prohibited by state or federal law;	96 97
(w) Proprietary information of or relating to any person	98

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

identification envelope statement of voter, or provisional 127  
ballot affirmation completed by a program participant who has a 128  
confidential voter registration record, and records or portions 129  
of records pertaining to that program that identify the number 130  
of program participants that reside within a precinct, ward, 131  
township, municipal corporation, county, or any other geographic 132  
area smaller than the state. As used in this division, 133  
"confidential address" and "program participant" have the 134  
meaning defined in section 111.41 of the Revised Code. 135

(ff) Orders for active military service of an individual 136  
serving or with previous service in the armed forces of the 137  
United States, including a reserve component, or the Ohio 138  
organized militia, except that, such order becomes a public 139  
record on the day that is fifteen years after the published date 140  
or effective date of the call to order; 141

(gg) The name, address, contact information, or other 142  
personal information of an individual who is less than eighteen 143  
years of age that is included in any record related to a traffic 144  
accident involving a school vehicle in which the individual was 145  
an occupant at the time of the accident; 146

(hh) Protected health information, as defined in 45 C.F.R. 147  
160.103, that is in a claim for payment for a health care 148  
product, service, or procedure, as well as any other health 149  
claims data in another document that reveals the identity of an 150  
individual who is the subject of the data or could be used to 151  
reveal that individual's identity. 152

(2) "Confidential law enforcement investigatory record" 153  
means any record that pertains to a law enforcement matter of a 154  
criminal, quasi-criminal, civil, or administrative nature, but 155  
only to the extent that the release of the record would create a 156

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

research on an educational, commercial, scientific, artistic, 186  
technical, or scholarly issue, regardless of whether the study 187  
or research was sponsored by the institution alone or in 188  
conjunction with a governmental body or private concern, and 189  
that has not been publicly released, published, or patented. 190

(6) "Donor profile record" means all records about donors 191  
or potential donors to a public institution of higher education 192  
except the names and reported addresses of the actual donors and 193  
the date, amount, and conditions of the actual donation. 194

(7) "Peace officer, parole officer, probation officer, 195  
bailiff, prosecuting attorney, assistant prosecuting attorney, 196  
correctional employee, community-based correctional facility 197  
employee, youth services employee, firefighter, EMT, 198  
investigator of the bureau of criminal identification and 199  
investigation, or federal law enforcement officer residential 200  
and familial information" means any information that discloses 201  
any of the following about a peace officer, parole officer, 202  
probation officer, bailiff, prosecuting attorney, assistant 203  
prosecuting attorney, correctional employee, community-based 204  
correctional facility employee, youth services employee, 205  
firefighter, EMT, investigator of the bureau of criminal 206  
identification and investigation, or federal law enforcement 207  
officer: 208

(a) The address of the actual personal residence of a 209  
peace officer, parole officer, probation officer, bailiff, 210  
assistant prosecuting attorney, correctional employee, 211  
community-based correctional facility employee, youth services 212  
employee, firefighter, EMT, an investigator of the bureau of 213  
criminal identification and investigation, or federal law 214  
enforcement officer, except for the state or political 215



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

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

or has an assignment that may include undercover or plain 276  
clothes positions or assignments as determined by the peace 277  
officer's appointing authority. 278

As used in divisions (A) (7) and (B) (9) of this section, 279  
"peace officer" has the same meaning as in section 109.71 of the 280  
Revised Code and also includes the superintendent and troopers 281  
of the state highway patrol; it does not include the sheriff of 282  
a county or a supervisory employee who, in the absence of the 283  
sheriff, is authorized to stand in for, exercise the authority 284  
of, and perform the duties of the sheriff. 285

As used in divisions (A) (7) and (B) (9) of this section, 286  
"correctional employee" means any employee of the department of 287  
rehabilitation and correction who in the course of performing 288  
the employee's job duties has or has had contact with inmates 289  
and persons under supervision. 290

As used in divisions (A) (7) and (B) (9) of this section, 291  
"youth services employee" means any employee of the department 292  
of youth services who in the course of performing the employee's 293  
job duties has or has had contact with children committed to the 294  
custody of the department of youth services. 295

As used in divisions (A) (7) and (B) (9) of this section, 296  
"firefighter" means any regular, paid or volunteer, member of a 297  
lawfully constituted fire department of a municipal corporation, 298  
township, fire district, or village. 299

As used in divisions (A) (7) and (B) (9) of this section, 300  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 301  
emergency medical services for a public emergency medical 302  
service organization. "Emergency medical service organization," 303  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 304

in section 4765.01 of the Revised Code. 305

As used in divisions (A) (7) and (B) (9) of this section, 306  
"investigator of the bureau of criminal identification and 307  
investigation" has the meaning defined in section 2903.11 of the 308  
Revised Code. 309

As used in divisions (A) (7) and (B) (9) of this section, 310  
"federal law enforcement officer" has the meaning defined in 311  
section 9.88 of the Revised Code. 312

(8) "Information pertaining to the recreational activities 313  
of a person under the age of eighteen" means information that is 314  
kept in the ordinary course of business by a public office, that 315  
pertains to the recreational activities of a person under the 316  
age of eighteen years, and that discloses any of the following: 317

(a) The address or telephone number of a person under the 318  
age of eighteen or the address or telephone number of that 319  
person's parent, guardian, custodian, or emergency contact 320  
person; 321

(b) The social security number, birth date, or 322  
photographic image of a person under the age of eighteen; 323

(c) Any medical record, history, or information pertaining 324  
to a person under the age of eighteen; 325

(d) Any additional information sought or required about a 326  
person under the age of eighteen for the purpose of allowing 327  
that person to participate in any recreational activity 328  
conducted or sponsored by a public office or to use or obtain 329  
admission privileges to any recreational facility owned or 330  
operated by a public office. 331

(9) "Community control sanction" has the same meaning as 332

in section 2929.01 of the Revised Code. 333

(10) "Post-release control sanction" has the same meaning 334  
as in section 2967.01 of the Revised Code. 335

(11) "Redaction" means obscuring or deleting any 336  
information that is exempt from the duty to permit public 337  
inspection or copying from an item that otherwise meets the 338  
definition of a "record" in section 149.011 of the Revised Code. 339

(12) "Designee" and "elected official" have the same 340  
meanings as in section 109.43 of the Revised Code. 341

(B) (1) Upon request and subject to division (B) (8) of this 342  
section, all public records responsive to the request shall be 343  
promptly prepared and made available for inspection to any 344  
person at all reasonable times during regular business hours. 345  
Subject to division (B) (8) of this section, upon request, a 346  
public office or person responsible for public records shall 347  
make copies of the requested public record available at cost and 348  
within a reasonable period of time. If a public record contains 349  
information that is exempt from the duty to permit public 350  
inspection or to copy the public record, the public office or 351  
the person responsible for the public record shall make 352  
available all of the information within the public record that 353  
is not exempt. When making that public record available for 354  
public inspection or copying that public record, the public 355  
office or the person responsible for the public record shall 356  
notify the requester of any redaction or make the redaction 357  
plainly visible. A redaction shall be deemed a denial of a 358  
request to inspect or copy the redacted information, except if 359  
federal or state law authorizes or requires a public office to 360  
make the redaction. 361

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

(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 393  
requiring disclosure of the requester's identity or the intended 394  
use of the requested public record. Any requirement that the 395  
requester disclose the requester's identity or the intended use 396  
of the requested public record constitutes a denial of the 397  
request. 398

(5) A public office or person responsible for public 399  
records may ask a requester to make the request in writing, may 400  
ask for the requester's identity, and may inquire about the 401  
intended use of the information requested, but may do so only 402  
after disclosing to the requester that a written request is not 403  
mandatory and that the requester may decline to reveal the 404  
requester's identity or the intended use and when a written 405  
request or disclosure of the identity or intended use would 406  
benefit the requester by enhancing the ability of the public 407  
office or person responsible for public records to identify, 408  
locate, or deliver the public records sought by the requester. 409

(6) If any person chooses to obtain a copy of a public 410  
record in accordance with division (B) of this section, the 411  
public office or person responsible for the public record may 412  
require that person to pay in advance the cost involved in 413  
providing the copy of the public record in accordance with the 414  
choice made by the person seeking the copy under this division. 415  
The public office or the person responsible for the public 416  
record shall permit that person to choose to have the public 417  
record duplicated upon paper, upon the same medium upon which 418  
the public office or person responsible for the public record 419  
keeps it, or upon any other medium upon which the public office 420  
or person responsible for the public record determines that it 421  
reasonably can be duplicated as an integral part of the normal 422  
operations of the public office or person responsible for the 423

public record. When the person seeking the copy makes a choice 424  
under this division, the public office or person responsible for 425  
the public record shall provide a copy of it in accordance with 426  
the choice made by the person seeking the copy. Nothing in this 427  
section requires a public office or person responsible for the 428  
public record to allow the person seeking a copy of the public 429  
record to make the copies of the public record. 430

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

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

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



(i) A public office may limit the number of records 454  
requested by a person that the office will physically deliver by 455  
United States mail or by another delivery service to ten per 456  
month, unless the person certifies to the office in writing that 457  
the person does not intend to use or forward the requested 458  
records, or the information contained in them, for commercial 459  
purposes; 460

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

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

(8) A public office or person responsible for public 478  
records is not required to permit a person who is incarcerated 479  
pursuant to a criminal conviction or a juvenile adjudication to 480  
inspect or to obtain a copy of any public record concerning a 481  
criminal investigation or prosecution or concerning what would 482  
be a criminal investigation or prosecution if the subject of the 483

investigation or prosecution were an adult, unless the request 484  
to inspect or to obtain a copy of the record is for the purpose 485  
of acquiring information that is subject to release as a public 486  
record under this section and the judge who imposed the sentence 487  
or made the adjudication with respect to the person, or the 488  
judge's successor in office, finds that the information sought 489  
in the public record is necessary to support what appears to be 490  
a justiciable claim of the person. 491

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

child is employed by a public office, the name and address of 515  
the employer of the peace officer's, parole officer's, probation 516  
officer's, bailiff's, prosecuting attorney's, assistant 517  
prosecuting attorney's, correctional employee's, community-based 518  
correctional facility employee's, youth services employee's, 519  
firefighter's, EMT's, investigator of the bureau of criminal 520  
identification and investigation's, or federal law enforcement 521  
officer's spouse, former spouse, or child. The request shall 522  
include the journalist's name and title and the name and address 523  
of the journalist's employer and shall state that disclosure of 524  
the information sought would be in the public interest. 525

(b) Division (B) (9) (a) of this section also applies to 526  
journalist requests for ~~customer~~: 527

(i) Customer information maintained by a municipally owned 528  
or operated public utility, other than social security numbers 529  
and any private financial information such as credit reports, 530  
payment methods, credit card numbers, and bank account 531  
information; 532

(ii) Information about minors involved in a school vehicle 533  
accident as provided in division (A) (1) (gg) of this section, 534  
other than personal information as defined in section 149.45 of 535  
the Revised Code. 536

(c) As used in division (B) (9) of this section, 537  
"journalist" means a person engaged in, connected with, or 538  
employed by any news medium, including a newspaper, magazine, 539  
press association, news agency, or wire service, a radio or 540  
television station, or a similar medium, for the purpose of 541  
gathering, processing, transmitting, compiling, editing, or 542  
disseminating information for the general public. 543

(C) (1) If a person allegedly is aggrieved by the failure 544  
of a public office or the person responsible for public records 545  
to promptly prepare a public record and to make it available to 546  
the person for inspection in accordance with division (B) of 547  
this section or by any other failure of a public office or the 548  
person responsible for public records to comply with an 549  
obligation in accordance with division (B) of this section, the 550  
person allegedly aggrieved may do only one of the following, and 551  
not both: 552

(a) File a complaint with the clerk of the court of claims 553  
or the clerk of the court of common pleas under section 2743.75 554  
of the Revised Code; 555

(b) Commence a mandamus action to obtain a judgment that 556  
orders the public office or the person responsible for the 557  
public record to comply with division (B) of this section, that 558  
awards court costs and reasonable attorney's fees to the person 559  
that instituted the mandamus action, and, if applicable, that 560  
includes an order fixing statutory damages under division (C) (2) 561  
of this section. The mandamus action may be commenced in the 562  
court of common pleas of the county in which division (B) of 563  
this section allegedly was not complied with, in the supreme 564  
court pursuant to its original jurisdiction under Section 2 of 565  
Article IV, Ohio Constitution, or in the court of appeals for 566  
the appellate district in which division (B) of this section 567  
allegedly was not complied with pursuant to its original 568  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 569

(2) If a requester transmits a written request by hand 570  
delivery or certified mail to inspect or receive copies of any 571  
public record in a manner that fairly describes the public 572  
record or class of public records to the public office or person 573

responsible for the requested public records, except as 574  
otherwise provided in this section, the requester shall be 575  
entitled to recover the amount of statutory damages set forth in 576  
this division if a court determines that the public office or 577  
the person responsible for public records failed to comply with 578  
an obligation in accordance with division (B) of this section. 579

The amount of statutory damages shall be fixed at one 580  
hundred dollars for each business day during which the public 581  
office or person responsible for the requested public records 582  
failed to comply with an obligation in accordance with division 583  
(B) of this section, beginning with the day on which the 584  
requester files a mandamus action to recover statutory damages, 585  
up to a maximum of one thousand dollars. The award of statutory 586  
damages shall not be construed as a penalty, but as compensation 587  
for injury arising from lost use of the requested information. 588  
The existence of this injury shall be conclusively presumed. The 589  
award of statutory damages shall be in addition to all other 590  
remedies authorized by this section. 591

The court may reduce an award of statutory damages or not 592  
award statutory damages if the court determines both of the 593  
following: 594

(a) That, based on the ordinary application of statutory 595  
law and case law as it existed at the time of the conduct or 596  
threatened conduct of the public office or person responsible 597  
for the requested public records that allegedly constitutes a 598  
failure to comply with an obligation in accordance with division 599  
(B) of this section and that was the basis of the mandamus 600  
action, a well-informed public office or person responsible for 601  
the requested public records reasonably would believe that the 602  
conduct or threatened conduct of the public office or person 603

responsible for the requested public records did not constitute 604  
a failure to comply with an obligation in accordance with 605  
division (B) of this section; 606

(b) That a well-informed public office or person 607  
responsible for the requested public records reasonably would 608  
believe that the conduct or threatened conduct of the public 609  
office or person responsible for the requested public records 610  
would serve the public policy that underlies the authority that 611  
is asserted as permitting that conduct or threatened conduct. 612

(3) In a mandamus action filed under division (C) (1) of 613  
this section, the following apply: 614

(a) (i) If the court orders the public office or the person 615  
responsible for the public record to comply with division (B) of 616  
this section, the court shall determine and award to the relator 617  
all court costs, which shall be construed as remedial and not 618  
punitive. 619

(ii) If the court makes a determination described in 620  
division (C) (3) (b) (iii) of this section, the court shall 621  
determine and award to the relator all court costs, which shall 622  
be construed as remedial and not punitive. 623

(b) If the court renders a judgment that orders the public 624  
office or the person responsible for the public record to comply 625  
with division (B) of this section or if the court determines any 626  
of the following, the court may award reasonable attorney's fees 627  
to the relator, subject to the provisions of division (C) (4) of 628  
this section: 629

(i) The public office or the person responsible for the 630  
public records failed to respond affirmatively or negatively to 631  
the public records request in accordance with the time allowed 632

under division (B) of this section. 633

(ii) The public office or the person responsible for the 634  
public records promised to permit the relator to inspect or 635  
receive copies of the public records requested within a 636  
specified period of time but failed to fulfill that promise 637  
within that specified period of time. 638

(iii) The public office or the person responsible for the 639  
public records acted in bad faith when the office or person 640  
voluntarily made the public records available to the relator for 641  
the first time after the relator commenced the mandamus action, 642  
but before the court issued any order concluding whether or not 643  
the public office or person was required to comply with division 644  
(B) of this section. No discovery may be conducted on the issue 645  
of the alleged bad faith of the public office or person 646  
responsible for the public records. This division shall not be 647  
construed as creating a presumption that the public office or 648  
the person responsible for the public records acted in bad faith 649  
when the office or person voluntarily made the public records 650  
available to the relator for the first time after the relator 651  
commenced the mandamus action, but before the court issued any 652  
order described in this division. 653

(c) The court shall not award attorney's fees to the 654  
relator if the court determines both of the following: 655

(i) That, based on the ordinary application of statutory 656  
law and case law as it existed at the time of the conduct or 657  
threatened conduct of the public office or person responsible 658  
for the requested public records that allegedly constitutes a 659  
failure to comply with an obligation in accordance with division 660  
(B) of this section and that was the basis of the mandamus 661  
action, a well-informed public office or person responsible for 662

the requested public records reasonably would believe that the 663  
conduct or threatened conduct of the public office or person 664  
responsible for the requested public records did not constitute 665  
a failure to comply with an obligation in accordance with 666  
division (B) of this section; 667

(ii) That a well-informed public office or person 668  
responsible for the requested public records reasonably would 669  
believe that the conduct or threatened conduct of the public 670  
office or person responsible for the requested public records 671  
would serve the public policy that underlies the authority that 672  
is asserted as permitting that conduct or threatened conduct. 673

(4) All of the following apply to any award of reasonable 674  
attorney's fees awarded under division (C) (3) (b) of this 675  
section: 676

(a) The fees shall be construed as remedial and not 677  
punitive. 678

(b) The fees awarded shall not exceed the total of the 679  
reasonable attorney's fees incurred before the public record was 680  
made available to the relator and the fees described in division 681  
(C) (4) (c) of this section. 682

(c) Reasonable attorney's fees shall include reasonable 683  
fees incurred to produce proof of the reasonableness and amount 684  
of the fees and to otherwise litigate entitlement to the fees. 685

(d) The court may reduce the amount of fees awarded if the 686  
court determines that, given the factual circumstances involved 687  
with the specific public records request, an alternative means 688  
should have been pursued to more effectively and efficiently 689  
resolve the dispute that was subject to the mandamus action 690  
filed under division (C) (1) of this section. 691



(5) If the court does not issue a writ of mandamus under 692  
division (C) of this section and the court determines at that 693  
time that the bringing of the mandamus action was frivolous 694  
conduct as defined in division (A) of section 2323.51 of the 695  
Revised Code, the court may award to the public office all court 696  
costs, expenses, and reasonable attorney's fees, as determined 697  
by the court. 698

(D) Chapter 1347. of the Revised Code does not limit the 699  
provisions of this section. 700

(E) (1) To ensure that all employees of public offices are 701  
appropriately educated about a public office's obligations under 702  
division (B) of this section, all elected officials or their 703  
appropriate designees shall attend training approved by the 704  
attorney general as provided in section 109.43 of the Revised 705  
Code. In addition, all public offices shall adopt a public 706  
records policy in compliance with this section for responding to 707  
public records requests. In adopting a public records policy 708  
under this division, a public office may obtain guidance from 709  
the model public records policy developed and provided to the 710  
public office by the attorney general under section 109.43 of 711  
the Revised Code. Except as otherwise provided in this section, 712  
the policy may not limit the number of public records that the 713  
public office will make available to a single person, may not 714  
limit the number of public records that it will make available 715  
during a fixed period of time, and may not establish a fixed 716  
period of time before it will respond to a request for 717  
inspection or copying of public records, unless that period is 718  
less than eight hours. 719

(2) The public office shall distribute the public records 720  
policy adopted by the public office under division (E) (1) of 721

this section to the employee of the public office who is the 722  
records custodian or records manager or otherwise has custody of 723  
the records of that office. The public office shall require that 724  
employee to acknowledge receipt of the copy of the public 725  
records policy. The public office shall create a poster that 726  
describes its public records policy and shall post the poster in 727  
a conspicuous place in the public office and in all locations 728  
where the public office has branch offices. The public office 729  
may post its public records policy on the internet web site of 730  
the public office if the public office maintains an internet web 731  
site. A public office that has established a manual or handbook 732  
of its general policies and procedures for all employees of the 733  
public office shall include the public records policy of the 734  
public office in the manual or handbook. 735

(F) (1) The bureau of motor vehicles may adopt rules 736  
pursuant to Chapter 119. of the Revised Code to reasonably limit 737  
the number of bulk commercial special extraction requests made 738  
by a person for the same records or for updated records during a 739  
calendar year. The rules may include provisions for charges to 740  
be made for bulk commercial special extraction requests for the 741  
actual cost of the bureau, plus special extraction costs, plus 742  
ten per cent. The bureau may charge for expenses for redacting 743  
information, the release of which is prohibited by law. 744

(2) As used in division (F) (1) of this section: 745

(a) "Actual cost" means the cost of depleted supplies, 746  
records storage media costs, actual mailing and alternative 747  
delivery costs, or other transmitting costs, and any direct 748  
equipment operating and maintenance costs, including actual 749  
costs paid to private contractors for copying services. 750

(b) "Bulk commercial special extraction request" means a 751

request for copies of a record for information in a format other 752  
than the format already available, or information that cannot be 753  
extracted without examination of all items in a records series, 754  
class of records, or database by a person who intends to use or 755  
forward the copies for surveys, marketing, solicitation, or 756  
resale for commercial purposes. "Bulk commercial special 757  
extraction request" does not include a request by a person who 758  
gives assurance to the bureau that the person making the request 759  
does not intend to use or forward the requested copies for 760  
surveys, marketing, solicitation, or resale for commercial 761  
purposes. 762

(c) "Commercial" means profit-seeking production, buying, 763  
or selling of any good, service, or other product. 764

(d) "Special extraction costs" means the cost of the time 765  
spent by the lowest paid employee competent to perform the task, 766  
the actual amount paid to outside private contractors employed 767  
by the bureau, or the actual cost incurred to create computer 768  
programs to make the special extraction. "Special extraction 769  
costs" include any charges paid to a public agency for computer 770  
or records services. 771

(3) For purposes of divisions (F) (1) and (2) of this 772  
section, "surveys, marketing, solicitation, or resale for 773  
commercial purposes" shall be narrowly construed and does not 774  
include reporting or gathering news, reporting or gathering 775  
information to assist citizen oversight or understanding of the 776  
operation or activities of government, or nonprofit educational 777  
research. 778

(G) A request by a defendant, counsel of a defendant, or 779  
any agent of a defendant in a criminal action that public 780  
records related to that action be made available under this 781

section shall be considered a demand for discovery pursuant to 782  
the Criminal Rules, except to the extent that the Criminal Rules 783  
plainly indicate a contrary intent. The defendant, counsel of 784  
the defendant, or agent of the defendant making a request under 785  
this division shall serve a copy of the request on the 786  
prosecuting attorney, director of law, or other chief legal 787  
officer responsible for prosecuting the action. 788

Sec. 149.436. Notwithstanding division (A) (1) (gg) of 789  
section 149.43 of the Revised Code, upon written request made 790  
and signed by the parent or guardian of an individual who is 791  
less than eighteen years of age and was an occupant of a school 792  
vehicle involved in a traffic accident, a public office or 793  
person responsible for public records, having custody of any 794  
record related to the traffic accident containing the personal 795  
information of the individual, shall transmit a copy of that 796  
record to the recipient identified in the request. 797

The written request shall identify the individual on whose 798  
behalf the record is requested and the person to whom the record 799  
shall be transmitted. The record shall be transmitted only to 800  
the person identified in the written request as the recipient of 801  
the record. 802

A public office or person responsible for records 803  
responding to a request under this section shall redact any 804  
personal information contained in the record of any individual 805  
less than eighteen years of age who is not the subject of the 806  
request, before providing the record to the recipient. 807

**Section 2.** That existing section 149.43 of the Revised 808  
Code is hereby repealed. 809