

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**S. B. No. 4**

**Senator Roegner**

**Cosponsors: Senators Manning, Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Maharath, O'Brien, Peterson, Reineke, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko**

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**A BILL**

To amend sections 149.43 and 5913.01 of the Revised Code to include emergency service telecommunicators and certain Ohio National Guard members as individuals whose residential and familial information is exempt from disclosure under the Public Records Law. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 149.43 and 5913.01 of the Revised Code be amended to read as follows: 7  
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**Sec. 149.43.** (A) As used in this section: 9

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not 10  
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| mean any of the following:                                       | 17 |
| (a) Medical records;   | 18 |
| (b) Records pertaining to probation and parole                   | 19 |
| proceedings, to proceedings related to the imposition of         | 20 |
| community control sanctions and post-release control sanctions,  | 21 |
| or to proceedings related to determinations under section        | 22 |
| 2967.271 of the Revised Code regarding the release or maintained | 23 |
| incarceration of an offender to whom that section applies;       | 24 |
| (c) Records pertaining to actions under section 2151.85          | 25 |
| and division (C) of section 2919.121 of the Revised Code and to  | 26 |
| appeals of actions arising under those sections;                 | 27 |
| (d) Records pertaining to adoption proceedings, including        | 28 |
| the contents of an adoption file maintained by the department of | 29 |
| health under sections 3705.12 to 3705.124 of the Revised Code;   | 30 |
| (e) Information in a record contained in the putative            | 31 |
| father registry established by section 3107.062 of the Revised   | 32 |
| Code, regardless of whether the information is held by the       | 33 |
| department of job and family services or, pursuant to section    | 34 |
| 3111.69 of the Revised Code, the office of child support in the  | 35 |
| department or a child support enforcement agency;                | 36 |
| (f) Records specified in division (A) of section 3107.52         | 37 |
| of the Revised Code;   | 38 |
| (g) Trial preparation records;                                   | 39 |
| (h) Confidential law enforcement investigatory records;          | 40 |
| (i) Records containing information that is confidential          | 41 |
| under section 2710.03 or 4112.05 of the Revised Code;            | 42 |
| (j) DNA records stored in the DNA database pursuant to           | 43 |

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| section 109.573 of the Revised Code;   | 44                               |
| (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;   | 45<br>46<br>47<br>48             |
| (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;  | 49<br>50<br>51<br>52             |
| (m) Intellectual property records;   | 53                               |
| (n) Donor profile records;   | 54                               |
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;  | 55<br>56                         |
| (p) Designated public service worker residential and familial information;   | 57<br>58                         |
| (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;  | 59<br>60<br>61<br>62<br>63       |
| (r) Information pertaining to the recreational activities of a person under the age of eighteen;   | 64<br>65                         |
| (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 | 66<br>67<br>68<br>69<br>70<br>71 |

participating in the director's review, and all work products of 72  
the board or director, and in the case of a child fatality 73  
review board, child fatality review data submitted by the board 74  
to the department of health or a national child death review 75  
database, other than the report prepared pursuant to division 76  
(A) of section 307.626 of the Revised Code; 77

(t) Records provided to and statements made by the 78  
executive director of a public children services agency or a 79  
prosecuting attorney acting pursuant to section 5153.171 of the 80  
Revised Code other than the information released under that 81  
section; 82

(u) Test materials, examinations, or evaluation tools used 83  
in an examination for licensure as a nursing home administrator 84  
that the board of executives of long-term services and supports 85  
administers under section 4751.15 of the Revised Code or 86  
contracts under that section with a private or government entity 87  
to administer; 88

(v) Records the release of which is prohibited by state or 89  
federal law; 90

(w) Proprietary information of or relating to any person 91  
that is submitted to or compiled by the Ohio venture capital 92  
authority created under section 150.01 of the Revised Code; 93

(x) Financial statements and data any person submits for 94  
any purpose to the Ohio housing finance agency or the 95  
controlling board in connection with applying for, receiving, or 96  
accounting for financial assistance from the agency, and 97  
information that identifies any individual who benefits directly 98  
or indirectly from financial assistance from the agency; 99

(y) Records listed in section 5101.29 of the Revised Code; 100

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| (z) Discharges recorded with a county recorder under             | 101 |
| section 317.24 of the Revised Code, as specified in division (B) | 102 |
| (2) of that section;   | 103 |
| (aa) Usage information including names and addresses of          | 104 |
| specific residential and commercial customers of a municipally   | 105 |
| owned or operated public utility;                                | 106 |
| (bb) Records described in division (C) of section 187.04         | 107 |
| of the Revised Code that are not designated to be made available | 108 |
| to the public as provided in that division;                      | 109 |
| (cc) Information and records that are made confidential,         | 110 |
| privileged, and not subject to disclosure under divisions (B)    | 111 |
| and (C) of section 2949.221 of the Revised Code;                 | 112 |
| (dd) Personal information, as defined in section 149.45 of       | 113 |
| the Revised Code;  | 114 |
| (ee) The confidential name, address, and other personally        | 115 |
| identifiable information of a program participant in the address | 116 |
| confidentiality program established under sections 111.41 to     | 117 |
| 111.47 of the Revised Code, including the contents of any        | 118 |
| application for absent voter's ballots, absent voter's ballot    | 119 |
| identification envelope statement of voter, or provisional       | 120 |
| ballot affirmation completed by a program participant who has a  | 121 |
| confidential voter registration record, and records or portions  | 122 |
| of records pertaining to that program that identify the number   | 123 |
| of program participants that reside within a precinct, ward,     | 124 |
| township, municipal corporation, county, or any other geographic | 125 |
| area smaller than the state. As used in this division,           | 126 |
| "confidential address" and "program participant" have the        | 127 |
| meaning defined in section 111.41 of the Revised Code.           | 128 |
| (ff) Orders for active military service of an individual         | 129 |

serving or with previous service in the armed forces of the 130  
United States, including a reserve component, or the Ohio 131  
organized militia, except that, such order becomes a public 132  
record on the day that is fifteen years after the published date 133  
or effective date of the call to order; 134

(gg) The name, address, contact information, or other 135  
personal information of an individual who is less than eighteen 136  
years of age that is included in any record related to a traffic 137  
accident involving a school vehicle in which the individual was 138  
an occupant at the time of the accident; 139

(hh) Protected health information, as defined in 45 C.F.R. 140  
160.103, that is in a claim for payment for a health care 141  
product, service, or procedure, as well as any other health 142  
claims data in another document that reveals the identity of an 143  
individual who is the subject of the data or could be used to 144  
reveal that individual's identity; 145

(ii) Any depiction by photograph, film, videotape, or 146  
printed or digital image under either of the following 147  
circumstances: 148

(i) The depiction is that of a victim of an offense the 149  
release of which would be, to a reasonable person of ordinary 150  
sensibilities, an offensive and objectionable intrusion into the 151  
victim's expectation of bodily privacy and integrity. 152

(ii) The depiction captures or depicts the victim of a 153  
sexually oriented offense, as defined in section 2950.01 of the 154  
Revised Code, at the actual occurrence of that offense. 155

(jj) Restricted portions of a body-worn camera or 156  
dashboard camera recording; 157

(kk) In the case of a fetal-infant mortality review board 158

acting under sections 3707.70 to 3707.77 of the Revised Code, 159  
records, documents, reports, or other information presented to 160  
the board or a person abstracting such materials on the board's 161  
behalf, statements made by review board members during board 162  
meetings, all work products of the board, and data submitted by 163  
the board to the department of health or a national infant death 164  
review database, other than the report prepared pursuant to 165  
section 3707.77 of the Revised Code. 166

(ll) Records, documents, reports, or other information 167  
presented to the pregnancy-associated mortality review board 168  
established under section 3738.01 of the Revised Code, 169  
statements made by board members during board meetings, all work 170  
products of the board, and data submitted by the board to the 171  
department of health, other than the biennial reports prepared 172  
under section 3738.08 of the Revised Code; 173

(mm) Telephone numbers for a victim, as defined in section 174  
2930.01 of the Revised Code, a witness to a crime, or a party to 175  
a motor vehicle accident subject to the requirements of section 176  
5502.11 of the Revised Code that are listed on any law 177  
enforcement record or report. 178

A record that is not a public record under division (A) (1) 179  
of this section and that, under law, is permanently retained 180  
becomes a public record on the day that is seventy-five years 181  
after the day on which the record was created, except for any 182  
record protected by the attorney-client privilege, a trial 183  
preparation record as defined in this section, a statement 184  
prohibiting the release of identifying information signed under 185  
section 3107.083 of the Revised Code, a denial of release form 186  
filed pursuant to section 3107.46 of the Revised Code, or any 187  
record that is exempt from release or disclosure under section 188

149.433 of the Revised Code. If the record is a birth 189  
certificate and a biological parent's name redaction request 190  
form has been accepted under section 3107.391 of the Revised 191  
Code, the name of that parent shall be redacted from the birth 192  
certificate before it is released under this paragraph. If any 193  
other section of the Revised Code establishes a time period for 194  
disclosure of a record that conflicts with the time period 195  
specified in this section, the time period in the other section 196  
prevails. 197

(2) "Confidential law enforcement investigatory record" 198  
means any record that pertains to a law enforcement matter of a 199  
criminal, quasi-criminal, civil, or administrative nature, but 200  
only to the extent that the release of the record would create a 201  
high probability of disclosure of any of the following: 202

(a) The identity of a suspect who has not been charged 203  
with the offense to which the record pertains, or of an 204  
information source or witness to whom confidentiality has been 205  
reasonably promised; 206

(b) Information provided by an information source or 207  
witness to whom confidentiality has been reasonably promised, 208  
which information would reasonably tend to disclose the source's 209  
or witness's identity; 210

(c) Specific confidential investigatory techniques or 211  
procedures or specific investigatory work product; 212

(d) Information that would endanger the life or physical 213  
safety of law enforcement personnel, a crime victim, a witness, 214  
or a confidential information source. 215

(3) "Medical record" means any document or combination of 216  
documents, except births, deaths, and the fact of admission to 217



or discharge from a hospital, that pertains to the medical 218  
history, diagnosis, prognosis, or medical condition of a patient 219  
and that is generated and maintained in the process of medical 220  
treatment. 221

(4) "Trial preparation record" means any record that 222  
contains information that is specifically compiled in reasonable 223  
anticipation of, or in defense of, a civil or criminal action or 224  
proceeding, including the independent thought processes and 225  
personal trial preparation of an attorney. 226

(5) "Intellectual property record" means a record, other 227  
than a financial or administrative record, that is produced or 228  
collected by or for faculty or staff of a state institution of 229  
higher learning in the conduct of or as a result of study or 230  
research on an educational, commercial, scientific, artistic, 231  
technical, or scholarly issue, regardless of whether the study 232  
or research was sponsored by the institution alone or in 233  
conjunction with a governmental body or private concern, and 234  
that has not been publicly released, published, or patented. 235

(6) "Donor profile record" means all records about donors 236  
or potential donors to a public institution of higher education 237  
except the names and reported addresses of the actual donors and 238  
the date, amount, and conditions of the actual donation. 239

(7) "Designated public service worker" means a peace 240  
officer, parole officer, probation officer, bailiff, prosecuting 241  
attorney, assistant prosecuting attorney, correctional employee, 242  
county or multicounty corrections officer, community-based 243  
correctional facility employee, designated Ohio national guard 244  
member, youth services employee, firefighter, EMT, medical 245  
director or member of a cooperating physician advisory board of 246  
an emergency medical service organization, state board of 247

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| pharmacy employee, investigator of the bureau of criminal               | 248 |
| identification and investigation, <u>emergency service</u>              | 249 |
| <u>telecommunicator</u> , judge, magistrate, or federal law enforcement | 250 |
| officer.  | 251 |
| (8) "Designated public service worker residential and                   | 252 |
| familial information" means any information that discloses any          | 253 |
| of the following about a designated public service worker:              | 254 |
| (a) The address of the actual personal residence of a                   | 255 |
| designated public service worker, except for the following              | 256 |
| information:  | 257 |
| (i) The address of the actual personal residence of a                   | 258 |
| prosecuting attorney or judge; and                                      | 259 |
| (ii) The state or political subdivision in which a                      | 260 |
| designated public service worker resides.                               | 261 |
| (b) Information compiled from referral to or participation              | 262 |
| in an employee assistance program;                                      | 263 |
| (c) The social security number, the residential telephone               | 264 |
| number, any bank account, debit card, charge card, or credit            | 265 |
| card number, or the emergency telephone number of, or any               | 266 |
| medical information pertaining to, a designated public service          | 267 |
| worker;   | 268 |
| (d) The name of any beneficiary of employment benefits,                 | 269 |
| including, but not limited to, life insurance benefits, provided        | 270 |
| to a designated public service worker by the designated public          | 271 |
| service worker's employer;  | 272 |
| (e) The identity and amount of any charitable or                        | 273 |
| employment benefit deduction made by the designated public              | 274 |
| service worker's employer from the designated public service            | 275 |

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| worker's compensation, unless the amount of the deduction is          | 276 |
| required by state or federal law;                                     | 277 |
| (f) The name, the residential address, the name of the                | 278 |
| employer, the address of the employer, the social security            | 279 |
| number, the residential telephone number, any bank account,           | 280 |
| debit card, charge card, or credit card number, or the emergency      | 281 |
| telephone number of the spouse, a former spouse, or any child of      | 282 |
| a designated public service worker;                                   | 283 |
| (g) A photograph of a peace officer who holds a position              | 284 |
| or has an assignment that may include undercover or plain             | 285 |
| clothes positions or assignments as determined by the peace           | 286 |
| officer's appointing authority.                                       | 287 |
| (9) As used in divisions (A) (7) and (15) to (17) of this             | 288 |
| section:  | 289 |
| "Peace officer" has the meaning defined in section 109.71             | 290 |
| of the Revised Code and also includes the superintendent and          | 291 |
| troopers of the state highway patrol; it does not include the         | 292 |
| sheriff of a county or a supervisory employee who, in the             | 293 |
| absence of the sheriff, is authorized to stand in for, exercise       | 294 |
| the authority of, and perform the duties of the sheriff.              | 295 |
| "Correctional employee" means any employee of the                     | 296 |
| department of rehabilitation and correction who in the course of      | 297 |
| performing the employee's job duties has or has had contact with      | 298 |
| inmates and persons under supervision.                                | 299 |
| "County or multicounty corrections officer" means any                 | 300 |
| corrections officer employed by any county or multicounty             | 301 |
| correctional facility.  | 302 |
| <u>"Designated Ohio national guard member" means a member of</u>      | 303 |
| <u>the Ohio national guard who is participating in duties related</u> | 304 |

to remotely piloted aircraft, including, but not limited to, 305  
pilots, sensor operators, and mission intelligence personnel, 306  
duties related to special forces operations, or duties related 307  
to cybersecurity, and is designated by the adjutant general as a 308  
designated public service worker for those purposes. 309

"Youth services employee" means any employee of the 310  
department of youth services who in the course of performing the 311  
employee's job duties has or has had contact with children 312  
committed to the custody of the department of youth services. 313

"Firefighter" means any regular, paid or volunteer, member 314  
of a lawfully constituted fire department of a municipal 315  
corporation, township, fire district, or village. 316

"EMT" means EMTs-basic, EMTs-I, and paramedics that 317  
provide emergency medical services for a public emergency 318  
medical service organization. "Emergency medical service 319  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 320  
meanings defined in section 4765.01 of the Revised Code. 321

"Investigator of the bureau of criminal identification and 322  
investigation" has the meaning defined in section 2903.11 of the 323  
Revised Code. 324

"Emergency service telecommunicator" has the meaning 325  
defined in section 4742.01 of the Revised Code. 326

"Federal law enforcement officer" has the meaning defined 327  
in section 9.88 of the Revised Code. 328

(10) "Information pertaining to the recreational 329  
activities of a person under the age of eighteen" means 330  
information that is kept in the ordinary course of business by a 331  
public office, that pertains to the recreational activities of a 332  
person under the age of eighteen years, and that discloses any 333

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| of the following:  | 334                                    |
| (a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;  | 335<br>336<br>337<br>338               |
| (b) The social security number, birth date, or photographic image of a person under the age of eighteen;   | 339<br>340                             |
| (c) Any medical record, history, or information pertaining to a person under the age of eighteen;  | 341<br>342                             |
| (d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. | 343<br>344<br>345<br>346<br>347<br>348 |
| (11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.  | 349<br>350                             |
| (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.   | 351<br>352                             |
| (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.  | 353<br>354<br>355<br>356               |
| (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.  | 357<br>358                             |
| (15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's   | 359<br>360<br>361                      |

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| duties.   | 362                             |
| (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.  | 363<br>364<br>365<br>366        |
| (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:   | 367<br>368<br>369<br>370        |
| (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; | 371<br>372<br>373<br>374<br>375 |
| (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;  | 376<br>377<br>378<br>379        |
| (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;              | 380<br>381<br>382<br>383<br>384 |
| (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;   | 385<br>386<br>387<br>388        |
| (e) An act of severe violence against a person that results in serious physical harm to the person, unless the act  | 389<br>390                      |

and injury was effected by a peace officer or, subject to 391  
division (H) (1) of this section, the consent of the injured 392  
person or the injured person's guardian has been obtained; 393

(f) Grievous bodily harm to a peace officer, firefighter, 394  
paramedic, or other first responder, occurring while the injured 395  
person was engaged in the performance of official duties, 396  
unless, subject to division (H) (1) of this section, the consent 397  
of the injured person or the injured person's guardian has been 398  
obtained; 399

(g) An act of severe violence resulting in serious 400  
physical harm against a peace officer, firefighter, paramedic, 401  
or other first responder, occurring while the injured person was 402  
engaged in the performance of official duties, unless, subject 403  
to division (H) (1) of this section, the consent of the injured 404  
person or the injured person's guardian has been obtained; 405

(h) A person's nude body, unless, subject to division (H) 406  
(1) of this section, the person's consent has been obtained; 407

(i) Protected health information, the identity of a person 408  
in a health care facility who is not the subject of a law 409  
enforcement encounter, or any other information in a health care 410  
facility that could identify a person who is not the subject of 411  
a law enforcement encounter; 412

(j) Information that could identify the alleged victim of 413  
a sex offense, menacing by stalking, or domestic violence; 414

(k) Information, that does not constitute a confidential 415  
law enforcement investigatory record, that could identify a 416  
person who provides sensitive or confidential information to a 417  
law enforcement agency when the disclosure of the person's 418  
identity or the information provided could reasonably be 419

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| expected to threaten or endanger the safety or property of the person or another person;   | 420<br>421        |
| (l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;  | 422<br>423        |
| (m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;   | 424<br>425<br>426 |
| (n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;   | 427<br>428<br>429 |
| (o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;  | 430<br>431        |
| (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;                               | 432<br>433<br>434 |
| (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. | 435<br>436<br>437 |
| As used in division (A) (17) of this section:  | 438               |
| "Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.  | 439<br>440        |
| "Health care facility" has the same meaning as in section 1337.11 of the Revised Code.   | 441<br>442        |
| "Protected health information" has the same meaning as in 45 C.F.R. 160.103.   | 443<br>444        |
| "Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.   | 445<br>446        |



"Personal information" means any government-issued 447  
identification number, date of birth, address, financial 448  
information, or criminal justice information from the law 449  
enforcement automated data system or similar databases. 450

"Sex offense" has the same meaning as in section 2907.10 451  
of the Revised Code. 452

"Firefighter," "paramedic," and "first responder" have the 453  
same meanings as in section 4765.01 of the Revised Code. 454

(B) (1) Upon request by any person and subject to division 455  
(B) (8) of this section, all public records responsive to the 456  
request shall be promptly prepared and made available for 457  
inspection to ~~any person~~ the requester at all reasonable times 458  
during regular business hours. Subject to division (B) (8) of 459  
this section, upon request by any person, a public office or 460  
person responsible for public records shall make copies of the 461  
requested public record available to the requester at cost and 462  
within a reasonable period of time. If a public record contains 463  
information that is exempt from the duty to permit public 464  
inspection or to copy the public record, the public office or 465  
the person responsible for the public record shall make 466  
available all of the information within the public record that 467  
is not exempt. When making that public record available for 468  
public inspection or copying that public record, the public 469  
office or the person responsible for the public record shall 470  
notify the requester of any redaction or make the redaction 471  
plainly visible. A redaction shall be deemed a denial of a 472  
request to inspect or copy the redacted information, except if 473  
federal or state law authorizes or requires a public office to 474  
make the redaction. 475

(2) To facilitate broader access to public records, a 476

public office or the person responsible for public records shall 477  
organize and maintain public records in a manner that they can 478  
be made available for inspection or copying in accordance with 479  
division (B) of this section. A public office also shall have 480  
available a copy of its current records retention schedule at a 481  
location readily available to the public. If a requester makes 482  
an ambiguous or overly broad request or has difficulty in making 483  
a request for copies or inspection of public records under this 484  
section such that the public office or the person responsible 485  
for the requested public record cannot reasonably identify what 486  
public records are being requested, the public office or the 487  
person responsible for the requested public record may deny the 488  
request but shall provide the requester with an opportunity to 489  
revise the request by informing the requester of the manner in 490  
which records are maintained by the public office and accessed 491  
in the ordinary course of the public office's or person's 492  
duties. 493

(3) If a request is ultimately denied, in part or in 494  
whole, the public office or the person responsible for the 495  
requested public record shall provide the requester with an 496  
explanation, including legal authority, setting forth why the 497  
request was denied. If the initial request was provided in 498  
writing, the explanation also shall be provided to the requester 499  
in writing. The explanation shall not preclude the public office 500  
or the person responsible for the requested public record from 501  
relying upon additional reasons or legal authority in defending 502  
an action commenced under division (C) of this section. 503

(4) Unless specifically required or authorized by state or 504  
federal law or in accordance with division (B) of this section, 505  
no public office or person responsible for public records may 506  
limit or condition the availability of public records by 507

requiring disclosure of the requester's identity or the intended 508  
use of the requested public record. Any requirement that the 509  
requester disclose the requester's identity or the intended use 510  
of the requested public record constitutes a denial of the 511  
request. 512

(5) A public office or person responsible for public 513  
records may ask a requester to make the request in writing, may 514  
ask for the requester's identity, and may inquire about the 515  
intended use of the information requested, but may do so only 516  
after disclosing to the requester that a written request is not 517  
mandatory, that the requester may decline to reveal the 518  
requester's identity or the intended use, and when a written 519  
request or disclosure of the identity or intended use would 520  
benefit the requester by enhancing the ability of the public 521  
office or person responsible for public records to identify, 522  
locate, or deliver the public records sought by the requester. 523

(6) If any person requests a copy of a public record in 524  
accordance with division (B) of this section, the public office 525  
or person responsible for the public record may require ~~that~~ 526  
~~person~~ the requester to pay in advance the cost involved in 527  
providing the copy of the public record in accordance with the 528  
choice made by the ~~person requesting the copy~~ requester under 529  
this division. The public office or the person responsible for 530  
the public record shall permit ~~that person~~ the requester to 531  
choose to have the public record duplicated upon paper, upon the 532  
same medium upon which the public office or person responsible 533  
for the public record keeps it, or upon any other medium upon 534  
which the public office or person responsible for the public 535  
record determines that it reasonably can be duplicated as an 536  
integral part of the normal operations of the public office or 537  
person responsible for the public record. When the ~~person~~ 538

~~requesting the copy requester~~ makes a choice under this 539  
division, the public office or person responsible for the public 540  
record shall provide a copy of it in accordance with the choice 541  
made by ~~that person~~ the requester. Nothing in this section 542  
requires a public office or person responsible for the public 543  
record to allow the ~~person requesting~~ requester of a copy of the 544  
public record to make the copies of the public record. 545

(7) (a) Upon a request made in accordance with division (B) 546  
of this section and subject to division (B) (6) of this section, 547  
a public office or person responsible for public records shall 548  
transmit a copy of a public record to any person by United 549  
States mail or by any other means of delivery or transmission 550  
within a reasonable period of time after receiving the request 551  
for the copy. The public office or person responsible for the 552  
public record may require the person making the request to pay 553  
in advance the cost of postage if the copy is transmitted by 554  
United States mail or the cost of delivery if the copy is 555  
transmitted other than by United States mail, and to pay in 556  
advance the costs incurred for other supplies used in the 557  
mailing, delivery, or transmission. 558

(b) Any public office may adopt a policy and procedures 559  
that it will follow in transmitting, within a reasonable period 560  
of time after receiving a request, copies of public records by 561  
United States mail or by any other means of delivery or 562  
transmission pursuant to division (B) (7) of this section. A 563  
public office that adopts a policy and procedures under division 564  
(B) (7) of this section shall comply with them in performing its 565  
duties under that division. 566

(c) In any policy and procedures adopted under division 567  
(B) (7) of this section: 568

(i) A public office may limit the number of records 569  
requested by a person that the office will physically deliver by 570  
United States mail or by another delivery service to ten per 571  
month, unless the person certifies to the office in writing that 572  
the person does not intend to use or forward the requested 573  
records, or the information contained in them, for commercial 574  
purposes; 575

(ii) A public office that chooses to provide some or all 576  
of its public records on a web site that is fully accessible to 577  
and searchable by members of the public at all times, other than 578  
during acts of God outside the public office's control or 579  
maintenance, and that charges no fee to search, access, 580  
download, or otherwise receive records provided on the web site, 581  
may limit to ten per month the number of records requested by a 582  
person that the office will deliver in a digital format, unless 583  
the requested records are not provided on the web site and 584  
unless the person certifies to the office in writing that the 585  
person does not intend to use or forward the requested records, 586  
or the information contained in them, for commercial purposes. 587

(iii) For purposes of division (B)(7) of this section, 588  
"commercial" shall be narrowly construed and does not include 589  
reporting or gathering news, reporting or gathering information 590  
to assist citizen oversight or understanding of the operation or 591  
activities of government, or nonprofit educational research. 592

(8) A public office or person responsible for public 593  
records is not required to permit a person who is incarcerated 594  
pursuant to a criminal conviction or a juvenile adjudication to 595  
inspect or to obtain a copy of any public record concerning a 596  
criminal investigation or prosecution or concerning what would 597  
be a criminal investigation or prosecution if the subject of the 598

investigation or prosecution were an adult, unless the request 599  
to inspect or to obtain a copy of the record is for the purpose 600  
of acquiring information that is subject to release as a public 601  
record under this section and the judge who imposed the sentence 602  
or made the adjudication with respect to the person, or the 603  
judge's successor in office, finds that the information sought 604  
in the public record is necessary to support what appears to be 605  
a justiciable claim of the person. 606

(9) (a) Upon written request made and signed by a 607  
journalist, a public office, or person responsible for public 608  
records, having custody of the records of the agency employing a 609  
specified designated public service worker shall disclose to the 610  
journalist the address of the actual personal residence of the 611  
designated public service worker and, if the designated public 612  
service worker's spouse, former spouse, or child is employed by 613  
a public office, the name and address of the employer of the 614  
designated public service worker's spouse, former spouse, or 615  
child. The request shall include the journalist's name and title 616  
and the name and address of the journalist's employer and shall 617  
state that disclosure of the information sought would be in the 618  
public interest. 619

(b) Division (B) (9) (a) of this section also applies to 620  
journalist requests for: 621

(i) Customer information maintained by a municipally owned 622  
or operated public utility, other than social security numbers 623  
and any private financial information such as credit reports, 624  
payment methods, credit card numbers, and bank account 625  
information; 626

(ii) Information about minors involved in a school vehicle 627  
accident as provided in division (A) (1) (gg) of this section, 628

other than personal information as defined in section 149.45 of 629  
the Revised Code. 630

(c) As used in division (B)(9) of this section, 631  
"journalist" means a person engaged in, connected with, or 632  
employed by any news medium, including a newspaper, magazine, 633  
press association, news agency, or wire service, a radio or 634  
television station, or a similar medium, for the purpose of 635  
gathering, processing, transmitting, compiling, editing, or 636  
disseminating information for the general public. 637

(10) Upon a request made by a victim, victim's attorney, 638  
or victim's representative, as that term is used in section 639  
2930.02 of the Revised Code, a public office or person 640  
responsible for public records shall transmit a copy of a 641  
depiction of the victim as described in division (A)(1) ~~(ii)~~ (ii) 642  
of this section to the victim, victim's attorney, or victim's 643  
representative. 644

(C)(1) If a person allegedly is aggrieved by the failure 645  
of a public office or the person responsible for public records 646  
to promptly prepare a public record and to make it available to 647  
the person for inspection in accordance with division (B) of 648  
this section or by any other failure of a public office or the 649  
person responsible for public records to comply with an 650  
obligation in accordance with division (B) of this section, the 651  
person allegedly aggrieved may do only one of the following, and 652  
not both: 653

(a) File a complaint with the clerk of the court of claims 654  
or the clerk of the court of common pleas under section 2743.75 655  
of the Revised Code; 656

(b) Commence a mandamus action to obtain a judgment that 657

orders the public office or the person responsible for the 658  
public record to comply with division (B) of this section, that 659  
awards court costs and reasonable attorney's fees to the person 660  
that instituted the mandamus action, and, if applicable, that 661  
includes an order fixing statutory damages under division (C) (2) 662  
of this section. The mandamus action may be commenced in the 663  
court of common pleas of the county in which division (B) of 664  
this section allegedly was not complied with, in the supreme 665  
court pursuant to its original jurisdiction under Section 2 of 666  
Article IV, Ohio Constitution, or in the court of appeals for 667  
the appellate district in which division (B) of this section 668  
allegedly was not complied with pursuant to its original 669  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 670

(2) If a requester transmits a written request by hand 671  
delivery, electronic submission, or certified mail to inspect or 672  
receive copies of any public record in a manner that fairly 673  
describes the public record or class of public records to the 674  
public office or person responsible for the requested public 675  
records, except as otherwise provided in this section, the 676  
requester shall be entitled to recover the amount of statutory 677  
damages set forth in this division if a court determines that 678  
the public office or the person responsible for public records 679  
failed to comply with an obligation in accordance with division 680  
(B) of this section. 681

The amount of statutory damages shall be fixed at one 682  
hundred dollars for each business day during which the public 683  
office or person responsible for the requested public records 684  
failed to comply with an obligation in accordance with division 685  
(B) of this section, beginning with the day on which the 686  
requester files a mandamus action to recover statutory damages, 687  
up to a maximum of one thousand dollars. The award of statutory 688



damages shall not be construed as a penalty, but as compensation 689  
for injury arising from lost use of the requested information. 690  
The existence of this injury shall be conclusively presumed. The 691  
award of statutory damages shall be in addition to all other 692  
remedies authorized by this section. 693

The court may reduce an award of statutory damages or not 694  
award statutory damages if the court determines both of the 695  
following: 696

(a) That, based on the ordinary application of statutory 697  
law and case law as it existed at the time of the conduct or 698  
threatened conduct of the public office or person responsible 699  
for the requested public records that allegedly constitutes a 700  
failure to comply with an obligation in accordance with division 701  
(B) of this section and that was the basis of the mandamus 702  
action, a well-informed public office or person responsible for 703  
the requested public records reasonably would believe that the 704  
conduct or threatened conduct of the public office or person 705  
responsible for the requested public records did not constitute 706  
a failure to comply with an obligation in accordance with 707  
division (B) of this section; 708

(b) That a well-informed public office or person 709  
responsible for the requested public records reasonably would 710  
believe that the conduct or threatened conduct of the public 711  
office or person responsible for the requested public records 712  
would serve the public policy that underlies the authority that 713  
is asserted as permitting that conduct or threatened conduct. 714

(3) In a mandamus action filed under division (C) (1) of 715  
this section, the following apply: 716

(a) (i) If the court orders the public office or the person 717

responsible for the public record to comply with division (B) of 718  
this section, the court shall determine and award to the relator 719  
all court costs, which shall be construed as remedial and not 720  
punitive. 721

(ii) If the court makes a determination described in 722  
division (C) (3) (b) (iii) of this section, the court shall 723  
determine and award to the relator all court costs, which shall 724  
be construed as remedial and not punitive. 725

(b) If the court renders a judgment that orders the public 726  
office or the person responsible for the public record to comply 727  
with division (B) of this section or if the court determines any 728  
of the following, the court may award reasonable attorney's fees 729  
to the relator, subject to division (C) (4) of this section: 730

(i) The public office or the person responsible for the 731  
public records failed to respond affirmatively or negatively to 732  
the public records request in accordance with the time allowed 733  
under division (B) of this section. 734

(ii) The public office or the person responsible for the 735  
public records promised to permit the relator to inspect or 736  
receive copies of the public records requested within a 737  
specified period of time but failed to fulfill that promise 738  
within that specified period of time. 739

(iii) The public office or the person responsible for the 740  
public records acted in bad faith when the office or person 741  
voluntarily made the public records available to the relator for 742  
the first time after the relator commenced the mandamus action, 743  
but before the court issued any order concluding whether or not 744  
the public office or person was required to comply with division 745  
(B) of this section. No discovery may be conducted on the issue 746

of the alleged bad faith of the public office or person 747  
responsible for the public records. This division shall not be 748  
construed as creating a presumption that the public office or 749  
the person responsible for the public records acted in bad faith 750  
when the office or person voluntarily made the public records 751  
available to the relator for the first time after the relator 752  
commenced the mandamus action, but before the court issued any 753  
order described in this division. 754

(c) The court shall not award attorney's fees to the 755  
relator if the court determines both of the following: 756

(i) That, based on the ordinary application of statutory 757  
law and case law as it existed at the time of the conduct or 758  
threatened conduct of the public office or person responsible 759  
for the requested public records that allegedly constitutes a 760  
failure to comply with an obligation in accordance with division 761  
(B) of this section and that was the basis of the mandamus 762  
action, a well-informed public office or person responsible for 763  
the requested public records reasonably would believe that the 764  
conduct or threatened conduct of the public office or person 765  
responsible for the requested public records did not constitute 766  
a failure to comply with an obligation in accordance with 767  
division (B) of this section; 768

(ii) That a well-informed public office or person 769  
responsible for the requested public records reasonably would 770  
believe that the conduct or threatened conduct of the public 771  
office or person responsible for the requested public records 772  
would serve the public policy that underlies the authority that 773  
is asserted as permitting that conduct or threatened conduct. 774

(4) All of the following apply to any award of reasonable 775  
attorney's fees awarded under division (C) (3) (b) of this 776

|   |   |
|---|---|
| section:  | 777   |
| (a) The fees shall be construed as remedial and not punitive.   | 778<br>779                                    |
| (b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section.   | 780<br>781<br>782<br>783                      |
| (c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.  | 784<br>785<br>786                             |
| (d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section.                              | 787<br>788<br>789<br>790<br>791<br>792        |
| (5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. | 793<br>794<br>795<br>796<br>797<br>798<br>799 |
| (D) Chapter 1347. of the Revised Code does not limit the provisions of this section.  | 800<br>801                                    |
| (E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the  | 802<br>803<br>804<br>805                      |

attorney general as provided in section 109.43 of the Revised 806  
Code. A future official may satisfy the requirements of this 807  
division by attending the training before taking office, 808  
provided that the future official may not send a designee in the 809  
future official's place. 810

(2) All public offices shall adopt a public records policy 811  
in compliance with this section for responding to public records 812  
requests. In adopting a public records policy under this 813  
division, a public office may obtain guidance from the model 814  
public records policy developed and provided to the public 815  
office by the attorney general under section 109.43 of the 816  
Revised Code. Except as otherwise provided in this section, the 817  
policy may not limit the number of public records that the 818  
public office will make available to a single person, may not 819  
limit the number of public records that it will make available 820  
during a fixed period of time, and may not establish a fixed 821  
period of time before it will respond to a request for 822  
inspection or copying of public records, unless that period is 823  
less than eight hours. 824

The public office shall distribute the public records 825  
policy adopted by the public office under this division to the 826  
employee of the public office who is the records custodian or 827  
records manager or otherwise has custody of the records of that 828  
office. The public office shall require that employee to 829  
acknowledge receipt of the copy of the public records policy. 830  
The public office shall create a poster that describes its 831  
public records policy and shall post the poster in a conspicuous 832  
place in the public office and in all locations where the public 833  
office has branch offices. The public office may post its public 834  
records policy on the internet web site of the public office if 835  
the public office maintains an internet web site. A public 836

office that has established a manual or handbook of its general 837  
policies and procedures for all employees of the public office 838  
shall include the public records policy of the public office in 839  
the manual or handbook. 840

(F) (1) The bureau of motor vehicles may adopt rules 841  
pursuant to Chapter 119. of the Revised Code to reasonably limit 842  
the number of bulk commercial special extraction requests made 843  
by a person for the same records or for updated records during a 844  
calendar year. The rules may include provisions for charges to 845  
be made for bulk commercial special extraction requests for the 846  
actual cost of the bureau, plus special extraction costs, plus 847  
ten per cent. The bureau may charge for expenses for redacting 848  
information, the release of which is prohibited by law. 849

(2) As used in division (F) (1) of this section: 850

(a) "Actual cost" means the cost of depleted supplies, 851  
records storage media costs, actual mailing and alternative 852  
delivery costs, or other transmitting costs, and any direct 853  
equipment operating and maintenance costs, including actual 854  
costs paid to private contractors for copying services. 855

(b) "Bulk commercial special extraction request" means a 856  
request for copies of a record for information in a format other 857  
than the format already available, or information that cannot be 858  
extracted without examination of all items in a records series, 859  
class of records, or database by a person who intends to use or 860  
forward the copies for surveys, marketing, solicitation, or 861  
resale for commercial purposes. "Bulk commercial special 862  
extraction request" does not include a request by a person who 863  
gives assurance to the bureau that the person making the request 864  
does not intend to use or forward the requested copies for 865  
surveys, marketing, solicitation, or resale for commercial 866

purposes. 867

(c) "Commercial" means profit-seeking production, buying, 868  
or selling of any good, service, or other product. 869

(d) "Special extraction costs" means the cost of the time 870  
spent by the lowest paid employee competent to perform the task, 871  
the actual amount paid to outside private contractors employed 872  
by the bureau, or the actual cost incurred to create computer 873  
programs to make the special extraction. "Special extraction 874  
costs" include any charges paid to a public agency for computer 875  
or records services. 876

(3) For purposes of divisions (F) (1) and (2) of this 877  
section, "surveys, marketing, solicitation, or resale for 878  
commercial purposes" shall be narrowly construed and does not 879  
include reporting or gathering news, reporting or gathering 880  
information to assist citizen oversight or understanding of the 881  
operation or activities of government, or nonprofit educational 882  
research. 883

(G) A request by a defendant, counsel of a defendant, or 884  
any agent of a defendant in a criminal action that public 885  
records related to that action be made available under this 886  
section shall be considered a demand for discovery pursuant to 887  
the Criminal Rules, except to the extent that the Criminal Rules 888  
plainly indicate a contrary intent. The defendant, counsel of 889  
the defendant, or agent of the defendant making a request under 890  
this division shall serve a copy of the request on the 891  
prosecuting attorney, director of law, or other chief legal 892  
officer responsible for prosecuting the action. 893

(H) (1) Any portion of a body-worn camera or dashboard 894  
camera recording described in divisions (A) (17) (b) to (h) of 895

this section may be released by consent of the subject of the 896  
recording or a representative of that person, as specified in 897  
those divisions, only if either of the following applies: 898

(a) The recording will not be used in connection with any 899  
probable or pending criminal proceedings; 900

(b) The recording has been used in connection with a 901  
criminal proceeding that was dismissed or for which a judgment 902  
has been entered pursuant to Rule 32 of the Rules of Criminal 903  
Procedure, and will not be used again in connection with any 904  
probable or pending criminal proceedings. 905

(2) If a public office denies a request to release a 906  
restricted portion of a body-worn camera or dashboard camera 907  
recording, as defined in division (A) (17) of this section, any 908  
person may file a mandamus action pursuant to this section or a 909  
complaint with the clerk of the court of claims pursuant to 910  
section 2743.75 of the Revised Code, requesting the court to 911  
order the release of all or portions of the recording. If the 912  
court considering the request determines that the filing 913  
articulates by clear and convincing evidence that the public 914  
interest in the recording substantially outweighs privacy 915  
interests and other interests asserted to deny release, the 916  
court shall order the public office to release the recording. 917

**Sec. 5913.01.** (A) The adjutant general is the commander 918  
and administrative head of the Ohio organized militia. The 919  
adjutant general shall: 920

(1) Be provided offices and shall keep them open during 921  
usual business hours; 922

(2) Have and maintain custody of all military records, 923  
correspondence, and other documents of the Ohio organized 924



|  |     |
|--|-----|
| militia;   | 925 |
| (3) Superintend the preparation of all returns and reports       | 926 |
| required by the United States from the state on military         | 927 |
| matters;   | 928 |
| (4) Keep a roster of all officers of the Ohio organized          | 929 |
| militia, including retired officers;                             | 930 |
| (5) Whenever necessary, cause the military provisions of         | 931 |
| the Revised Code and the orders, regulations, pamphlets,         | 932 |
| circulars, and memorandums of the adjutant general's department  | 933 |
| to be printed and distributed to the organizations of the Ohio   | 934 |
| organized militia;   | 935 |
| (6) Prepare and issue all necessary Ohio organized militia       | 936 |
| forms and attest to all commissions issued to officers of the    | 937 |
| Ohio organized militia;  | 938 |
| (7) Have a seal, and all copies of orders, records, and          | 939 |
| papers in the adjutant general's office certified and            | 940 |
| authenticated with that seal shall be competent evidence in like | 941 |
| manner as if the originals were produced. All orders issued from | 942 |
| the adjutant general's office shall bear a duplicate of the      | 943 |
| seal.  | 944 |
| (8) Keep and preserve the arms, ordnance, equipment, and         | 945 |
| all other military property belonging to the state or issued to  | 946 |
| the state by the federal government and issue any regulations    | 947 |
| necessary to keep, preserve, and repair the property as          | 948 |
| conditions demand;   | 949 |
| (9) Issue adjutant general's property to the units of the        | 950 |
| Ohio organized militia as the necessity of the service or        | 951 |
| organizational or allowance tables requires;                     | 952 |

(10) Submit an annual report to the governor at such time 953  
as the governor requires of the transaction of the adjutant 954  
general's department, setting forth the strength and condition 955  
of the Ohio organized militia and other matters that the 956  
adjutant general chooses; 957

(11) Designate members of the Ohio national guard, who are 958  
participating in duties related to remotely piloted aircraft, 959  
including, but not limited to, pilots, sensor operators, and 960  
mission intelligence personnel, duties related to special forces 961  
operations, or duties related to cybersecurity, as designated 962  
public service workers under section 149.43 of the Revised Code; 963

(12) Command the joint force headquarters of the Ohio 964  
national guard. 965

(B) The adjutant general shall issue and distribute all 966  
orders issued in the name of the governor as the commander in 967  
chief of the Ohio organized militia and perform the duties that 968  
the governor directs and other duties prescribed by law. 969

(C) The adjutant general may enter into cooperative 970  
agreements, contractual arrangements, or agreements for the 971  
acceptance of grants with the United States or any agency or 972  
department of the United States, other states, any department or 973  
political subdivision of this state, or any person or body 974  
politic, to accomplish the purposes of the adjutant general's 975  
department. The adjutant general shall cooperate with, and not 976  
infringe upon, the rights of other state departments, divisions, 977  
boards, commissions, and agencies, political subdivisions, and 978  
other public officials and public and private agencies when the 979  
interests of the adjutant general's department and those other 980  
entities overlap. 981

The funds made available by the United States for the 982  
exclusive use of the department shall be expended only by the 983  
department and only for the purposes for which the federal funds 984  
were appropriated. In accepting federal funds, the department 985  
agrees to abide by the terms and conditions of the grant or 986  
cooperative agreement and further agrees to expend the federal 987  
funds in accordance with the laws and regulations of the United 988  
States. 989

**Section 2.** That existing sections 149.43 and 5913.01 of 990  
the Revised Code are hereby repealed. 991