

As Passed by the Senate

135th General Assembly

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Am. S. B. No. 173

Senators DeMora, Gavarone

**Cosponsors: Senators Craig, Ingram, Smith, Sykes, Antonio, Hicks-Hudson,
Cirino, Johnson, Kunze, Landis, Reineke, Wilkin**

A BILL

To amend section 149.43 of the Revised Code to 1
specify that certain election officials are 2
designated public service workers for purposes 3
of the public records law. 4

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

Section 1. That section 149.43 of the Revised Code be 5
amended to read as follows: 6

Sec. 149.43. (A) As used in this section: 7

(1) "Public record" means records kept by any public 8
office, including, but not limited to, state, county, city, 9
village, township, and school district units, and records 10
pertaining to the delivery of educational services by an 11
alternative school in this state kept by the nonprofit or for- 12
profit entity operating the alternative school pursuant to 13
section 3313.533 of the Revised Code. "Public record" does not 14
mean any of the following: 15

(a) Medical records; 16

(b) Records pertaining to probation and parole 17
proceedings, to proceedings related to the imposition of 18
community control sanctions and post-release control sanctions, 19
or to proceedings related to determinations under section 20
2967.271 of the Revised Code regarding the release or maintained 21
incarceration of an offender to whom that section applies; 22

(c) Records pertaining to actions under section 2151.85 23
and division (C) of section 2919.121 of the Revised Code and to 24
appeals of actions arising under those sections; 25

(d) Records pertaining to adoption proceedings, including 26
the contents of an adoption file maintained by the department of 27
health under sections 3705.12 to 3705.124 of the Revised Code; 28

(e) Information in a record contained in the putative 29
father registry established by section 3107.062 of the Revised 30
Code, regardless of whether the information is held by the 31
department of job and family services or, pursuant to section 32
3111.69 of the Revised Code, the office of child support in the 33
department or a child support enforcement agency; 34

(f) Records specified in division (A) of section 3107.52 35
of the Revised Code; 36

(g) Trial preparation records; 37

(h) Confidential law enforcement investigatory records; 38

(i) Records containing information that is confidential 39
under section 2710.03 or 4112.05 of the Revised Code; 40

(j) DNA records stored in the DNA database pursuant to 41
section 109.573 of the Revised Code; 42

(k) Inmate records released by the department of 43
rehabilitation and correction to the department of youth 44

services or a court of record pursuant to division (E) of	45
section 5120.21 of the Revised Code;	46
(l) Records maintained by the department of youth services	47
pertaining to children in its custody released by the department	48
of youth services to the department of rehabilitation and	49
correction pursuant to section 5139.05 of the Revised Code;	50
(m) Intellectual property records;	51
(n) Donor profile records;	52
(o) Records maintained by the department of job and family	53
services pursuant to section 3121.894 of the Revised Code;	54
(p) Designated public service worker residential and	55
familial information;	56
(q) In the case of a county hospital operated pursuant to	57
Chapter 339. of the Revised Code or a municipal hospital	58
operated pursuant to Chapter 749. of the Revised Code,	59
information that constitutes a trade secret, as defined in	60
section 1333.61 of the Revised Code;	61
(r) Information pertaining to the recreational activities	62
of a person under the age of eighteen;	63
(s) In the case of a child fatality review board acting	64
under sections 307.621 to 307.629 of the Revised Code or a	65
review conducted pursuant to guidelines established by the	66
director of health under section 3701.70 of the Revised Code,	67
records provided to the board or director, statements made by	68
board members during meetings of the board or by persons	69
participating in the director's review, and all work products of	70
the board or director, and in the case of a child fatality	71
review board, child fatality review data submitted by the board	72

to the department of health or a national child death review 73
database, other than the report prepared pursuant to division 74
(A) of section 307.626 of the Revised Code; 75

(t) Records provided to and statements made by the 76
executive director of a public children services agency or a 77
prosecuting attorney acting pursuant to section 5153.171 of the 78
Revised Code other than the information released under that 79
section; 80

(u) Test materials, examinations, or evaluation tools used 81
in an examination for licensure as a nursing home administrator 82
that the board of executives of long-term services and supports 83
administers under section 4751.15 of the Revised Code or 84
contracts under that section with a private or government entity 85
to administer; 86

(v) Records the release of which is prohibited by state or 87
federal law; 88

(w) Proprietary information of or relating to any person 89
that is submitted to or compiled by the Ohio venture capital 90
authority created under section 150.01 of the Revised Code; 91

(x) Financial statements and data any person submits for 92
any purpose to the Ohio housing finance agency or the 93
controlling board in connection with applying for, receiving, or 94
accounting for financial assistance from the agency, and 95
information that identifies any individual who benefits directly 96
or indirectly from financial assistance from the agency; 97

(y) Records listed in section 5101.29 of the Revised Code; 98

(z) Discharges recorded with a county recorder under 99
section 317.24 of the Revised Code, as specified in division (B) 100
(2) of that section; 101

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	102 103 104
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	105 106 107
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	108 109 110
(dd) Personal information, as defined in section 149.45 of the Revised Code;	111 112
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state; and any real property confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.	113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129
(ff) Orders for active military service of an individual	130

serving or with previous service in the armed forces of the 131
United States, including a reserve component, or the Ohio 132
organized militia, except that, such order becomes a public 133
record on the day that is fifteen years after the published date 134
or effective date of the call to order; 135

(gg) The name, address, contact information, or other 136
personal information of an individual who is less than eighteen 137
years of age that is included in any record related to a traffic 138
accident involving a school vehicle in which the individual was 139
an occupant at the time of the accident; 140

(hh) Protected health information, as defined in 45 C.F.R. 141
160.103, that is in a claim for payment for a health care 142
product, service, or procedure, as well as any other health 143
claims data in another document that reveals the identity of an 144
individual who is the subject of the data or could be used to 145
reveal that individual's identity; 146

(ii) Any depiction by photograph, film, videotape, or 147
printed or digital image under either of the following 148
circumstances: 149

(i) The depiction is that of a victim of an offense the 150
release of which would be, to a reasonable person of ordinary 151
sensibilities, an offensive and objectionable intrusion into the 152
victim's expectation of bodily privacy and integrity. 153

(ii) The depiction captures or depicts the victim of a 154
sexually oriented offense, as defined in section 2950.01 of the 155
Revised Code, at the actual occurrence of that offense. 156

(jj) Restricted portions of a body-worn camera or 157
dashboard camera recording; 158

(kk) In the case of a fetal-infant mortality review board 159

acting under sections 3707.70 to 3707.77 of the Revised Code, 160
records, documents, reports, or other information presented to 161
the board or a person abstracting such materials on the board's 162
behalf, statements made by review board members during board 163
meetings, all work products of the board, and data submitted by 164
the board to the department of health or a national infant death 165
review database, other than the report prepared pursuant to 166
section 3707.77 of the Revised Code. 167

(ll) Records, documents, reports, or other information 168
presented to the pregnancy-associated mortality review board 169
established under section 3738.01 of the Revised Code, 170
statements made by board members during board meetings, all work 171
products of the board, and data submitted by the board to the 172
department of health, other than the biennial reports prepared 173
under section 3738.08 of the Revised Code; 174

(mm) Except as otherwise provided in division (A) (1) (oo) 175
of this section, telephone numbers for a victim, as defined in 176
section 2930.01 of the Revised Code or a witness to a crime that 177
are listed on any law enforcement record or report. 178

(nn) A preneed funeral contract, as defined in section 179
4717.01 of the Revised Code, and contract terms and personally 180
identifying information of a preneed funeral contract, that is 181
contained in a report submitted by or for a funeral home to the 182
board of embalmers and funeral directors under division (C) of 183
section 4717.13, division (J) of section 4717.31, or section 184
4717.41 of the Revised Code. 185

(oo) Telephone numbers for a party to a motor vehicle 186
accident subject to the requirements of section 5502.11 of the 187
Revised Code that are listed on any law enforcement record or 188
report, except that the telephone numbers described in this 189

division are not excluded from the definition of "public record" 190
under this division on and after the thirtieth day after the 191
occurrence of the motor vehicle accident. 192

(pp) Records pertaining to individuals who complete 193
training under section 5502.703 of the Revised Code to be 194
permitted by a school district board of education or governing 195
body of a community school established under Chapter 3314. of 196
the Revised Code, a STEM school established under Chapter 3326. 197
of the Revised Code, or a chartered nonpublic school to convey 198
deadly weapons or dangerous ordnance into a school safety zone; 199

(qq) Records, documents, reports, or other information 200
presented to a domestic violence fatality review board 201
established under section 307.651 of the Revised Code, 202
statements made by board members during board meetings, all work 203
products of the board, and data submitted by the board to the 204
department of health, other than a report prepared pursuant to 205
section 307.656 of the Revised Code; 206

(rr) Records, documents, and information the release of 207
which is prohibited under sections 2930.04 and 2930.07 of the 208
Revised Code; 209

(ss) Records of an existing qualified nonprofit 210
corporation that creates a special improvement district under 211
Chapter 1710. of the Revised Code that do not pertain to a 212
purpose for which the district is created. 213

A record that is not a public record under division (A) (1) 214
of this section and that, under law, is permanently retained 215
becomes a public record on the day that is seventy-five years 216
after the day on which the record was created, except for any 217
record protected by the attorney-client privilege, a trial 218

preparation record as defined in this section, a statement 219
prohibiting the release of identifying information signed under 220
section 3107.083 of the Revised Code, a denial of release form 221
filed pursuant to section 3107.46 of the Revised Code, or any 222
record that is exempt from release or disclosure under section 223
149.433 of the Revised Code. If the record is a birth 224
certificate and a biological parent's name redaction request 225
form has been accepted under section 3107.391 of the Revised 226
Code, the name of that parent shall be redacted from the birth 227
certificate before it is released under this paragraph. If any 228
other section of the Revised Code establishes a time period for 229
disclosure of a record that conflicts with the time period 230
specified in this section, the time period in the other section 231
prevails. 232

(2) "Confidential law enforcement investigatory record" 233
means any record that pertains to a law enforcement matter of a 234
criminal, quasi-criminal, civil, or administrative nature, but 235
only to the extent that the release of the record would create a 236
high probability of disclosure of any of the following: 237

(a) The identity of a suspect who has not been charged 238
with the offense to which the record pertains, or of an 239
information source or witness to whom confidentiality has been 240
reasonably promised; 241

(b) Information provided by an information source or 242
witness to whom confidentiality has been reasonably promised, 243
which information would reasonably tend to disclose the source's 244
or witness's identity; 245

(c) Specific confidential investigatory techniques or 246
procedures or specific investigatory work product; 247

(d) Information that would endanger the life or physical 248
safety of law enforcement personnel, a crime victim, a witness, 249
or a confidential information source. 250

(3) "Medical record" means any document or combination of 251
documents, except births, deaths, and the fact of admission to 252
or discharge from a hospital, that pertains to the medical 253
history, diagnosis, prognosis, or medical condition of a patient 254
and that is generated and maintained in the process of medical 255
treatment. 256

(4) "Trial preparation record" means any record that 257
contains information that is specifically compiled in reasonable 258
anticipation of, or in defense of, a civil or criminal action or 259
proceeding, including the independent thought processes and 260
personal trial preparation of an attorney. 261

(5) "Intellectual property record" means a record, other 262
than a financial or administrative record, that is produced or 263
collected by or for faculty or staff of a state institution of 264
higher learning in the conduct of or as a result of study or 265
research on an educational, commercial, scientific, artistic, 266
technical, or scholarly issue, regardless of whether the study 267
or research was sponsored by the institution alone or in 268
conjunction with a governmental body or private concern, and 269
that has not been publicly released, published, or patented. 270

(6) "Donor profile record" means all records about donors 271
or potential donors to a public institution of higher education 272
except the names and reported addresses of the actual donors and 273
the date, amount, and conditions of the actual donation. 274

(7) "Designated public service worker" means a peace 275
officer, parole officer, probation officer, bailiff, prosecuting 276

attorney, assistant prosecuting attorney, correctional employee, 277
county or multicounty corrections officer, community-based 278
correctional facility employee, designated Ohio national guard 279
member, protective services worker, youth services employee, 280
firefighter, EMT, medical director or member of a cooperating 281
physician advisory board of an emergency medical service 282
organization, state board of pharmacy employee, investigator of 283
the bureau of criminal identification and investigation, 284
emergency service telecommunicator, forensic mental health 285
provider, mental health evaluation provider, regional 286
psychiatric hospital employee, judge, magistrate, ~~or~~ federal law 287
enforcement officer, or election official. 288

(8) "Designated public service worker residential and 289
familial information" means any information that discloses any 290
of the following about a designated public service worker: 291

(a) The address of the actual personal residence of a 292
designated public service worker, except for the following 293
information: 294

(i) The address of the actual personal residence of a 295
prosecuting attorney or judge; and 296

(ii) The state or political subdivision in which a 297
designated public service worker resides. 298

(b) Information compiled from referral to or participation 299
in an employee assistance program; 300

(c) The social security number, the residential telephone 301
number, any bank account, debit card, charge card, or credit 302
card number, or the emergency telephone number of, or any 303
medical information pertaining to, a designated public service 304
worker; 305

(d) The name of any beneficiary of employment benefits, 306
including, but not limited to, life insurance benefits, provided 307
to a designated public service worker by the designated public 308
service worker's employer; 309

(e) The identity and amount of any charitable or 310
employment benefit deduction made by the designated public 311
service worker's employer from the designated public service 312
worker's compensation, unless the amount of the deduction is 313
required by state or federal law; 314

(f) The name, the residential address, the name of the 315
employer, the address of the employer, the social security 316
number, the residential telephone number, any bank account, 317
debit card, charge card, or credit card number, or the emergency 318
telephone number of the spouse, a former spouse, or any child of 319
a designated public service worker; 320

(g) A photograph of a peace officer who holds a position 321
or has an assignment that may include undercover or plain 322
clothes positions or assignments as determined by the peace 323
officer's appointing authority. 324

(9) As used in divisions (A) (7) and (15) to (17) of this 325
section: 326

"Peace officer" has the meaning defined in section 109.71 327
of the Revised Code and also includes the superintendent and 328
troopers of the state highway patrol; it does not include the 329
sheriff of a county or a supervisory employee who, in the 330
absence of the sheriff, is authorized to stand in for, exercise 331
the authority of, and perform the duties of the sheriff. 332

"Correctional employee" means any employee of the 333
department of rehabilitation and correction who in the course of 334

performing the employee's job duties has or has had contact with 335
inmates and persons under supervision. 336

"County or multicounty corrections officer" means any 337
corrections officer employed by any county or multicounty 338
correctional facility. 339

"Designated Ohio national guard member" means a member of 340
the Ohio national guard who is participating in duties related 341
to remotely piloted aircraft, including, but not limited to, 342
pilots, sensor operators, and mission intelligence personnel, 343
duties related to special forces operations, or duties related 344
to cybersecurity, and is designated by the adjutant general as a 345
designated public service worker for those purposes. 346

"Protective services worker" means any employee of a 347
county agency who is responsible for child protective services, 348
child support services, or adult protective services. 349

"Youth services employee" means any employee of the 350
department of youth services who in the course of performing the 351
employee's job duties has or has had contact with children 352
committed to the custody of the department of youth services. 353

"Firefighter" means any regular, paid or volunteer, member 354
of a lawfully constituted fire department of a municipal 355
corporation, township, fire district, or village. 356

"EMT" means EMTs-basic, EMTs-I, and paramedics that 357
provide emergency medical services for a public emergency 358
medical service organization. "Emergency medical service 359
organization," "EMT-basic," "EMT-I," and "paramedic" have the 360
meanings defined in section 4765.01 of the Revised Code. 361

"Investigator of the bureau of criminal identification and 362
investigation" has the meaning defined in section 2903.11 of the 363

Revised Code.	364
"Emergency service telecommunicator" means an individual	365
employed by an emergency service provider as defined under	366
section 128.01 of the Revised Code, whose primary responsibility	367
is to be an operator for the receipt or processing of calls for	368
emergency services made by telephone, radio, or other electronic	369
means.	370
"Forensic mental health provider" means any employee of a	371
community mental health service provider or local alcohol, drug	372
addiction, and mental health services board who, in the course	373
of the employee's duties, has contact with persons committed to	374
a local alcohol, drug addiction, and mental health services	375
board by a court order pursuant to section 2945.38, 2945.39,	376
2945.40, or 2945.402 of the Revised Code.	377
"Mental health evaluation provider" means an individual	378
who, under Chapter 5122. of the Revised Code, examines a	379
respondent who is alleged to be a mentally ill person subject to	380
court order, as defined in section 5122.01 of the Revised Code,	381
and reports to the probate court the respondent's mental	382
condition.	383
"Regional psychiatric hospital employee" means any	384
employee of the department of mental health and addiction	385
services who, in the course of performing the employee's duties,	386
has contact with patients committed to the department of mental	387
health and addiction services by a court order pursuant to	388
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised	389
Code.	390
"Federal law enforcement officer" has the meaning defined	391
in section 9.88 of the Revised Code.	392

"Election official" has the same meaning as in section 3501.01 of the Revised Code but does not include a precinct election official or a temporary or part-time employee of a board of elections.

(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 of the following:

(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;

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

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

(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.

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

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

(13) "Redaction" means obscuring or deleting any 421
information that is exempt from the duty to permit public 422
inspection or copying from an item that otherwise meets the 423
definition of a "record" in section 149.011 of the Revised Code. 424

(14) "Designee," "elected official," and "future official" 425
have the meanings defined in section 109.43 of the Revised Code. 426

(15) "Body-worn camera" means a visual and audio recording 427
device worn on the person of a correctional employee, youth 428
services employee, or peace officer while the correctional 429
employee, youth services employee, or peace officer is engaged 430
in the performance of official duties. 431

(16) "Dashboard camera" means a visual and audio recording 432
device mounted on a peace officer's vehicle or vessel that is 433
used while the peace officer is engaged in the performance of 434
the peace officer's duties. 435

(17) "Restricted portions of a body-worn camera or 436
dashboard camera recording" means any visual or audio portion of 437
a body-worn camera or dashboard camera recording that shows, 438
communicates, or discloses any of the following: 439

(a) The image or identity of a child or information that 440
could lead to the identification of a child who is a primary 441
subject of the recording when the department of rehabilitation 442
and correction, department of youth services, or the law 443
enforcement agency knows or has reason to know the person is a 444
child based on the department's or law enforcement agency's 445
records or the content of the recording; 446

(b) The death of a person or a deceased person's body, 447
unless the death was caused by a correctional employee, youth 448
services employee, or peace officer or, subject to division (H) 449

(1) of this section, the consent of the decedent's executor or administrator has been obtained; 450
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(c) The death of a correctional employee, youth services employee, 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; 452
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(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or 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; 458
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(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a correctional employee, youth services employee, or 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; 463
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(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 469
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(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the 475
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performance of official duties, unless, subject to division (H)	479
(1) of this section, the consent of the injured person or the	480
injured person's guardian has been obtained;	481
(h) A person's nude body, unless, subject to division (H)	482
(1) of this section, the person's consent has been obtained;	483
(i) Protected health information, the identity of a person	484
in a health care facility who is not the subject of a	485
correctional, youth services, or law enforcement encounter, or	486
any other information in a health care facility that could	487
identify a person who is not the subject of a correctional,	488
youth services, or law enforcement encounter;	489
(j) Information that could identify the alleged victim of	490
a sex offense, menacing by stalking, or domestic violence;	491
(k) Information, that does not constitute a confidential	492
law enforcement investigatory record, that could identify a	493
person who provides sensitive or confidential information to the	494
department of rehabilitation and correction, the department of	495
youth services, or a law enforcement agency when the disclosure	496
of the person's identity or the information provided could	497
reasonably be expected to threaten or endanger the safety or	498
property of the person or another person;	499
(l) Personal information of a person who is not arrested,	500
cited, charged, or issued a written warning by a peace officer;	501
(m) Proprietary correctional, youth services, or police	502
contingency plans or tactics that are intended to prevent crime	503
and maintain public order and safety;	504
(n) A personal conversation unrelated to work between	505
correctional employees, youth services employees, or peace	506
officers or between a correctional employee, youth services	507

employee, or peace officer and an employee of a law enforcement agency;	508 509
(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;	510 511 512 513
(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 correctional employee, youth services employee, or peace officer;	514 515 516 517
(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 correctional employee, youth services employee, or peace officer occurs in that location.	518 519 520 521
As used in division (A) (17) of this section:	522
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	523 524
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	525 526
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	527 528
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	529 530
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	531 532 533 534

"Sex offense" has the same meaning as in section 2907.10 535
of the Revised Code. 536

"Firefighter," "paramedic," and "first responder" have the 537
same meanings as in section 4765.01 of the Revised Code. 538

(B) (1) Upon request by any person and subject to division 539
(B) (8) of this section, all public records responsive to the 540
request shall be promptly prepared and made available for 541
inspection to the requester at all reasonable times during 542
regular business hours. Subject to division (B) (8) of this 543
section, upon request by any person, a public office or person 544
responsible for public records shall make copies of the 545
requested public record available to the requester at cost and 546
within a reasonable period of time. If a public record contains 547
information that is exempt from the duty to permit public 548
inspection or to copy the public record, the public office or 549
the person responsible for the public record shall make 550
available all of the information within the public record that 551
is not exempt. When making that public record available for 552
public inspection or copying that public record, the public 553
office or the person responsible for the public record shall 554
notify the requester of any redaction or make the redaction 555
plainly visible. A redaction shall be deemed a denial of a 556
request to inspect or copy the redacted information, except if 557
federal or state law authorizes or requires a public office to 558
make the redaction. When the auditor of state receives a request 559
to inspect or to make a copy of a record that was provided to 560
the auditor of state for purposes of an audit, but the original 561
public office has asserted to the auditor of state that the 562
record is not a public record, the auditor of state may handle 563
the requests by directing the requestor to the original public 564
office that provided the record to the auditor of state. 565

(2) To facilitate broader access to public records, a 566
public office or the person responsible for public records shall 567
organize and maintain public records in a manner that they can 568
be made available for inspection or copying in accordance with 569
division (B) of this section. A public office also shall have 570
available a copy of its current records retention schedule at a 571
location readily available to the public. If a requester makes 572
an ambiguous or overly broad request or has difficulty in making 573
a request for copies or inspection of public records under this 574
section such that the public office or the person responsible 575
for the requested public record cannot reasonably identify what 576
public records are being requested, the public office or the 577
person responsible for the requested public record may deny the 578
request but shall provide the requester with an opportunity to 579
revise the request by informing the requester of the manner in 580
which records are maintained by the public office and accessed 581
in the ordinary course of the public office's or person's 582
duties. 583

(3) If a request is ultimately denied, in part or in 584
whole, the public office or the person responsible for the 585
requested public record shall provide the requester with an 586
explanation, including legal authority, setting forth why the 587
request was denied. If the initial request was provided in 588
writing, the explanation also shall be provided to the requester 589
in writing. The explanation shall not preclude the public office 590
or the person responsible for the requested public record from 591
relying upon additional reasons or legal authority in defending 592
an action commenced under division (C) of this section. 593

(4) Unless specifically required or authorized by state or 594
federal law or in accordance with division (B) of this section, 595
no public office or person responsible for public records may 596

limit or condition the availability of public records by 597
requiring disclosure of the requester's identity or the intended 598
use of the requested public record. Any requirement that the 599
requester disclose the requester's identity or the intended use 600
of the requested public record constitutes a denial of the 601
request. 602

(5) A public office or person responsible for public 603
records may ask a requester to make the request in writing, may 604
ask for the requester's identity, and may inquire about the 605
intended use of the information requested, but may do so only 606
after disclosing to the requester that a written request is not 607
mandatory, that the requester may decline to reveal the 608
requester's identity or the intended use, and when a written 609
request or disclosure of the identity or intended use would 610
benefit the requester by enhancing the ability of the public 611
office or person responsible for public records to identify, 612
locate, or deliver the public records sought by the requester. 613

(6) If any person requests a copy of a public record in 614
accordance with division (B) of this section, the public office 615
or person responsible for the public record may require the 616
requester to pay in advance the cost involved in providing the 617
copy of the public record in accordance with the choice made by 618
the requester under this division. The public office or the 619
person responsible for the public record shall permit the 620
requester to choose to have the public record duplicated upon 621
paper, upon the same medium upon which the public office or 622
person responsible for the public record keeps it, or upon any 623
other medium upon which the public office or person responsible 624
for the public record determines that it reasonably can be 625
duplicated as an integral part of the normal operations of the 626
public office or person responsible for the public record. When 627

the requester makes a choice under this division, the public 628
office or person responsible for the public record shall provide 629
a copy of it in accordance with the choice made by the 630
requester. Nothing in this section requires a public office or 631
person responsible for the public record to allow the requester 632
of a copy of the public record to make the copies of the public 633
record. 634

(7) (a) Upon a request made in accordance with division (B) 635
of this section and subject to division (B) (6) of this section, 636
a public office or person responsible for public records shall 637
transmit a copy of a public record to any person by United 638
States mail or by any other means of delivery or transmission 639
within a reasonable period of time after receiving the request 640
for the copy. The public office or person responsible for the 641
public record may require the person making the request to pay 642
in advance the cost of postage if the copy is transmitted by 643
United States mail or the cost of delivery if the copy is 644
transmitted other than by United States mail, and to pay in 645
advance the costs incurred for other supplies used in the 646
mailing, delivery, or transmission. 647

(b) Any public office may adopt a policy and procedures 648
that it will follow in transmitting, within a reasonable period 649
of time after receiving a request, copies of public records by 650
United States mail or by any other means of delivery or 651
transmission pursuant to division (B) (7) of this section. A 652
public office that adopts a policy and procedures under division 653
(B) (7) of this section shall comply with them in performing its 654
duties under that division. 655

(c) In any policy and procedures adopted under division 656
(B) (7) of this section: 657

(i) A public office may limit the number of records 658
requested by a person that the office will physically deliver by 659
United States mail or by another delivery service to ten per 660
month, unless the person certifies to the office in writing that 661
the person does not intend to use or forward the requested 662
records, or the information contained in them, for commercial 663
purposes; 664

(ii) A public office that chooses to provide some or all 665
of its public records on a web site that is fully accessible to 666
and searchable by members of the public at all times, other than 667
during acts of God outside the public office's control or 668
maintenance, and that charges no fee to search, access, 669
download, or otherwise receive records provided on the web site, 670
may limit to ten per month the number of records requested by a 671
person that the office will deliver in a digital format, unless 672
the requested records are not provided on the web site and 673
unless the person certifies to the office in writing that the 674
person does not intend to use or forward the requested records, 675
or the information contained in them, for commercial purposes. 676

(iii) For purposes of division (B)(7) of this section, 677
"commercial" shall be narrowly construed and does not include 678
reporting or gathering news, reporting or gathering information 679
to assist citizen oversight or understanding of the operation or 680
activities of government, or nonprofit educational research. 681

(8) A public office or person responsible for public 682
records is not required to permit a person who is incarcerated 683
pursuant to a criminal conviction or a juvenile adjudication to 684
inspect or to obtain a copy of any public record concerning a 685
criminal investigation or prosecution or concerning what would 686
be a criminal investigation or prosecution if the subject of the 687

investigation or prosecution were an adult, unless the request 688
to inspect or to obtain a copy of the record is for the purpose 689
of acquiring information that is subject to release as a public 690
record under this section and the judge who imposed the sentence 691
or made the adjudication with respect to the person, or the 692
judge's successor in office, finds that the information sought 693
in the public record is necessary to support what appears to be 694
a justiciable claim of the person. 695

(9) (a) Upon written request made and signed by a 696
journalist, a public office, or person responsible for public 697
records, having custody of the records of the agency employing a 698
specified designated public service worker shall disclose to the 699
journalist the address of the actual personal residence of the 700
designated public service worker and, if the designated public 701
service worker's spouse, former spouse, or child is employed by 702
a public office, the name and address of the employer of the 703
designated public service worker's spouse, former spouse, or 704
child. The request shall include the journalist's name and title 705
and the name and address of the journalist's employer and shall 706
state that disclosure of the information sought would be in the 707
public interest. 708

(b) Division (B) (9) (a) of this section also applies to 709
journalist requests for: 710

(i) Customer information maintained by a municipally owned 711
or operated public utility, other than social security numbers 712
and any private financial information such as credit reports, 713
payment methods, credit card numbers, and bank account 714
information; 715

(ii) Information about minors involved in a school vehicle 716
accident as provided in division (A) (1) (gg) of this section, 717

other than personal information as defined in section 149.45 of 718
the Revised Code. 719

(c) As used in division (B)(9) of this section, 720
"journalist" means a person engaged in, connected with, or 721
employed by any news medium, including a newspaper, magazine, 722
press association, news agency, or wire service, a radio or 723
television station, or a similar medium, for the purpose of 724
gathering, processing, transmitting, compiling, editing, or 725
disseminating information for the general public. 726

(10) Upon a request made by a victim, victim's attorney, 727
or victim's representative, as that term is used in section 728
2930.02 of the Revised Code, a public office or person 729
responsible for public records shall transmit a copy of a 730
depiction of the victim as described in division (A)(1)(ii) of 731
this section to the victim, victim's attorney, or victim's 732
representative. 733

(C)(1) If a person allegedly is aggrieved by the failure 734
of a public office or the person responsible for public records 735
to promptly prepare a public record and to make it available to 736
the person for inspection in accordance with division (B) of 737
this section or by any other failure of a public office or the 738
person responsible for public records to comply with an 739
obligation in accordance with division (B) of this section, the 740
person allegedly aggrieved may do only one of the following, and 741
not both: 742

(a) File a complaint with the clerk of the court of claims 743
or the clerk of the court of common pleas under section 2743.75 744
of the Revised Code; 745

(b) Commence a mandamus action to obtain a judgment that 746

orders the public office or the person responsible for the 747
public record to comply with division (B) of this section, that 748
awards court costs and reasonable attorney's fees to the person 749
that instituted the mandamus action, and, if applicable, that 750
includes an order fixing statutory damages under division (C) (2) 751
of this section. The mandamus action may be commenced in the 752
court of common pleas of the county in which division (B) of 753
this section allegedly was not complied with, in the supreme 754
court pursuant to its original jurisdiction under Section 2 of 755
Article IV, Ohio Constitution, or in the court of appeals for 756
the appellate district in which division (B) of this section 757
allegedly was not complied with pursuant to its original 758
jurisdiction under Section 3 of Article IV, Ohio Constitution. 759

(2) If a requester transmits a written request by hand 760
delivery, electronic submission, or certified mail to inspect or 761
receive copies of any public record in a manner that fairly 762
describes the public record or class of public records to the 763
public office or person responsible for the requested public 764
records, except as otherwise provided in this section, the 765
requester shall be entitled to recover the amount of statutory 766
damages set forth in this division if a court determines that 767
the public office or the person responsible for public records 768
failed to comply with an obligation in accordance with division 769
(B) of this section. 770

The amount of statutory damages shall be fixed at one 771
hundred dollars for each business day during which the public 772
office or person responsible for the requested public records 773
failed to comply with an obligation in accordance with division 774
(B) of this section, beginning with the day on which the 775
requester files a mandamus action to recover statutory damages, 776
up to a maximum of one thousand dollars. The award of statutory 777

damages shall not be construed as a penalty, but as compensation 778
for injury arising from lost use of the requested information. 779
The existence of this injury shall be conclusively presumed. The 780
award of statutory damages shall be in addition to all other 781
remedies authorized by this section. 782

The court may reduce an award of statutory damages or not 783
award statutory damages if the court determines both of the 784
following: 785

(a) That, based on the ordinary application of statutory 786
law and case law as it existed at the time of the conduct or 787
threatened conduct of the public office or person responsible 788
for the requested public records that allegedly constitutes a 789
failure to comply with an obligation in accordance with division 790
(B) of this section and that was the basis of the mandamus 791
action, a well-informed public office or person responsible for 792
the requested public records reasonably would believe that the 793
conduct or threatened conduct of the public office or person 794
responsible for the requested public records did not constitute 795
a failure to comply with an obligation in accordance with 796
division (B) of this section; 797

(b) That a well-informed public office or person 798
responsible for the requested public records reasonably would 799
believe that the conduct or threatened conduct of the public 800
office or person responsible for the requested public records 801
would serve the public policy that underlies the authority that 802
is asserted as permitting that conduct or threatened conduct. 803

(3) In a mandamus action filed under division (C)(1) of 804
this section, the following apply: 805

(a) (i) If the court orders the public office or the person 806

responsible for the public record to comply with division (B) of 807
this section, the court shall determine and award to the relator 808
all court costs, which shall be construed as remedial and not 809
punitive. 810

(ii) If the court makes a determination described in 811
division (C) (3) (b) (iii) of this section, the court shall 812
determine and award to the relator all court costs, which shall 813
be construed as remedial and not punitive. 814

(b) If the court renders a judgment that orders the public 815
office or the person responsible for the public record to comply 816
with division (B) of this section or if the court determines any 817
of the following, the court may award reasonable attorney's fees 818
to the relator, subject to division (C) (4) of this section: 819

(i) The public office or the person responsible for the 820
public records failed to respond affirmatively or negatively to 821
the public records request in accordance with the time allowed 822
under division (B) of this section. 823

(ii) The public office or the person responsible for the 824
public records promised to permit the relator to inspect or 825
receive copies of the public records requested within a 826
specified period of time but failed to fulfill that promise 827
within that specified period of time. 828

(iii) The public office or the person responsible for the 829
public records acted in bad faith when the office or person 830
voluntarily made the public records available to the relator for 831
the first time after the relator commenced the mandamus action, 832
but before the court issued any order concluding whether or not 833
the public office or person was required to comply with division 834
(B) of this section. No discovery may be conducted on the issue 835

of the alleged bad faith of the public office or person 836
responsible for the public records. This division shall not be 837
construed as creating a presumption that the public office or 838
the person responsible for the public records acted in bad faith 839
when the office or person voluntarily made the public records 840
available to the relator for the first time after the relator 841
commenced the mandamus action, but before the court issued any 842
order described in this division. 843

(c) The court shall not award attorney's fees to the 844
relator if the court determines both of the following: 845

(i) That, based on the ordinary application of statutory 846
law and case law as it existed at the time of the conduct or 847
threatened conduct of the public office or person responsible 848
for the requested public records that allegedly constitutes a 849
failure to comply with an obligation in accordance with division 850
(B) of this section and that was the basis of the mandamus 851
action, a well-informed public office or person responsible for 852
the requested public records reasonably would believe that the 853
conduct or threatened conduct of the public office or person 854
responsible for the requested public records did not constitute 855
a failure to comply with an obligation in accordance with 856
division (B) of this section; 857

(ii) That a well-informed public office or person 858
responsible for the requested public records reasonably would 859
believe that the conduct or threatened conduct of the public 860
office or person responsible for the requested public records 861
would serve the public policy that underlies the authority that 862
is asserted as permitting that conduct or threatened conduct. 863

(4) All of the following apply to any award of reasonable 864
attorney's fees awarded under division (C) (3) (b) of this 865

section:	866
(a) The fees shall be construed as remedial and not punitive.	867 868
(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.	869 870 871 872
(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.	873 874 875
(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.	876 877 878 879 880 881
(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.	882 883 884 885 886 887 888
(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.	889 890
(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	891 892 893 894

attorney general as provided in section 109.43 of the Revised 895
Code. A future official may satisfy the requirements of this 896
division by attending the training before taking office, 897
provided that the future official may not send a designee in the 898
future official's place. 899

(2) All public offices shall adopt a public records policy 900
in compliance with this section for responding to public records 901
requests. In adopting a public records policy under this 902
division, a public office may obtain guidance from the model 903
public records policy developed and provided to the public 904
office by the attorney general under section 109.43 of the 905
Revised Code. Except as otherwise provided in this section, the 906
policy may not limit the number of public records that the 907
public office will make available to a single person, may not 908
limit the number of public records that it will make available 909
during a fixed period of time, and may not establish a fixed 910
period of time before it will respond to a request for 911
inspection or copying of public records, unless that period is 912
less than eight hours. 913

The public office shall distribute the public records 914
policy adopted by the public office under this division to the 915
employee of the public office who is the records custodian or 916
records manager or otherwise has custody of the records of that 917
office. The public office shall require that employee to 918
acknowledge receipt of the copy of the public records policy. 919
The public office shall create a poster that describes its 920
public records policy and shall post the poster in a conspicuous 921
place in the public office and in all locations where the public 922
office has branch offices. The public office may post its public 923
records policy on the internet web site of the public office if 924
the public office maintains an internet web site. A public 925

office that has established a manual or handbook of its general 926
policies and procedures for all employees of the public office 927
shall include the public records policy of the public office in 928
the manual or handbook. 929

(F) (1) The bureau of motor vehicles may adopt rules 930
pursuant to Chapter 119. of the Revised Code to reasonably limit 931
the number of bulk commercial special extraction requests made 932
by a person for the same records or for updated records during a 933
calendar year. The rules may include provisions for charges to 934
be made for bulk commercial special extraction requests for the 935
actual cost of the bureau, plus special extraction costs, plus 936
ten per cent. The bureau may charge for expenses for redacting 937
information, the release of which is prohibited by law. 938

(2) As used in division (F) (1) of this section: 939

(a) "Actual cost" means the cost of depleted supplies, 940
records storage media costs, actual mailing and alternative 941
delivery costs, or other transmitting costs, and any direct 942
equipment operating and maintenance costs, including actual 943
costs paid to private contractors for copying services. 944

(b) "Bulk commercial special extraction request" means a 945
request for copies of a record for information in a format other 946
than the format already available, or information that cannot be 947
extracted without examination of all items in a records series, 948
class of records, or database by a person who intends to use or 949
forward the copies for surveys, marketing, solicitation, or 950
resale for commercial purposes. "Bulk commercial special 951
extraction request" does not include a request by a person who 952
gives assurance to the bureau that the person making the request 953
does not intend to use or forward the requested copies for 954
surveys, marketing, solicitation, or resale for commercial 955

purposes.	956
(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.	957 958
(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.	959 960 961 962 963 964 965
(3) For purposes of divisions (F) (1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.	966 967 968 969 970 971 972
(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.	973 974 975 976 977 978 979 980 981 982
(H) (1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A) (17) (b) to (h) of	983 984

this section may be released by consent of the subject of the 985
recording or a representative of that person, as specified in 986
those divisions, only if either of the following applies: 987

(a) The recording will not be used in connection with any 988
probable or pending criminal proceedings; 989

(b) The recording has been used in connection with a 990
criminal proceeding that was dismissed or for which a judgment 991
has been entered pursuant to Rule 32 of the Rules of Criminal 992
Procedure, and will not be used again in connection with any 993
probable or pending criminal proceedings. 994

(2) If a public office denies a request to release a 995
restricted portion of a body-worn camera or dashboard camera 996
recording, as defined in division (A) (17) of this section, any 997
person may file a mandamus action pursuant to this section or a 998
complaint with the clerk of the court of claims pursuant to 999
section 2743.75 of the Revised Code, requesting the court to 1000
order the release of all or portions of the recording. If the 1001
court considering the request determines that the filing 1002
articulates by clear and convincing evidence that the public 1003
interest in the recording substantially outweighs privacy 1004
interests and other interests asserted to deny release, the 1005
court shall order the public office to release the recording. 1006

Section 2. That existing section 149.43 of the Revised 1007
Code is hereby repealed. 1008