

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 654**

**Representative Ingram**

**Cosponsors: Representatives Kelly, Crossman, Brinkman, Davis, Smith, K.,  
Denson, Brown, Miller, A.**

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**A BILL**

To amend sections 9.28, 121.22, 149.011, 149.43, 1  
149.436, 187.01, 187.03, and 187.04 of the 2  
Revised Code to establish that records kept by 3  
JobsOhio are public records subject to 4  
inspection and copying under Ohio Public Records 5  
Law and to require all meetings of the JobsOhio 6  
Board of Directors to be open to the public, 7  
except when in an executive session. 8

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

**Section 1.** That sections 9.28, 121.22, 149.011, 149.43, 9  
149.436, 187.01, 187.03, and 187.04 of the Revised Code be 10  
amended to read as follows: 11

**Sec. 9.28.** (A) As used in this section: 12

(1) "Competitive solicitation" means a request for 13  
proposal or any other solicitation or announcement by a public 14  
office requiring bids or proposals for the provision of goods or 15  
services to that office. 16

(2) "Public office" includes any state agency, public 17

institution, political subdivision, or other organized body, 18  
office, agency, institution, or entity established by the laws 19  
of this state for the exercise of any function of government. 20  
"Public office" ~~does not include~~ includes the nonprofit 21  
corporation formed under section 187.01 of the Revised Code. 22

(3) "State agency" includes every department, bureau, 23  
board, commission, office, or other organized body established 24  
by the constitution and laws of this state for the exercise of 25  
any function of state government, including any state-supported 26  
institution of higher education, the general assembly, any 27  
legislative agency, any court or judicial agency, or any 28  
political subdivision or agency of a political subdivision. 29  
"State agency" does not include the nonprofit corporation formed 30  
under section 187.01 of the Revised Code. 31

(B) Except as provided in division (C) of this section, 32  
materials submitted to a public office in response to a 33  
competitive solicitation shall not be considered public records 34  
for purposes of section 149.43 of the Revised Code until the 35  
date the public office announces the award of a contract based 36  
on the competitive solicitation or the cancellation of the 37  
competitive solicitation. 38

(C) If a public office rejects all bids or proposals 39  
received in response to a competitive solicitation and, 40  
concurrently with the announcement of the rejection gives notice 41  
of its intent to reissue the solicitation, the materials 42  
submitted in response to the original competitive solicitation 43  
and the materials submitted in response to the reissued 44  
competitive solicitation shall not be considered public records 45  
for purposes of section 149.43 of the Revised Code until the 46  
date the public office announces the award of a contract based 47

on the reissued competitive solicitation or the cancellation of 48  
the reissued competitive solicitation. 49

**Sec. 121.22.** (A) This section shall be liberally construed 50  
to require public officials to take official action and to 51  
conduct all deliberations upon official business only in open 52  
meetings unless the subject matter is specifically excepted by 53  
law. 54

(B) As used in this section: 55

(1) "Public body" means any of the following: 56

(a) Any board, commission, committee, council, or similar 57  
decision-making body of a state agency, institution, or 58  
authority, and any legislative authority or board, commission, 59  
committee, council, agency, authority, or similar decision- 60  
making body of any county, township, municipal corporation, 61  
school district, or other political subdivision or local public 62  
institution; 63

(b) Any committee or subcommittee of a body described in 64  
division (B) (1) (a) of this section; 65

(c) A court of jurisdiction of a sanitary district 66  
organized wholly for the purpose of providing a water supply for 67  
domestic, municipal, and public use when meeting for the purpose 68  
of the appointment, removal, or reappointment of a member of the 69  
board of directors of such a district pursuant to section 70  
6115.10 of the Revised Code, if applicable, or for any other 71  
matter related to such a district other than litigation 72  
involving the district. As used in division (B) (1) (c) of this 73  
section, "court of jurisdiction" has the same meaning as "court" 74  
in section 6115.01 of the Revised Code. 75

(2) "Meeting" means any prearranged discussion of the 76

public business of the public body by a majority of its members. 77

(3) "Regulated individual" means either of the following: 78

(a) A student in a state or local public educational 79  
institution; 80

(b) A person who is, voluntarily or involuntarily, an 81  
inmate, patient, or resident of a state or local institution 82  
because of criminal behavior, mental illness, an intellectual 83  
disability, disease, disability, age, or other condition 84  
requiring custodial care. 85

(4) "Public office" ~~has the same meaning as in section~~ 86  
~~149.011 of the Revised Code~~includes any state agency, public 87  
institution, political subdivision, or other organized body, 88  
office, agency, institution, or entity established by the laws 89  
of this state for the exercise of any function of government. 90  
"Public office" does not include the nonprofit corporation 91  
formed under section 187.01 of the Revised Code. 92

(C) All meetings of any public body are declared to be 93  
public meetings open to the public at all times. A member of a 94  
public body shall be present in person at a meeting open to the 95  
public to be considered present or to vote at the meeting and 96  
for purposes of determining whether a quorum is present at the 97  
meeting. 98

The minutes of a regular or special meeting of any public 99  
body shall be promptly prepared, filed, and maintained and shall 100  
be open to public inspection. The minutes need only reflect the 101  
general subject matter of discussions in executive sessions 102  
authorized under division (G) or (J) of this section. 103

(D) This section does not apply to any of the following: 104

(1) A grand jury;	105
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	106 107 108
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	109 110 111 112 113 114 115 116
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	117 118
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	119 120 121 122 123 124
(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	125 126 127 128
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	129 130 131 132
(8) The state board of pharmacy when determining whether	133

to do either of the following:	134
(a) Suspend a license, certification, or registration	135
without a prior hearing, including during meetings conducted by	136
telephone conference, pursuant to Chapters 3719., 3796., 4729.,	137
and 4752. of the Revised Code and rules adopted thereunder; or	138
(b) Restrict a person from obtaining further information	139
from the drug database established in section 4729.75 of the	140
Revised Code without a prior hearing pursuant to division (C) of	141
section 4729.86 of the Revised Code.	142
(9) The state chiropractic board when determining whether	143
to suspend a license without a hearing pursuant to section	144
4734.37 of the Revised Code;	145
(10) The executive committee of the emergency response	146
commission when determining whether to issue an enforcement	147
order or request that a civil action, civil penalty action, or	148
criminal action be brought to enforce Chapter 3750. of the	149
Revised Code;	150
(11) The board of directors of the nonprofit corporation	151
formed under section 187.01 of the Revised Code or any committee	152
thereof, and the board of directors of any subsidiary of that	153
corporation or a committee thereof;	154
(12) An audit conference conducted by the audit staff of	155
the department of job and family services with officials of the	156
public office that is the subject of that audit under section	157
5101.37 of the Revised Code;	158
(13) The occupational therapy section of the occupational	159
therapy, physical therapy, and athletic trainers board when	160
determining whether to suspend a license without a hearing	161
pursuant to division (E) of section 4755.11 of the Revised Code;	162

(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (F) of section 4755.47 of the Revised Code;	163 164 165 166
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.64 of the Revised Code;	167 168 169 170
(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;	171 172
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	173 174
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	175 176
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code.	177 178
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	179 180 181 182 183 184 185 186 187
(1) Marketing plans;	188
(2) Specific business strategy;	189
(3) Production techniques and trade secrets;	190

(4) Financial projections;	191
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	192 193 194 195
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.	196 197 198 199
(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.	200 201 202 203 204 205 206 207 208 209 210
The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.	211 212 213 214 215 216 217 218
(G) Except as provided in divisions (G) (8) and (J) of this	219



section, the members of a public body may hold an executive 220  
session only after a majority of a quorum of the public body 221  
determines, by a roll call vote, to hold an executive session 222  
and only at a regular or special meeting for the sole purpose of 223  
the consideration of any of the following matters: 224

(1) To consider the appointment, employment, dismissal, 225  
discipline, promotion, demotion, or compensation of a public 226  
employee or official, or the investigation of charges or 227  
complaints against a public employee, official, licensee, or 228  
regulated individual, unless the public employee, official, 229  
licensee, or regulated individual requests a public hearing. 230  
Except as otherwise provided by law, no public body shall hold 231  
an executive session for the discipline of an elected official 232  
for conduct related to the performance of the elected official's 233  
official duties or for the elected official's removal from 234  
office. If a public body holds an executive session pursuant to 235  
division (G)(1) of this section, the motion and vote to hold 236  
that executive session shall state which one or more of the 237  
approved purposes listed in division (G)(1) of this section are 238  
the purposes for which the executive session is to be held, but 239  
need not include the name of any person to be considered at the 240  
meeting. 241

(2) To consider the purchase of property for public 242  
purposes, the sale of property at competitive bidding, or the 243  
sale or other disposition of unneeded, obsolete, or unfit-for- 244  
use property in accordance with section 505.10 of the Revised 245  
Code, if premature disclosure of information would give an 246  
unfair competitive or bargaining advantage to a person whose 247  
personal, private interest is adverse to the general public 248  
interest. No member of a public body shall use division (G)(2) 249  
of this section as a subterfuge for providing covert information 250

to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law or regulations or state statutes;

(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

(7) In the case of a county hospital operated pursuant to

Chapter 339. of the Revised Code, a joint township hospital 280  
operated pursuant to Chapter 513. of the Revised Code, or a 281  
municipal hospital operated pursuant to Chapter 749. of the 282  
Revised Code, to consider trade secrets, as defined in section 283  
1333.61 of the Revised Code; 284

(8) To consider confidential information related to the 285  
marketing plans, specific business strategy, production 286  
techniques, trade secrets, or personal financial statements of 287  
an applicant for economic development assistance, or to 288  
negotiations with other political subdivisions respecting 289  
requests for economic development assistance, provided that both 290  
of the following conditions apply: 291

(a) The information is directly related to a request for 292  
economic development assistance that is to be provided or 293  
administered under any provision of Chapter 715., 725., 1724., 294  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 295  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 296  
5709.81 of the Revised Code, or that involves public 297  
infrastructure improvements or the extension of utility services 298  
that are directly related to an economic development project. 299

(b) A unanimous quorum of the public body determines, by a 300  
roll call vote, that the executive session is necessary to 301  
protect the interests of the applicant or the possible 302  
investment or expenditure of public funds to be made in 303  
connection with the economic development project. 304

If a public body holds an executive session to consider 305  
any of the matters listed in divisions (G) (2) to (8) of this 306  
section, the motion and vote to hold that executive session 307  
shall state which one or more of the approved matters listed in 308  
those divisions are to be considered at the executive session. 309

A public body specified in division (B)(1)(c) of this section shall not hold an executive session when meeting for the purposes specified in that division.

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

(I)(1) Any person may bring an action to enforce this section. An action under division (I)(1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2)(a) If the court of common pleas issues an injunction pursuant to division (I)(1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in division (I)(2) of this section, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the

injunction or not award attorney's fees to that party if the 340  
court determines both of the following: 341

(i) That, based on the ordinary application of statutory 342  
law and case law as it existed at the time of violation or 343  
threatened violation that was the basis of the injunction, a 344  
well-informed public body reasonably would believe that the 345  
public body was not violating or threatening to violate this 346  
section; 347

(ii) That a well-informed public body reasonably would 348  
believe that the conduct or threatened conduct that was the 349  
basis of the injunction would serve the public policy that 350  
underlies the authority that is asserted as permitting that 351  
conduct or threatened conduct. 352

(b) If the court of common pleas does not issue an 353  
injunction pursuant to division (I)(1) of this section and the 354  
court determines at that time that the bringing of the action 355  
was frivolous conduct, as defined in division (A) of section 356  
2323.51 of the Revised Code, the court shall award to the public 357  
body all court costs and reasonable attorney's fees, as 358  
determined by the court. 359

(3) Irreparable harm and prejudice to the party that 360  
sought the injunction shall be conclusively and irrebuttably 361  
presumed upon proof of a violation or threatened violation of 362  
this section. 363

(4) A member of a public body who knowingly violates an 364  
injunction issued pursuant to division (I)(1) of this section 365  
may be removed from office by an action brought in the court of 366  
common pleas for that purpose by the prosecuting attorney or the 367  
attorney general. 368

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

**Sec. 149.011.** As used in this chapter, except as otherwise

provided: 398

(A) "Public office" includes any state agency, public 399  
institution, political subdivision, or other organized body, 400  
office, agency, institution, or entity established by the laws 401  
of this state for the exercise of any function of government. 402  
"Public office" ~~does not include~~ includes the nonprofit 403  
corporation formed under section 187.01 of the Revised Code. 404

(B) "State agency" includes every department, bureau, 405  
board, commission, office, or other organized body established 406  
by the constitution and laws of this state for the exercise of 407  
any function of state government, including any state-supported 408  
institution of higher education, the general assembly, any 409  
legislative agency, any court or judicial agency, or any 410  
political subdivision or agency of a political subdivision. 411  
"State agency" does not include the nonprofit corporation formed 412  
under section 187.01 of the Revised Code. 413

(C) ~~"Public money" includes all money received or~~ 414  
~~collected by or due a public official, whether in accordance~~ 415  
~~with or under authority of any law, ordinance, resolution, or~~ 416  
~~order, under color of office, or otherwise. It also includes any~~ 417  
~~money collected by any individual on behalf of a public office~~ 418  
~~or as a purported representative or agent of the public office.~~ 419

~~(D)~~—"Public official" includes all officers, employees, or 420  
duly authorized representatives or agents of a public office. 421

~~(E)~~—(D) "Color of office" includes any act purported or 422  
alleged to be done under any law, ordinance, resolution, order, 423  
or other pretension to official right, power, or authority. 424

~~(F)~~—(E) "Archive" includes any public record that is 425  
transferred to the state archives or other designated archival 426

institutions because of the historical information contained on 427  
it. 428

~~(G)~~(F) "Records" includes any document, device, or item, 429  
regardless of physical form or characteristic, including an 430  
electronic record as defined in section 1306.01 of the Revised 431  
Code, created or received by or coming under the jurisdiction of 432  
any public office of the state or its political subdivisions, 433  
which serves to document the organization, functions, policies, 434  
decisions, procedures, operations, or other activities of the 435  
office. 436

**Sec. 149.43.** (A) As used in this section: 437

(1) "Public record" means records kept by any public 438  
office, including, but not limited to, state, county, city, 439  
village, township, and school district units, and records 440  
pertaining to the delivery of educational services by an 441  
alternative school in this state kept by the nonprofit or for- 442  
profit entity operating the alternative school pursuant to 443  
section 3313.533 of the Revised Code. "Public record" does not 444  
mean any of the following: 445

(a) Medical records; 446

(b) Records pertaining to probation and parole 447  
proceedings, to proceedings related to the imposition of 448  
community control sanctions and post-release control sanctions, 449  
or to proceedings related to determinations under section 450  
2967.271 of the Revised Code regarding the release or maintained 451  
incarceration of an offender to whom that section applies; 452

(c) Records pertaining to actions under section 2151.85 453  
and division (C) of section 2919.121 of the Revised Code and to 454  
appeals of actions arising under those sections; 455



(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;	456 457 458
(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;	459 460 461 462 463 464
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	465 466
(g) Trial preparation records;	467
(h) Confidential law enforcement investigatory records;	468
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	469 470
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	471 472
(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;	473 474 475 476
(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;	477 478 479 480
(m) Intellectual property records;	481
(n) Donor profile records;	482

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	483 484
(p) Designated public service worker residential and familial information;	485 486
(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 section 1333.61 of the Revised Code;	487 488 489 490 491
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	492 493
(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;	494 495 496 497 498 499 500 501 502 503 504 505
(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;	506 507 508 509 510
(u) Test materials, examinations, or evaluation tools used	511

in an examination for licensure as a nursing home administrator	512
that the board of executives of long-term services and supports	513
administers under section 4751.15 of the Revised Code or	514
contracts under that section with a private or government entity	515
to administer;	516
(v) Records the release of which is prohibited by state or	517
federal law;	518
(w) Proprietary information of or relating to any person	519
that is submitted to or compiled by the Ohio venture capital	520
authority created under section 150.01 of the Revised Code;	521
(x) Financial statements and data any person submits for	522
any purpose to the Ohio housing finance agency or the	523
controlling board in connection with applying for, receiving, or	524
accounting for financial assistance from the agency, and	525
information that identifies any individual who benefits directly	526
or indirectly from financial assistance from the agency;	527
(y) Records listed in section 5101.29 of the Revised Code;	528
(z) Discharges recorded with a county recorder under	529
section 317.24 of the Revised Code, as specified in division (B)	530
(2) of that section;	531
(aa) Usage information including names and addresses of	532
specific residential and commercial customers of a municipally	533
owned or operated public utility;	534
<del>(bb) Records described in division (C) of section 187.04</del>	535
<del>of the Revised Code that are not designated to be made available</del>	536
<del>to the public as provided in that division;</del>	537
<del>(cc) Information and records that are made confidential,</del>	538
privileged, and not subject to disclosure under divisions (B)	539

and (C) of section 2949.221 of the Revised Code; 540

~~(dd)~~ (cc) Personal information, as defined in section 541  
149.45 of the Revised Code; 542

~~(ee)~~ (dd) The confidential name, address, and other 543  
personally identifiable information of a program participant in 544  
the address confidentiality program established under sections 545  
111.41 to 111.47 of the Revised Code, including the contents of 546  
any application for absent voter's ballots, absent voter's 547  
ballot identification envelope statement of voter, or 548  
provisional ballot affirmation completed by a program 549  
participant who has a confidential voter registration record, 550  
and records or portions of records pertaining to that program 551  
that identify the number of program participants that reside 552  
within a precinct, ward, township, municipal corporation, 553  
county, or any other geographic area smaller than the state. As 554  
used in this division, "confidential address" and "program 555  
participant" have the meaning defined in section 111.41 of the 556  
Revised Code. 557

~~(ff)~~ (ee) Orders for active military service of an 558  
individual serving or with previous service in the armed forces 559  
of the United States, including a reserve component, or the Ohio 560  
organized militia, except that, such order becomes a public 561  
record on the day that is fifteen years after the published date 562  
or effective date of the call to order; 563

~~(gg)~~ (ff) The name, address, contact information, or other 564  
personal information of an individual who is less than eighteen 565  
years of age that is included in any record related to a traffic 566  
accident involving a school vehicle in which the individual was 567  
an occupant at the time of the accident; 568

~~(hh)~~ (gg) Protected health information, as defined in 45 569  
C.F.R. 160.103, that is in a claim for payment for a health care 570  
product, service, or procedure, as well as any other health 571  
claims data in another document that reveals the identity of an 572  
individual who is the subject of the data or could be used to 573  
reveal that individual's identity; 574

~~(ii)~~ (hh) Any depiction by photograph, film, videotape, or 575  
printed or digital image under either of the following 576  
circumstances: 577

(i) The depiction is that of a victim of an offense the 578  
release of which would be, to a reasonable person of ordinary 579  
sensibilities, an offensive and objectionable intrusion into the 580  
victim's expectation of bodily privacy and integrity. 581

(ii) The depiction captures or depicts the victim of a 582  
sexually oriented offense, as defined in section 2950.01 of the 583  
Revised Code, at the actual occurrence of that offense. 584

~~(jj)~~ (ii) Restricted portions of a body-worn camera or 585  
dashboard camera recording; 586

~~(kk)~~ (jj) In the case of a fetal-infant mortality review 587  
board acting under sections 3707.70 to 3707.77 of the Revised 588  
Code, records, documents, reports, or other information 589  
presented to the board or a person abstracting such materials on 590  
the board's behalf, statements made by review board members 591  
during board meetings, all work products of the board, and data 592  
submitted by the board to the department of health or a national 593  
infant death review database, other than the report prepared 594  
pursuant to section 3707.77 of the Revised Code. 595

~~(ll)~~ (kk) Records, documents, reports, or other 596  
information presented to the pregnancy-associated mortality 597

review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;

~~(mm)~~ (ll) Except as otherwise provided in division ~~(A)(1)~~ ~~(ee)~~ (A)(1)(nn) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.

~~(nn)~~ (mm) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.

~~(ee)~~ (nn) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

A record that is not a public record under division (A)(1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement

prohibiting the release of identifying information signed under 628  
section 3107.083 of the Revised Code, a denial of release form 629  
filed pursuant to section 3107.46 of the Revised Code, or any 630  
record that is exempt from release or disclosure under section 631  
149.433 of the Revised Code. If the record is a birth 632  
certificate and a biological parent's name redaction request 633  
form has been accepted under section 3107.391 of the Revised 634  
Code, the name of that parent shall be redacted from the birth 635  
certificate before it is released under this paragraph. If any 636  
other section of the Revised Code establishes a time period for 637  
disclosure of a record that conflicts with the time period 638  
specified in this section, the time period in the other section 639  
prevails. 640

(2) "Confidential law enforcement investigatory record" 641  
means any record that pertains to a law enforcement matter of a 642  
criminal, quasi-criminal, civil, or administrative nature, but 643  
only to the extent that the release of the record would create a 644  
high probability of disclosure of any of the following: 645

(a) The identity of a suspect who has not been charged 646  
with the offense to which the record pertains, or of an 647  
information source or witness to whom confidentiality has been 648  
reasonably promised; 649

(b) Information provided by an information source or 650  
witness to whom confidentiality has been reasonably promised, 651  
which information would reasonably tend to disclose the source's 652  
or witness's identity; 653

(c) Specific confidential investigatory techniques or 654  
procedures or specific investigatory work product; 655

(d) Information that would endanger the life or physical 656

safety of law enforcement personnel, a crime victim, a witness, 657  
or a confidential information source. 658

(3) "Medical record" means any document or combination of 659  
documents, except births, deaths, and the fact of admission to 660  
or discharge from a hospital, that pertains to the medical 661  
history, diagnosis, prognosis, or medical condition of a patient 662  
and that is generated and maintained in the process of medical 663  
treatment. 664

(4) "Trial preparation record" means any record that 665  
contains information that is specifically compiled in reasonable 666  
anticipation of, or in defense of, a civil or criminal action or 667  
proceeding, including the independent thought processes and 668  
personal trial preparation of an attorney. 669

(5) "Intellectual property record" means a record, other 670  
than a financial or administrative record, that is produced or 671  
collected by or for faculty or staff of a state institution of 672  
higher learning in the conduct of or as a result of study or 673  
research on an educational, commercial, scientific, artistic, 674  
technical, or scholarly issue, regardless of whether the study 675  
or research was sponsored by the institution alone or in 676  
conjunction with a governmental body or private concern, and 677  
that has not been publicly released, published, or patented. 678

(6) "Donor profile record" means all records about donors 679  
or potential donors to a public institution of higher education 680  
except the names and reported addresses of the actual donors and 681  
the date, amount, and conditions of the actual donation. 682

(7) "Designated public service worker" means a peace 683  
officer, parole officer, probation officer, bailiff, prosecuting 684  
attorney, assistant prosecuting attorney, correctional employee, 685



county or multicounty corrections officer, community-based 686  
correctional facility employee, designated Ohio national guard 687  
member, protective services worker, youth services employee, 688  
firefighter, EMT, medical director or member of a cooperating 689  
physician advisory board of an emergency medical service 690  
organization, state board of pharmacy employee, investigator of 691  
the bureau of criminal identification and investigation, 692  
emergency service telecommunicator, forensic mental health 693  
provider, mental health evaluation provider, regional 694  
psychiatric hospital employee, judge, magistrate, or federal law 695  
enforcement officer. 696

(8) "Designated public service worker residential and 697  
familial information" means any information that discloses any 698  
of the following about a designated public service worker: 699

(a) The address of the actual personal residence of a 700  
designated public service worker, except for the following 701  
information: 702

(i) The address of the actual personal residence of a 703  
prosecuting attorney or judge; and 704

(ii) The state or political subdivision in which a 705  
designated public service worker resides. 706

(b) Information compiled from referral to or participation 707  
in an employee assistance program; 708

(c) The social security number, the residential telephone 709  
number, any bank account, debit card, charge card, or credit 710  
card number, or the emergency telephone number of, or any 711  
medical information pertaining to, a designated public service 712  
worker; 713

(d) The name of any beneficiary of employment benefits, 714

including, but not limited to, life insurance benefits, provided 715  
to a designated public service worker by the designated public 716  
service worker's employer; 717

(e) The identity and amount of any charitable or 718  
employment benefit deduction made by the designated public 719  
service worker's employer from the designated public service 720  
worker's compensation, unless the amount of the deduction is 721  
required by state or federal law; 722

(f) The name, the residential address, the name of the 723  
employer, the address of the employer, the social security 724  
number, the residential telephone number, any bank account, 725  
debit card, charge card, or credit card number, or the emergency 726  
telephone number of the spouse, a former spouse, or any child of 727  
a designated public service worker; 728

(g) A photograph of a peace officer who holds a position 729  
or has an assignment that may include undercover or plain 730  
clothes positions or assignments as determined by the peace 731  
officer's appointing authority. 732

(9) As used in divisions (A) (7) and (15) to (17) of this 733  
section: 734

"Peace officer" has the meaning defined in section 109.71 735  
of the Revised Code and also includes the superintendent and 736  
troopers of the state highway patrol; it does not include the 737  
sheriff of a county or a supervisory employee who, in the 738  
absence of the sheriff, is authorized to stand in for, exercise 739  
the authority of, and perform the duties of the sheriff. 740

"Correctional employee" means any employee of the 741  
department of rehabilitation and correction who in the course of 742  
performing the employee's job duties has or has had contact with 743

inmates and persons under supervision. 744

"County or multicounty corrections officer" means any 745  
corrections officer employed by any county or multicounty 746  
correctional facility. 747

"Designated Ohio national guard member" means a member of 748  
the Ohio national guard who is participating in duties related 749  
to remotely piloted aircraft, including, but not limited to, 750  
pilots, sensor operators, and mission intelligence personnel, 751  
duties related to special forces operations, or duties related 752  
to cybersecurity, and is designated by the adjutant general as a 753  
designated public service worker for those purposes. 754

"Protective services worker" means any employee of a 755  
county agency who is responsible for child protective services, 756  
child support services, or adult protective services. 757

"Youth services employee" means any employee of the 758  
department of youth services who in the course of performing the 759  
employee's job duties has or has had contact with children 760  
committed to the custody of the department of youth services. 761

"Firefighter" means any regular, paid or volunteer, member 762  
of a lawfully constituted fire department of a municipal 763  
corporation, township, fire district, or village. 764

"EMT" means EMTs-basic, EMTs-I, and paramedics that 765  
provide emergency medical services for a public emergency 766  
medical service organization. "Emergency medical service 767  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 768  
meanings defined in section 4765.01 of the Revised Code. 769

"Investigator of the bureau of criminal identification and 770  
investigation" has the meaning defined in section 2903.11 of the 771  
Revised Code. 772

"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code.	773 774
"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.	775 776 777 778 779 780 781
"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.	782 783 784 785 786 787
"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.	788 789 790 791 792 793 794
"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.	795 796
(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any	797 798 799 800 801

of the following: 802

(a) The address or telephone number of a person under the 803  
age of eighteen or the address or telephone number of that 804  
person's parent, guardian, custodian, or emergency contact 805  
person; 806

(b) The social security number, birth date, or 807  
photographic image of a person under the age of eighteen; 808

(c) Any medical record, history, or information pertaining 809  
to a person under the age of eighteen; 810

(d) Any additional information sought or required about a 811  
person under the age of eighteen for the purpose of allowing 812  
that person to participate in any recreational activity 813  
conducted or sponsored by a public office or to use or obtain 814  
admission privileges to any recreational facility owned or 815  
operated by a public office. 816

(11) "Community control sanction" has the meaning defined 817  
in section 2929.01 of the Revised Code. 818

(12) "Post-release control sanction" has the meaning 819  
defined in section 2967.01 of the Revised Code. 820

(13) "Redaction" means obscuring or deleting any 821  
information that is exempt from the duty to permit public 822  
inspection or copying from an item that otherwise meets the 823  
definition of a "record" in section 149.011 of the Revised Code. 824

(14) "Designee," "elected official," and "future official" 825  
have the meanings defined in section 109.43 of the Revised Code. 826

(15) "Body-worn camera" means a visual and audio recording 827  
device worn on the person of a peace officer while the peace 828  
officer is engaged in the performance of the peace officer's 829

duties.	830
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	831 832 833 834
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	835 836 837 838
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;	839 840 841 842 843
(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;	844 845 846 847
(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;	848 849 850 851 852
(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	853 854 855 856
(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act	857 858

and injury was effected by a peace officer or, subject to 859  
division (H) (1) of this section, the consent of the injured 860  
person or the injured person's guardian has been obtained; 861

(f) Grievous bodily harm to a peace officer, firefighter, 862  
paramedic, or other first responder, occurring while the injured 863  
person was engaged in the performance of official duties, 864  
unless, subject to division (H) (1) of this section, the consent 865  
of the injured person or the injured person's guardian has been 866  
obtained; 867

(g) An act of severe violence resulting in serious 868  
physical harm against a peace officer, firefighter, paramedic, 869  
or other first responder, occurring while the injured person was 870  
engaged in the performance of official duties, unless, subject 871  
to division (H) (1) of this section, the consent of the injured 872  
person or the injured person's guardian has been obtained; 873

(h) A person's nude body, unless, subject to division (H) 874  
(1) of this section, the person's consent has been obtained; 875

(i) Protected health information, the identity of a person 876  
in a health care facility who is not the subject of a law 877  
enforcement encounter, or any other information in a health care 878  
facility that could identify a person who is not the subject of 879  
a law enforcement encounter; 880

(j) Information that could identify the alleged victim of 881  
a sex offense, menacing by stalking, or domestic violence; 882

(k) Information, that does not constitute a confidential 883  
law enforcement investigatory record, that could identify a 884  
person who provides sensitive or confidential information to a 885  
law enforcement agency when the disclosure of the person's 886  
identity or the information provided could reasonably be 887

expected to threaten or endanger the safety or property of the person or another person;	888 889
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	890 891
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	892 893 894
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	895 896 897
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	898 899
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	900 901 902
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	903 904 905
As used in division (A) (17) of this section:	906
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	907 908
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	909 910
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	911 912
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	913 914



"Personal information" means any government-issued 915  
identification number, date of birth, address, financial 916  
information, or criminal justice information from the law 917  
enforcement automated data system or similar databases. 918

"Sex offense" has the same meaning as in section 2907.10 919  
of the Revised Code. 920

"Firefighter," "paramedic," and "first responder" have the 921  
same meanings as in section 4765.01 of the Revised Code. 922

(B) (1) Upon request by any person and subject to division 923  
(B) (8) of this section, all public records responsive to the 924  
request shall be promptly prepared and made available for 925  
inspection to the requester at all reasonable times during 926  
regular business hours. Subject to division (B) (8) of this 927  
section, upon request by any person, a public office or person 928  
responsible for public records shall make copies of the 929  
requested public record available to the requester at cost and 930  
within a reasonable period of time. If a public record contains 931  
information that is exempt from the duty to permit public 932  
inspection or to copy the public record, the public office or 933  
the person responsible for the public record shall make 934  
available all of the information within the public record that 935  
is not exempt. When making that public record available for 936  
public inspection or copying that public record, the public 937  
office or the person responsible for the public record shall 938  
notify the requester of any redaction or make the redaction 939  
plainly visible. A redaction shall be deemed a denial of a 940  
request to inspect or copy the redacted information, except if 941  
federal or state law authorizes or requires a public office to 942  
make the redaction. 943

(2) To facilitate broader access to public records, a 944

public office or the person responsible for public records shall 945  
organize and maintain public records in a manner that they can 946  
be made available for inspection or copying in accordance with 947  
division (B) of this section. A public office also shall have 948  
available a copy of its current records retention schedule at a 949  
location readily available to the public. If a requester makes 950  
an ambiguous or overly broad request or has difficulty in making 951  
a request for copies or inspection of public records under this 952  
section such that the public office or the person responsible 953  
for the requested public record cannot reasonably identify what 954  
public records are being requested, the public office or the 955  
person responsible for the requested public record may deny the 956  
request but shall provide the requester with an opportunity to 957  
revise the request by informing the requester of the manner in 958  
which records are maintained by the public office and accessed 959  
in the ordinary course of the public office's or person's 960  
duties. 961

(3) If a request is ultimately denied, in part or in 962  
whole, the public office or the person responsible for the 963  
requested public record shall provide the requester with an 964  
explanation, including legal authority, setting forth why the 965  
request was denied. If the initial request was provided in 966  
writing, the explanation also shall be provided to the requester 967  
in writing. The explanation shall not preclude the public office 968  
or the person responsible for the requested public record from 969  
relying upon additional reasons or legal authority in defending 970  
an action commenced under division (C) of this section. 971

(4) Unless specifically required or authorized by state or 972  
federal law or in accordance with division (B) of this section, 973  
no public office or person responsible for public records may 974  
limit or condition the availability of public records by 975

requiring disclosure of the requester's identity or the intended 976  
use of the requested public record. Any requirement that the 977  
requester disclose the requester's identity or the intended use 978  
of the requested public record constitutes a denial of the 979  
request. 980

(5) A public office or person responsible for public 981  
records may ask a requester to make the request in writing, may 982  
ask for the requester's identity, and may inquire about the 983  
intended use of the information requested, but may do so only 984  
after disclosing to the requester that a written request is not 985  
mandatory, that the requester may decline to reveal the 986  
requester's identity or the intended use, and when a written 987  
request or disclosure of the identity or intended use would 988  
benefit the requester by enhancing the ability of the public 989  
office or person responsible for public records to identify, 990  
locate, or deliver the public records sought by the requester. 991

(6) If any person requests a copy of a public record in 992  
accordance with division (B) of this section, the public office 993  
or person responsible for the public record may require the 994  
requester to pay in advance the cost involved in providing the 995  
copy of the public record in accordance with the choice made by 996  
the requester under this division. The public office or the 997  
person responsible for the public record shall permit the 998  
requester to choose to have the public record duplicated upon 999  
paper, upon the same medium upon which the public office or 1000  
person responsible for the public record keeps it, or upon any 1001  
other medium upon which the public office or person responsible 1002  
for the public record determines that it reasonably can be 1003  
duplicated as an integral part of the normal operations of the 1004  
public office or person responsible for the public record. When 1005  
the requester makes a choice under this division, the public 1006

office or person responsible for the public record shall provide 1007  
a copy of it in accordance with the choice made by the 1008  
requester. Nothing in this section requires a public office or 1009  
person responsible for the public record to allow the requester 1010  
of a copy of the public record to make the copies of the public 1011  
record. 1012

(7) (a) Upon a request made in accordance with division (B) 1013  
of this section and subject to division (B) (6) of this section, 1014  
a public office or person responsible for public records shall 1015  
transmit a copy of a public record to any person by United 1016  
States mail or by any other means of delivery or transmission 1017  
within a reasonable period of time after receiving the request 1018  
for the copy. The public office or person responsible for the 1019  
public record may require the person making the request to pay 1020  
in advance the cost of postage if the copy is transmitted by 1021  
United States mail or the cost of delivery if the copy is 1022  
transmitted other than by United States mail, and to pay in 1023  
advance the costs incurred for other supplies used in the 1024  
mailing, delivery, or transmission. 1025

(b) Any public office may adopt a policy and procedures 1026  
that it will follow in transmitting, within a reasonable period 1027  
of time after receiving a request, copies of public records by 1028  
United States mail or by any other means of delivery or 1029  
transmission pursuant to division (B) (7) of this section. A 1030  
public office that adopts a policy and procedures under division 1031  
(B) (7) of this section shall comply with them in performing its 1032  
duties under that division. 1033

(c) In any policy and procedures adopted under division 1034  
(B) (7) of this section: 1035

(i) A public office may limit the number of records 1036

requested by a person that the office will physically deliver by 1037  
United States mail or by another delivery service to ten per 1038  
month, unless the person certifies to the office in writing that 1039  
the person does not intend to use or forward the requested 1040  
records, or the information contained in them, for commercial 1041  
purposes; 1042

(ii) A public office that chooses to provide some or all 1043  
of its public records on a web site that is fully accessible to 1044  
and searchable by members of the public at all times, other than 1045  
during acts of God outside the public office's control or 1046  
maintenance, and that charges no fee to search, access, 1047  
download, or otherwise receive records provided on the web site, 1048  
may limit to ten per month the number of records requested by a 1049  
person that the office will deliver in a digital format, unless 1050  
the requested records are not provided on the web site and 1051  
unless the person certifies to the office in writing that the 1052  
person does not intend to use or forward the requested records, 1053  
or the information contained in them, for commercial purposes. 1054

(iii) For purposes of division (B)(7) of this section, 1055  
"commercial" shall be narrowly construed and does not include 1056  
reporting or gathering news, reporting or gathering information 1057  
to assist citizen oversight or understanding of the operation or 1058  
activities of government, or nonprofit educational research. 1059

(8) A public office or person responsible for public 1060  
records is not required to permit a person who is incarcerated 1061  
pursuant to a criminal conviction or a juvenile adjudication to 1062  
inspect or to obtain a copy of any public record concerning a 1063  
criminal investigation or prosecution or concerning what would 1064  
be a criminal investigation or prosecution if the subject of the 1065  
investigation or prosecution were an adult, unless the request 1066

to inspect or to obtain a copy of the record is for the purpose 1067  
of acquiring information that is subject to release as a public 1068  
record under this section and the judge who imposed the sentence 1069  
or made the adjudication with respect to the person, or the 1070  
judge's successor in office, finds that the information sought 1071  
in the public record is necessary to support what appears to be 1072  
a justiciable claim of the person. 1073

(9) (a) Upon written request made and signed by a 1074  
journalist, a public office, or person responsible for public 1075  
records, having custody of the records of the agency employing a 1076  
specified designated public service worker shall disclose to the 1077  
journalist the address of the actual personal residence of the 1078  
designated public service worker and, if the designated public 1079  
service worker's spouse, former spouse, or child is employed by 1080  
a public office, the name and address of the employer of the 1081  
designated public service worker's spouse, former spouse, or 1082  
child. The request shall include the journalist's name and title 1083  
and the name and address of the journalist's employer and shall 1084  
state that disclosure of the information sought would be in the 1085  
public interest. 1086

(b) Division (B) (9) (a) of this section also applies to 1087  
journalist requests for: 1088

(i) Customer information maintained by a municipally owned 1089  
or operated public utility, other than social security numbers 1090  
and any private financial information such as credit reports, 1091  
payment methods, credit card numbers, and bank account 1092  
information; 1093

(ii) Information about minors involved in a school vehicle 1094  
accident as provided in division ~~(A) (1) (gg)~~ (A) (1) (ff) of this 1095  
section, other than personal information as defined in section 1096

149.45 of the Revised Code. 1097

(c) As used in division (B)(9) of this section, 1098  
"journalist" means a person engaged in, connected with, or 1099  
employed by any news medium, including a newspaper, magazine, 1100  
press association, news agency, or wire service, a radio or 1101  
television station, or a similar medium, for the purpose of 1102  
gathering, processing, transmitting, compiling, editing, or 1103  
disseminating information for the general public. 1104

(10) Upon a request made by a victim, victim's attorney, 1105  
or victim's representative, as that term is used in section 1106  
2930.02 of the Revised Code, a public office or person 1107  
responsible for public records shall transmit a copy of a 1108  
depiction of the victim as described in division ~~(A)(1)(ii)~~ (A) 1109  
(1)(hh) of this section to the victim, victim's attorney, or 1110  
victim's representative. 1111

(C)(1) If a person allegedly is aggrieved by the failure 1112  
of a public office or the person responsible for public records 1113  
to promptly prepare a public record and to make it available to 1114  
the person for inspection in accordance with division (B) of 1115  
this section or by any other failure of a public office or the 1116  
person responsible for public records to comply with an 1117  
obligation in accordance with division (B) of this section, the 1118  
person allegedly aggrieved may do only one of the following, and 1119  
not both: 1120

(a) File a complaint with the clerk of the court of claims 1121  
or the clerk of the court of common pleas under section 2743.75 1122  
of the Revised Code; 1123

(b) Commence a mandamus action to obtain a judgment that 1124  
orders the public office or the person responsible for the 1125

public record to comply with division (B) of this section, that 1126  
awards court costs and reasonable attorney's fees to the person 1127  
that instituted the mandamus action, and, if applicable, that 1128  
includes an order fixing statutory damages under division (C) (2) 1129  
of this section. The mandamus action may be commenced in the 1130  
court of common pleas of the county in which division (B) of 1131  
this section allegedly was not complied with, in the supreme 1132  
court pursuant to its original jurisdiction under Section 2 of 1133  
Article IV, Ohio Constitution, or in the court of appeals for 1134  
the appellate district in which division (B) of this section 1135  
allegedly was not complied with pursuant to its original 1136  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1137

(2) If a requester transmits a written request by hand 1138  
delivery, electronic submission, or certified mail to inspect or 1139  
receive copies of any public record in a manner that fairly 1140  
describes the public record or class of public records to the 1141  
public office or person responsible for the requested public 1142  
records, except as otherwise provided in this section, the 1143  
requester shall be entitled to recover the amount of statutory 1144  
damages set forth in this division if a court determines that 1145  
the public office or the person responsible for public records 1146  
failed to comply with an obligation in accordance with division 1147  
(B) of this section. 1148

The amount of statutory damages shall be fixed at one 1149  
hundred dollars for each business day during which the public 1150  
office or person responsible for the requested public records 1151  
failed to comply with an obligation in accordance with division 1152  
(B) of this section, beginning with the day on which the 1153  
requester files a mandamus action to recover statutory damages, 1154  
up to a maximum of one thousand dollars. The award of statutory 1155  
damages shall not be construed as a penalty, but as compensation 1156



for injury arising from lost use of the requested information. 1157  
The existence of this injury shall be conclusively presumed. The 1158  
award of statutory damages shall be in addition to all other 1159  
remedies authorized by this section. 1160

The court may reduce an award of statutory damages or not 1161  
award statutory damages if the court determines both of the 1162  
following: 1163

(a) That, based on the ordinary application of statutory 1164  
law and case law as it existed at the time of the conduct or 1165  
threatened conduct of the public office or person responsible 1166  
for the requested public records that allegedly constitutes a 1167  
failure to comply with an obligation in accordance with division 1168  
(B) of this section and that was the basis of the mandamus 1169  
action, a well-informed public office or person responsible for 1170  
the requested public records reasonably would believe that the 1171  
conduct or threatened conduct of the public office or person 1172  
responsible for the requested public records did not constitute 1173  
a failure to comply with an obligation in accordance with 1174  
division (B) of this section; 1175

(b) That a well-informed public office or person 1176  
responsible for the requested public records reasonably would 1177  
believe that the conduct or threatened conduct of the public 1178  
office or person responsible for the requested public records 1179  
would serve the public policy that underlies the authority that 1180  
is asserted as permitting that conduct or threatened conduct. 1181

(3) In a mandamus action filed under division (C)(1) of 1182  
this section, the following apply: 1183

(a) (i) If the court orders the public office or the person 1184  
responsible for the public record to comply with division (B) of 1185

this section, the court shall determine and award to the relator 1186  
all court costs, which shall be construed as remedial and not 1187  
punitive. 1188

(ii) If the court makes a determination described in 1189  
division (C)(3)(b)(iii) of this section, the court shall 1190  
determine and award to the relator all court costs, which shall 1191  
be construed as remedial and not punitive. 1192

(b) If the court renders a judgment that orders the public 1193  
office or the person responsible for the public record to comply 1194  
with division (B) of this section or if the court determines any 1195  
of the following, the court may award reasonable attorney's fees 1196  
to the relator, subject to division (C)(4) of this section: 1197

(i) The public office or the person responsible for the 1198  
public records failed to respond affirmatively or negatively to 1199  
the public records request in accordance with the time allowed 1200  
under division (B) of this section. 1201

(ii) The public office or the person responsible for the 1202  
public records promised to permit the relator to inspect or 1203  
receive copies of the public records requested within a 1204  
specified period of time but failed to fulfill that promise 1205  
within that specified period of time. 1206

(iii) The public office or the person responsible for the 1207  
public records acted in bad faith when the office or person 1208  
voluntarily made the public records available to the relator for 1209  
the first time after the relator commenced the mandamus action, 1210  
but before the court issued any order concluding whether or not 1211  
the public office or person was required to comply with division 1212  
(B) of this section. No discovery may be conducted on the issue 1213  
of the alleged bad faith of the public office or person 1214

responsible for the public records. This division shall not be 1215  
construed as creating a presumption that the public office or 1216  
the person responsible for the public records acted in bad faith 1217  
when the office or person voluntarily made the public records 1218  
available to the relator for the first time after the relator 1219  
commenced the mandamus action, but before the court issued any 1220  
order described in this division. 1221

(c) The court shall not award attorney's fees to the 1222  
relator if the court determines both of the following: 1223

(i) That, based on the ordinary application of statutory 1224  
law and case law as it existed at the time of the conduct or 1225  
threatened conduct of the public office or person responsible 1226  
for the requested public records that allegedly constitutes a 1227  
failure to comply with an obligation in accordance with division 1228  
(B) of this section and that was the basis of the mandamus 1229  
action, a well-informed public office or person responsible for 1230  
the requested public records reasonably would believe that the 1231  
conduct or threatened conduct of the public office or person 1232  
responsible for the requested public records did not constitute 1233  
a failure to comply with an obligation in accordance with 1234  
division (B) of this section; 1235

(ii) That a well-informed public office or person 1236  
responsible for the requested public records reasonably would 1237  
believe that the conduct or threatened conduct of the public 1238  
office or person responsible for the requested public records 1239  
would serve the public policy that underlies the authority that 1240  
is asserted as permitting that conduct or threatened conduct. 1241

(4) All of the following apply to any award of reasonable 1242  
attorney's fees awarded under division (C) (3) (b) of this 1243  
section: 1244

(a) The fees shall be construed as remedial and not 1245  
punitive. 1246

(b) The fees awarded shall not exceed the total of the 1247  
reasonable attorney's fees incurred before the public record was 1248  
made available to the relator and the fees described in division 1249  
(C) (4) (c) of this section. 1250

(c) Reasonable attorney's fees shall include reasonable 1251  
fees incurred to produce proof of the reasonableness and amount 1252  
of the fees and to otherwise litigate entitlement to the fees. 1253

(d) The court may reduce the amount of fees awarded if the 1254  
court determines that, given the factual circumstances involved 1255  
with the specific public records request, an alternative means 1256  
should have been pursued to more effectively and efficiently 1257  
resolve the dispute that was subject to the mandamus action 1258  
filed under division (C) (1) of this section. 1259

(5) If the court does not issue a writ of mandamus under 1260  
division (C) of this section and the court determines at that 1261  
time that the bringing of the mandamus action was frivolous 1262  
conduct as defined in division (A) of section 2323.51 of the 1263  
Revised Code, the court may award to the public office all court 1264  
costs, expenses, and reasonable attorney's fees, as determined 1265  
by the court. 1266

(D) Chapter 1347. of the Revised Code does not limit the 1267  
provisions of this section. 1268

(E) (1) To ensure that all employees of public offices are 1269  
appropriately educated about a public office's obligations under 1270  
division (B) of this section, all elected officials or their 1271  
appropriate designees shall attend training approved by the 1272  
attorney general as provided in section 109.43 of the Revised 1273

Code. A future official may satisfy the requirements of this 1274  
division by attending the training before taking office, 1275  
provided that the future official may not send a designee in the 1276  
future official's place. 1277

(2) All public offices shall adopt a public records policy 1278  
in compliance with this section for responding to public records 1279  
requests. In adopting a public records policy under this 1280  
division, a public office may obtain guidance from the model 1281  
public records policy developed and provided to the public 1282  
office by the attorney general under section 109.43 of the 1283  
Revised Code. Except as otherwise provided in this section, the 1284  
policy may not limit the number of public records that the 1285  
public office will make available to a single person, may not 1286  
limit the number of public records that it will make available 1287  
during a fixed period of time, and may not establish a fixed 1288  
period of time before it will respond to a request for 1289  
inspection or copying of public records, unless that period is 1290  
less than eight hours. 1291

The public office shall distribute the public records 1292  
policy adopted by the public office under this division to the 1293  
employee of the public office who is the records custodian or 1294  
records manager or otherwise has custody of the records of that 1295  
office. The public office shall require that employee to 1296  
acknowledge receipt of the copy of the public records policy. 1297  
The public office shall create a poster that describes its 1298  
public records policy and shall post the poster in a conspicuous 1299  
place in the public office and in all locations where the public 1300  
office has branch offices. The public office may post its public 1301  
records policy on the internet web site of the public office if 1302  
the public office maintains an internet web site. A public 1303  
office that has established a manual or handbook of its general 1304

policies and procedures for all employees of the public office 1305  
shall include the public records policy of the public office in 1306  
the manual or handbook. 1307

(F) (1) The bureau of motor vehicles may adopt rules 1308  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1309  
the number of bulk commercial special extraction requests made 1310  
by a person for the same records or for updated records during a 1311  
calendar year. The rules may include provisions for charges to 1312  
be made for bulk commercial special extraction requests for the 1313  
actual cost of the bureau, plus special extraction costs, plus 1314  
ten per cent. The bureau may charge for expenses for redacting 1315  
information, the release of which is prohibited by law. 1316

(2) As used in division (F) (1) of this section: 1317

(a) "Actual cost" means the cost of depleted supplies, 1318  
records storage media costs, actual mailing and alternative 1319  
delivery costs, or other transmitting costs, and any direct 1320  
equipment operating and maintenance costs, including actual 1321  
costs paid to private contractors for copying services. 1322

(b) "Bulk commercial special extraction request" means a 1323  
request for copies of a record for information in a format other 1324  
than the format already available, or information that cannot be 1325  
extracted without examination of all items in a records series, 1326  
class of records, or database by a person who intends to use or 1327  
forward the copies for surveys, marketing, solicitation, or 1328  
resale for commercial purposes. "Bulk commercial special 1329  
extraction request" does not include a request by a person who 1330  
gives assurance to the bureau that the person making the request 1331  
does not intend to use or forward the requested copies for 1332  
surveys, marketing, solicitation, or resale for commercial 1333  
purposes. 1334

(c) "Commercial" means profit-seeking production, buying, 1335  
or selling of any good, service, or other product. 1336

(d) "Special extraction costs" means the cost of the time 1337  
spent by the lowest paid employee competent to perform the task, 1338  
the actual amount paid to outside private contractors employed 1339  
by the bureau, or the actual cost incurred to create computer 1340  
programs to make the special extraction. "Special extraction 1341  
costs" include any charges paid to a public agency for computer 1342  
or records services. 1343

(3) For purposes of divisions (F) (1) and (2) of this 1344  
section, "surveys, marketing, solicitation, or resale for 1345  
commercial purposes" shall be narrowly construed and does not 1346  
include reporting or gathering news, reporting or gathering 1347  
information to assist citizen oversight or understanding of the 1348  
operation or activities of government, or nonprofit educational 1349  
research. 1350

(G) A request by a defendant, counsel of a defendant, or 1351  
any agent of a defendant in a criminal action that public 1352  
records related to that action be made available under this 1353  
section shall be considered a demand for discovery pursuant to 1354  
the Criminal Rules, except to the extent that the Criminal Rules 1355  
plainly indicate a contrary intent. The defendant, counsel of 1356  
the defendant, or agent of the defendant making a request under 1357  
this division shall serve a copy of the request on the 1358  
prosecuting attorney, director of law, or other chief legal 1359  
officer responsible for prosecuting the action. 1360

(H) (1) Any portion of a body-worn camera or dashboard 1361  
camera recording described in divisions (A) (17) (b) to (h) of 1362  
this section may be released by consent of the subject of the 1363  
recording or a representative of that person, as specified in 1364

those divisions, only if either of the following applies: 1365

(a) The recording will not be used in connection with any 1366  
probable or pending criminal proceedings; 1367

(b) The recording has been used in connection with a 1368  
criminal proceeding that was dismissed or for which a judgment 1369  
has been entered pursuant to Rule 32 of the Rules of Criminal 1370  
Procedure, and will not be used again in connection with any 1371  
probable or pending criminal proceedings. 1372

(2) If a public office denies a request to release a 1373  
restricted portion of a body-worn camera or dashboard camera 1374  
recording, as defined in division (A)(17) of this section, any 1375  
person may file a mandamus action pursuant to this section or a 1376  
complaint with the clerk of the court of claims pursuant to 1377  
section 2743.75 of the Revised Code, requesting the court to 1378  
order the release of all or portions of the recording. If the 1379  
court considering the request determines that the filing 1380  
articulates by clear and convincing evidence that the public 1381  
interest in the recording substantially outweighs privacy 1382  
interests and other interests asserted to deny release, the 1383  
court shall order the public office to release the recording. 1384

**Sec. 149.436.** Notwithstanding division ~~(A)(1)(gg)~~ (A)(1) 1385  
(ff) of section 149.43 of the Revised Code, upon written request 1386  
made and signed by the parent or guardian of an individual who 1387  
is less than eighteen years of age and was an occupant of a 1388  
school vehicle involved in a traffic accident, a public office 1389  
or person responsible for public records, having custody of any 1390  
record related to the traffic accident containing the personal 1391  
information of the individual, shall transmit a copy of that 1392  
record to the recipient identified in the request. 1393



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

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

**Sec. 187.01.** As used in this chapter, "JobsOhio" means the nonprofit corporation formed under this section, and includes any subsidiary of that corporation. In any section of law that refers to the nonprofit corporation formed under this section, reference to the corporation includes reference to any such subsidiary unless otherwise specified or clearly appearing from the context.

The governor is hereby authorized to form a nonprofit corporation, to be named "JobsOhio," with the purposes of promoting economic development, job creation, job retention, job training, and the recruitment of business to this state. Except as otherwise provided in this chapter, the corporation shall be organized and operated in accordance with Chapter 1702. of the Revised Code. The governor shall sign and file articles of incorporation for the corporation with the secretary of state. The legal existence of the corporation shall begin upon the filing of the articles.

In addition to meeting the requirements for articles of incorporation in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation shall set forth

the following: 1424

(A) The designation of the name of the corporation as 1425  
JobsOhio; 1426

(B) The creation of a board of directors consisting of 1427  
nine directors, to be appointed by the governor, who satisfy the 1428  
qualifications prescribed by section 187.02 of the Revised Code; 1429

(C) A requirement that the governor make initial 1430  
appointments to the board within sixty days after the filing of 1431  
the articles of incorporation. Of the initial appointments made 1432  
to the board, two shall be for a term ending one year after the 1433  
date the articles were filed, two shall be for a term ending two 1434  
years after the date the articles were filed, and five shall be 1435  
for a term ending four years after the date the articles were 1436  
filed. The articles shall state that, following the initial 1437  
appointments, the governor shall appoint directors to terms of 1438  
office of four years, with each term of office ending on the 1439  
same day of the same month as did the term that it succeeds. If 1440  
any director dies, resigns, or the director's status changes 1441  
such that any of the requirements of division (C) of section 1442  
187.02 of the Revised Code are no longer met, that director's 1443  
seat on the board shall become immediately vacant. The governor 1444  
shall forthwith fill the vacancy by appointment for the 1445  
remainder of the term of office of the vacated seat. 1446

(D) A requirement that the governor appoint one director 1447  
to be chairperson of the board and procedures for electing 1448  
directors to serve as officers of the corporation and members of 1449  
an executive committee; 1450

(E) A provision for the appointment of a chief investment 1451  
officer of the corporation by the recommendation of the board 1452

and approval of the governor. The chief investment officer shall 1453  
serve at the pleasure of the board and shall have the power to 1454  
execute contracts, spend corporation funds, and hire employees 1455  
on behalf of the corporation. If the position of chief 1456  
investment officer becomes vacant for any reason, the vacancy 1457  
shall be filled in the same manner as provided in this division. 1458

(F) Provisions requiring the board to do all of the 1459  
following: 1460

(1) Adopt one or more resolutions providing for 1461  
compensation of the chief investment officer; 1462

(2) Approve an employee compensation plan recommended by 1463  
the chief investment officer; 1464

(3) Approve a contract with the director of development 1465  
services for the corporation to assist the director and the 1466  
development services agency with providing services or otherwise 1467  
carrying out the functions or duties of the agency, including 1468  
the operation and management of programs, offices, divisions, or 1469  
boards, as may be determined by the director of development 1470  
services in consultation with the governor; 1471

(4) Approve all major contracts for services recommended 1472  
by the chief investment officer; 1473

(5) Establish an annual strategic plan and standards of 1474  
measure to be used in evaluating the corporation's success in 1475  
executing the plan; 1476

(6) Establish a conflicts of interest policy that, at a 1477  
minimum, complies with section 187.06 of the Revised Code; 1478

(7) Hold a minimum of four board of directors meetings per 1479  
year at which a quorum of the board is physically present, and 1480

such other meetings, at which directors' physical presence is 1481  
not required, as may be necessary. ~~Meetings at which a quorum of~~ 1482  
~~the board is required to be physically present~~ All board of 1483  
directors meetings are subject to divisions (C), (D), and (E) of 1484  
section 187.03 of the Revised Code. 1485

(8) Establish a records retention policy and present the 1486  
policy, and any subsequent changes to the policy, at a meeting 1487  
of the board of directors at which a quorum of the board is 1488  
required to be physically present pursuant to division (F) (7) of 1489  
this section; 1490

(9) Adopt standards of conduct for the directors. 1491

(G) A statement that directors shall not receive any 1492  
compensation from the corporation, except that directors may be 1493  
reimbursed for actual and necessary expenses incurred in 1494  
connection with services performed for the corporation; 1495

(H) A provision authorizing the board to amend provisions 1496  
of the corporation's articles of incorporation or regulations, 1497  
except provisions required by this chapter; 1498

(I) Procedures by which the corporation would be dissolved 1499  
and by which all corporation rights and assets would be 1500  
distributed to the state or to another corporation organized 1501  
under this chapter. These procedures shall incorporate any 1502  
separate procedures subsequently set forth in this chapter for 1503  
the dissolution of the corporation. The articles shall state 1504  
that no dissolution shall take effect until the corporation has 1505  
made adequate provision for the payment of any outstanding 1506  
bonds, notes, or other obligations. 1507

(J) A provision establishing an audit committee to be 1508  
comprised of directors. The articles shall require that the 1509

audit committee hire a firm of independent certified public accountants, selected in consultation with the auditor of state, to perform, once each year, a financial audit of the corporation and of any nonprofit entity the sole member of which is JobsOhio. The articles also shall require all of the following:

(1) Commencing with JobsOhio's fiscal year beginning July 1, 2012, the financial statements to be audited are to be prepared in accordance with accounting principles and standards set forth in all applicable pronouncements of the governmental accounting standards board;

(2) The firm of independent certified public accountants hired is to conduct a supplemental compliance and control review pursuant to a written agreement by and among the firm, the auditor of state, JobsOhio, and any nonprofit entity the sole member of which is JobsOhio; and

(3) A copy of each financial audit report and each report of the results of the compliance and control review are to be provided to the governor, the auditor of state, the speaker of the house of representatives, and the president of the senate.

(K) A provision authorizing a majority of the disinterested directors to remove a director for misconduct, as that term may be defined in the articles or regulations of the corporation. The removal of a director under this division creates a vacancy on the board that the governor shall fill by appointment for the remainder of the term of office of the vacated seat.

**Sec. 187.03.** (A) JobsOhio may perform such functions as permitted and shall perform such duties as prescribed by law and as set forth in any contract entered into under section 187.04

of the Revised Code, but shall not be considered a state or 1539  
public department, agency, office, body, institution, or 1540  
instrumentality for purposes of section 1.60 or Chapter 102., 1541  
121., 125., or 149. of the Revised Code. JobsOhio and its board 1542  
of directors are not subject to the following sections of 1543  
Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1544  
1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1545  
1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1546  
1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1547  
1702.80, and 1702.99. Nothing in this division shall be 1548  
construed to impair the powers and duties of the Ohio ethics 1549  
commission described in section 102.06 of the Revised Code to 1550  
investigate and enforce section 102.02 of the Revised Code with 1551  
regard to individuals required to file statements under division 1552  
(B) (2) of this section. 1553

(B) (1) Directors and employees of JobsOhio are not 1554  
employees or officials of the state and, except as provided in 1555  
division (B) (2) of this section, are not subject to Chapter 1556  
102., 124., 145., or 4117. of the Revised Code. 1557

(2) The chief investment officer, any other officer or 1558  
employee with significant administrative, supervisory, 1559  
contracting, or investment authority, and any director of 1560  
JobsOhio shall file, with the Ohio ethics commission, a 1561  
financial disclosure statement pursuant to section 102.02 of the 1562  
Revised Code that includes, in place of the information required 1563  
by divisions (A) (2) (b), (g), (h), and (i) of that section, the 1564  
information required by divisions (A) and (B) of section 102.022 1565  
of the Revised Code. The governor shall comply with all 1566  
applicable requirements of section 102.02 of the Revised Code. 1567

(3) Actual or in-kind expenditures for the travel, meals, 1568

or lodging of the governor or of any public official or employee 1569  
designated by the governor for the purpose of this division 1570  
shall not be considered a violation of section 102.03 of the 1571  
Revised Code if the expenditures are made by the corporation, or 1572  
on behalf of the corporation by any person, in connection with 1573  
the governor's performance of official duties related to 1574  
JobsOhio. The governor may designate any person, including a 1575  
person who is a public official or employee as defined in 1576  
section 102.01 of the Revised Code, for the purpose of this 1577  
division if such expenditures are made on behalf of the person 1578  
in connection with the governor's performance of official duties 1579  
related to JobsOhio. A public official or employee so designated 1580  
by the governor shall comply with all applicable requirements of 1581  
section 102.02 of the Revised Code. 1582

At the times and frequency agreed to under division (B) (2) 1583  
(b) of section 187.04 of the Revised Code, beginning in 2012, 1584  
the corporation shall file with the department of development a 1585  
written report of all such expenditures paid or incurred during 1586  
the preceding calendar year. The report shall state the dollar 1587  
value and purpose of each expenditure, the date of each 1588  
expenditure, the name of the person that paid or incurred each 1589  
expenditure, and the location, if any, where services or 1590  
benefits of an expenditure were received, provided that any such 1591  
information that may disclose proprietary information as defined 1592  
in division (C) of this section shall not be included in the 1593  
report. 1594

(4) The prohibition applicable to former public officials 1595  
or employees in division (A) (1) of section 102.03 of the Revised 1596  
Code does not apply to any person appointed to be a director or 1597  
hired as an employee of JobsOhio. 1598

(5) Notwithstanding division (A)(2) of section 145.01 of the Revised Code, any person who is a former state employee shall no longer be considered a public employee for purposes of Chapter 145. of the Revised Code upon commencement of employment with JobsOhio.

(6) Any director, officer, or employee of JobsOhio may request an advisory opinion from the Ohio ethics commission with regard to questions concerning the provisions of sections 102.02 and 102.022 of the Revised Code to which the person is subject.

~~(C) Meetings of the board of directors at which a quorum of the board is required to be physically present pursuant to division (F) of section 187.01 of the Revised Code shall be open to the public except, by a majority vote of the directors present at the meeting, such a meeting may be closed to the public only for one or more of the following purposes:~~

(1) To consider business strategy of the corporation;

(2) To consider proprietary information belonging to potential applicants or potential recipients of business recruitment, retention, or creation incentives. For the purposes of this division, "proprietary information" means marketing plans, specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

(3) To consider legal matters, including litigation, in which the corporation is or may be involved;

(4) To consider personnel matters related to an individual employee of the corporation.



(D) The board of directors shall establish a reasonable method whereby any person may obtain the time and place of all public meetings described in division (C) of this section. The method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all such meetings.

(E) The board of directors shall promptly prepare, file, and maintain minutes of all public meetings described in division (C) of this section.

(F) Not later than the first day of July of each year, the chief investment officer of JobsOhio shall prepare and submit a report of the corporation's activities for the preceding year to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The annual report shall include the following:

(1) An analysis of the state's economy;

(2) A description of the structure, operation, and financial status of the corporation;

(3) A description of the corporation's strategy to improve the state economy and the standards of measure used to evaluate its progress;

(4) An evaluation of the performance of current strategies and major initiatives;

(5) An analysis of any statutory or administrative barriers to successful economic development, business recruitment, and job growth in the state identified by JobsOhio during the preceding year.

**Sec. 187.04.** (A) The director of development services, as

soon as practical after February 18, 2011, shall execute a 1656  
contract with JobsOhio for the corporation to assist the 1657  
director and the development services agency with providing 1658  
services or otherwise carrying out the functions or duties of 1659  
the agency, including the operation and management of programs, 1660  
offices, divisions, or boards, as may be determined by the 1661  
director in consultation with the governor. The approval or 1662  
disapproval of awards involving public money shall remain 1663  
functions of the agency. All contracts for grants, loans, and 1664  
tax incentives involving public money shall be between the 1665  
agency and the recipient and shall be enforced by the agency. 1666  
JobsOhio may not execute contracts obligating the agency for 1667  
loans, grants, tax credits, or incentive awards recommended by 1668  
JobsOhio to the agency. Prior to execution, all contracts 1669  
between the director and JobsOhio entered into under this 1670  
section that obligate the agency to pay JobsOhio for services 1671  
rendered are subject to controlling board approval. 1672

The term of an initial contract entered into under this 1673  
section shall not extend beyond June 30, 2013. Thereafter, the 1674  
director and JobsOhio may renew the contract for subsequent 1675  
fiscal biennia, but at no time shall a particular contract be 1676  
effective for longer than a fiscal biennium of the general 1677  
assembly. 1678

JobsOhio's provision of services to the agency as 1679  
described in this section shall be pursuant to a contract 1680  
entered into under this section. If at any time the director 1681  
determines that the contract with JobsOhio may not be renewed 1682  
for the subsequent fiscal biennium, the director shall notify 1683  
JobsOhio of the director's decision not later than one hundred 1684  
twenty days prior to the end of the current fiscal biennium. If 1685  
the director does not provide such written notice to JobsOhio 1686

prior to one hundred days before the end of the current fiscal 1687  
biennium, the contract shall be renewed upon such terms as the 1688  
parties may agree, subject to the requirements of this section. 1689

(B) A contract entered into under this section shall 1690  
include all of the following: 1691

(1) Terms assigning to the corporation the duties of 1692  
advising and assisting the director in the director's evaluation 1693  
of the agency and the formulation of recommendations under 1694  
section 187.05 of the Revised Code; 1695

(2) Terms designating that records created or received by 1696  
JobsOhio ~~that are public records, as defined in section 149.43~~ 1697  
of the Revised Code, and shall be made available to the public 1698  
under the same conditions as are public records under section 1699  
149.43 of the Revised Code. ~~Documents~~ Additionally, the 1700  
following documents shall be designated to be made available to 1701  
the public pursuant to the contract, and shall be kept on file 1702  
with the agency. 1703

~~Among records to be designated under this division shall~~ 1704  
~~be the following:~~ 1705

(a) The corporation's federal income tax returns; 1706

(b) The report of expenditures described in division (B) 1707  
(3) of section 187.03 of the Revised Code. The records shall be 1708  
filed with the agency at such times and frequency as agreed to 1709  
by the corporation and the agency, which shall not be less 1710  
frequently than quarterly. 1711

(c) The annual total compensation paid to each officer and 1712  
employee of the corporation; 1713

(d) A copy of the report for each financial audit of the 1714

corporation and of each supplemental compliance and control 1715  
review of the corporation performed by a firm of independent 1716  
certified public accountants pursuant to division (J) of section 1717  
187.01 of the Revised Code. 1718

(e) Records of any fully executed incentive proposals, to 1719  
be filed annually; 1720

(f) Records pertaining to the monitoring of commitments 1721  
made by incentive recipients, to be filed annually; 1722

(g) A copy of the minutes of all public meetings described 1723  
in division (C) of section 187.03 of the Revised Code not 1724  
otherwise closed to the public. 1725

(3) The following statement acknowledging that JobsOhio is 1726  
not acting as an agent of the state: 1727

"JobsOhio shall have no power or authority to bind the 1728  
state or to assume or create an obligation or responsibility, 1729  
expressed or implied, on behalf of the state or in its name, nor 1730  
shall JobsOhio represent to any person that it has any such 1731  
power or authority, except as expressly provided in this 1732  
contract." 1733

(C) ~~(1)~~ Records ~~created~~ kept by JobsOhio are ~~not~~ public 1734  
records for the purposes of Chapter 149. of the Revised Code, ~~—~~ 1735  
~~regardless of who may have custody of the records, unless the~~ 1736  
~~record is designated to be available to the public by the~~ 1737  
~~contract under division (B) (2) of this section.~~ 1738

~~(2) Records received by JobsOhio from any person or entity~~ 1739  
~~that is not subject to section 149.43 of the Revised Code are~~ 1740  
~~not public records for purposes of Chapter 149. of the Revised~~ 1741  
~~Code, regardless of who may have custody of the records, unless~~ 1742  
~~the record is designated to be available to the public by the~~ 1743

~~contract under division (B) (2) of this section.~~ 1744

~~(3) Records received by JobsOhio from a public office as defined in section 149.011 of the Revised Code that are not public records under section 149.43 of the Revised Code when in the custody of the public office are not public records for the purposes of section 149.43 of the Revised Code regardless of who has custody of the records.~~ 1745  
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~~(4) Division (B) of section 4701.19 of the Revised Code applies to any work papers of the firm of independent certified public accountants engaged to perform the annual financial audit and the supplemental compliance and control review described in division (J) of section 187.01 of the Revised Code, and to the financial audit report and any report of the supplemental compliance and control review, unless the record is designated to be available to the public by the contract under division (B) (2) of this section.~~ 1751  
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(D) Any contract executed under authority of this section shall not negate, impair, or otherwise adversely affect the obligation of this state to pay debt charges on securities executed by the director or issued by the treasurer of state, Ohio public facilities commission, or any other issuing authority under Chapter 122., 151., 165., or 166. of the Revised Code to fund economic development programs of the state, or to abide by any pledge or covenant relating to the payment of those debt charges made in any related proceedings. As used in this division, "debt charges," "proceedings," and "securities" have the same meanings as in section 133.01 of the Revised Code. 1760  
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(E) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from contracting with JobsOhio to perform any of the following 1771  
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functions:	1774
(1) Promoting and advocating for the state;	1775
(2) Making recommendations to the agency;	1776
(3) Performing research for the agency;	1777
(4) Establishing and managing programs or offices on behalf of the agency, by contract;	1778 1779
(5) Negotiating on behalf of the state.	1780
(F) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from compensating JobsOhio from funds currently appropriated to the agency to perform the functions described in division (E) of this section.	1781 1782 1783 1784 1785
<b>Section 2.</b> That existing sections 9.28, 121.22, 149.011, 149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code are hereby repealed.	1786 1787 1788