

As Introduced

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H. B. No. 1007

Representative Hiner

To amend section 149.43 of the Revised Code to 1
prevent the release, under Ohio Public Records 2
Law, of certain personal information of a clerk 3
of court. 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 the following: 17

(i) Probation and parole proceedings, including parole 18
board hearings made as provided in sections 5149.10 and 5149.102 19

of the Revised Code, revocation hearings under section 2967.15 20
of the Revised Code, and post-release control violation hearings 21
under section 2967.28 of the Revised Code, except for the 22
electronic recording of full parole board hearings under section 23
5149.101 of the Revised Code made as provided in section 5149.10 24
of the Revised Code; 25

(ii) Proceedings related to the imposition of community 26
control sanctions and post-release control sanctions, including 27
the electronic recording of post-release control hearings under 28
section 2967.28 of the Revised Code made as provided in sections 29
5149.10 and 5149.102 of the Revised Code; 30

(iii) Proceedings related to determinations under section 31
2967.271 of the Revised Code regarding the release or maintained 32
incarceration of an offender to whom that section applies; 33

(iv) All written and oral statements provided by a victim 34
or victim's representative to the department of rehabilitation 35
and correction in connection with the pendency of any pardon, 36
commutation, or parole, and any personally identifying 37
information or information likely to identify a victim or member 38
of the victim's family contained in an electronic recording of a 39
full parole board hearing. 40

(c) Records pertaining to actions under section 2151.85 41
and division (C) of section 2919.121 of the Revised Code and to 42
appeals of actions arising under those sections; 43

(d) Records pertaining to adoption proceedings, including 44
the contents of an adoption file maintained by the department of 45
health under sections 3705.12 to 3705.124 of the Revised Code; 46

(e) Information in a record contained in the putative 47
father registry established by section 3107.062 of the Revised 48

Code, regardless of whether the information is held by the 49
department of children and youth or, pursuant to section 3111.69 50
of the Revised Code, the office of child support in the 51
department of job and family services or a child support 52
enforcement agency; 53

(f) Records specified in division (A) of section 3107.52 54
of the Revised Code; 55

(g) Trial preparation records, prior to the conclusion of 56
all direct appeals or, if no appeal is filed, prior to the 57
expiration of the time during which an appeal may be filed, or, 58
if no trial has occurred, until the civil or criminal action or 59
proceeding has ended without the possibility of direct appeal or 60
each agency, office, or official responsible for the matter has 61
made a decision not to proceed with the matter; 62

(h) Confidential law enforcement investigatory records; 63

(i) Records containing information that is confidential 64
under section 2710.03 or 4112.05 of the Revised Code; 65

(j) DNA records stored in the DNA database pursuant to 66
section 109.573 of the Revised Code; 67

(k) Inmate records under section 5120.21 of the Revised 68
Code, except for permitted disclosure of the information listed 69
in division (E) (1) of that section; 70

(l) Records maintained by the department of youth services 71
pertaining to children in its custody released by the department 72
of youth services to the department of rehabilitation and 73
correction pursuant to section 5139.05 of the Revised Code; 74

(m) Intellectual property records; 75

(n) Donor profile records; 76

(o) Records maintained by the department of job and family 77
services pursuant to section 3121.894 of the Revised Code; 78

(p) Designated public service worker residential and 79
familial information; 80

(q) In the case of a county hospital operated pursuant to 81
Chapter 339. of the Revised Code or a municipal hospital 82
operated pursuant to Chapter 749. of the Revised Code, 83
information that constitutes a trade secret, as defined in 84
section 1333.61 of the Revised Code; 85

(r) Information pertaining to the recreational activities 86
of a person under the age of eighteen; 87

(s) In the case of a child fatality review board acting 88
under sections 307.621 to 307.629 of the Revised Code or a 89
review conducted pursuant to guidelines established by the 90
director of health under section 3701.70 of the Revised Code, 91
records provided to the board or director, statements made by 92
board members during meetings of the board or by persons 93
participating in the director's review, and all work products of 94
the board or director, and in the case of a child fatality 95
review board, child fatality review data submitted by the board 96
to the department of health or a national child death review 97
database, other than the report prepared pursuant to division 98
(A) of section 307.626 of the Revised Code; 99

(t) Records provided to and statements made by the 100
executive director of a public children services agency or a 101
prosecuting attorney acting pursuant to section 5153.171 of the 102
Revised Code other than the information released under that 103
section; 104

(u) Test materials, examinations, or evaluation tools used 105

in an examination for licensure as a nursing home administrator 106
that the board of executives of long-term services and supports 107
administers under section 4751.15 of the Revised Code or 108
contracts under that section with a private or government entity 109
to administer; 110

(v) Records the release of which is prohibited by state or 111
federal law; 112

(w) Proprietary information of or relating to any person 113
that is submitted to or compiled by the Ohio venture capital 114
authority created under section 150.01 of the Revised Code; 115

(x) Financial statements and data any person submits for 116
any purpose to the Ohio housing finance agency or the 117
controlling board in connection with applying for, receiving, or 118
accounting for financial assistance from the agency, and 119
information that identifies any individual who benefits directly 120
or indirectly from financial assistance from the agency; 121

(y) Records listed in section 5101.29 of the Revised Code; 122

(z) Discharges recorded with a county recorder under 123
section 317.24 of the Revised Code, as specified in division (B) 124
(2) of that section; 125

(aa) Usage information including names and addresses of 126
specific residential and commercial customers of a municipally 127
owned or operated public utility; 128

(bb) Records described in division (C) of section 187.04 129
of the Revised Code that are not designated to be made available 130
to the public as provided in that division; 131

(cc) Information and records that are made confidential, 132
privileged, and not subject to disclosure under divisions (B) 133

and (C) of section 2949.221 of the Revised Code; 134

(dd) Personal information, as defined in section 149.45 of 135
the Revised Code; 136

(ee) The confidential name, address, and other personally 137
identifiable information of a program participant in the address 138
confidentiality program established under sections 111.41 to 139
111.47 of the Revised Code, including the contents of any 140
application for absent voter's ballots, absent voter's ballot 141
identification envelope statement of voter, or provisional 142
ballot affirmation completed by a program participant who has a 143
confidential voter registration record; records or portions of 144
records pertaining to that program that identify the number of 145
program participants that reside within a precinct, ward, 146
township, municipal corporation, county, or any other geographic 147
area smaller than the state; and any real property 148
confidentiality notice filed under section 111.431 of the 149
Revised Code and the information described in division (C) of 150
that section. As used in this division, "confidential address" 151
and "program participant" have the meaning defined in section 152
111.41 of the Revised Code. 153

(ff) Orders for active military service of an individual 154
serving or with previous service in the armed forces of the 155
United States, including a reserve component, or the Ohio 156
organized militia, except that, such order becomes a public 157
record on the day that is fifteen years after the published date 158
or effective date of the call to order; 159

(gg) The name, address, contact information, or other 160
personal information of an individual who is less than eighteen 161
years of age that is included in any record related to a traffic 162
accident involving a school vehicle in which the individual was 163

an occupant at the time of the accident; 164

(hh) Protected health information, as defined in 45 C.F.R. 165
160.103, that is in a claim for payment for a health care 166
product, service, or procedure, as well as any other health 167
claims data in another document that reveals the identity of an 168
individual who is the subject of the data or could be used to 169
reveal that individual's identity; 170

(ii) Any depiction by photograph, film, videotape, or 171
printed or digital image under either of the following 172
circumstances: 173

(i) The depiction is that of a victim of an offense the 174
release of which would be, to a reasonable person of ordinary 175
sensibilities, an offensive and objectionable intrusion into the 176
victim's expectation of bodily privacy and integrity. 177

(ii) The depiction captures or depicts the victim of a 178
sexually oriented offense, as defined in section 2950.01 of the 179
Revised Code, at the actual occurrence of that offense. 180

(jj) Restricted portions of a body-worn camera or 181
dashboard camera recording; 182

(kk) In the case of a fetal-infant mortality review board 183
acting under sections 3707.70 to 3707.77 of the Revised Code, 184
records, documents, reports, or other information presented to 185
the board or a person abstracting such materials on the board's 186
behalf, statements made by review board members during board 187
meetings, all work products of the board, and data submitted by 188
the board to the department of health or a national infant death 189
review database, other than the report prepared pursuant to 190
section 3707.77 of the Revised Code. 191

(ll) Records, documents, reports, or other information 192

presented to the pregnancy-associated mortality review board 193
established under section 5180.27 of the Revised Code, 194
statements made by board members during board meetings, all work 195
products of the board, and data submitted by the board to the 196
department of health, other than the biennial reports prepared 197
under section 5180.277 of the Revised Code; 198

(mm) Except as otherwise provided in division (A) (1) (oo) 199
of this section, telephone numbers for a victim, as defined in 200
section 2930.01 of the Revised Code or a witness to a crime that 201
are listed on any law enforcement record or report. 202

(nn) A preneed funeral contract, as defined in section 203
4717.01 of the Revised Code, and contract terms and personally 204
identifying information of a preneed funeral contract, that is 205
contained in a report submitted by or for a funeral home to the 206
board of embalmers and funeral directors under division (C) of 207
section 4717.13, division (J) of section 4717.31, or section 208
4717.41 of the Revised Code. 209

(oo) Telephone numbers for a party to a motor vehicle 210
accident subject to the requirements of section 5502.11 of the 211
Revised Code that are listed on any law enforcement record or 212
report, except that the telephone numbers described in this 213
division are not excluded from the definition of "public record" 214
under this division on and after the thirtieth day after the 215
occurrence of the motor vehicle accident. 216

(pp) Records pertaining to individuals who complete 217
training under section 5502.703 of the Revised Code to be 218
permitted by a school district board of education or governing 219
body of a community school established under Chapter 3314. of 220
the Revised Code, a STEM school established under Chapter 3326. 221
of the Revised Code, or a chartered nonpublic school to convey 222

deadly weapons or dangerous ordnance into a school safety zone; 223

(qq) Records, documents, reports, or other information 224
presented to a domestic violence fatality review board 225
established under section 307.651 of the Revised Code, 226
statements made by board members during board meetings, all work 227
products of the board, and data submitted by the board to the 228
department of health, other than a report prepared pursuant to 229
section 307.656 of the Revised Code; 230

(rr) Records, documents, and information the release of 231
which is prohibited under sections 2930.04 and 2930.07 of the 232
Revised Code; 233

(ss) Records of an existing qualified nonprofit 234
corporation that creates a special improvement district under 235
Chapter 1710. of the Revised Code that do not pertain to a 236
purpose for which the district is created; 237

(tt) Educational support services data, as defined in 238
section 3319.325 of the Revised Code; 239

(uu) Records of the past, current, and future work 240
schedule of a designated public service worker. As used in 241
division (A)(1)(uu) of this section, "work schedule" does not 242
include the docket of cases of a court, judge, or magistrate; 243

(vv) A request form or confirmation letter submitted to a 244
public office under section 149.45 of the Revised Code; 245

(ww) An affidavit or confirmation letter submitted under 246
section 319.28 of the Revised Code; 247

(xx) License or certificate application or renewal 248
responses and supporting documentation submitted to the state 249
medical board regarding an applicant's, or a license or 250

certificate holder's, inability to practice according to 251
acceptable and prevailing standards of care by reason of a 252
medical condition; 253

(yy) Images and data captured by an automated license 254
plate recognition system that are maintained in a law 255
enforcement database; 256

(zz) Attorney work product record; 257

(aaa) Any entry on the public calendar of an elected 258
official that is for any date that is after the date the record 259
is requested; 260

(bbb) Records pertaining to burial sites under section 261
149.3010 of the Revised Code. 262

A record that is not a public record under division (A) (1) 263
of this section and that, under law, is permanently retained 264
becomes a public record on the day that is seventy-five years 265
after the day on which the record was created, or in the case of 266
a record that is not a public record under division (A) (1) (uu) 267
of this section that is retained, three years after the day on 268
which the record was created, except for any record protected by 269
the attorney-client privilege, a trial preparation record as 270
defined in this section, a statement prohibiting the release of 271
identifying information signed under section 3107.083 of the 272
Revised Code, a denial of release form filed pursuant to section 273
3107.46 of the Revised Code, records pertaining to burial sites 274
under section 149.3010 of the Revised Code, or any record that 275
is exempt from release or disclosure under section 149.433 of 276
the Revised Code. If the record is a birth certificate and a 277
biological parent's name redaction request form has been 278
accepted under section 3107.391 of the Revised Code, the name of 279

that parent shall be redacted from the birth certificate before 280
it is released under this paragraph. If any other section of the 281
Revised Code establishes a time period for disclosure of a 282
record that conflicts with the time period specified in this 283
section, the time period in the other section prevails. 284

(2) (a) "Confidential law enforcement investigatory record" 285
means any record that pertains to a law enforcement matter of a 286
criminal, quasi-criminal, civil, or administrative nature, but 287
only to the extent that the release of the record would create a 288
high probability of disclosure of any of the following: 289

(i) The identity of a suspect who has not been charged 290
with the offense to which the record pertains, or of an 291
information source or witness to whom confidentiality has been 292
reasonably promised; 293

(ii) Information provided by an information source or 294
witness to whom confidentiality has been reasonably promised, 295
which information would reasonably tend to disclose the source's 296
or witness's identity; 297

(iii) Specific confidential investigatory techniques or 298
procedures or specific investigatory work product; 299

(iv) Information that would endanger the life or physical 300
safety of law enforcement personnel, a crime victim, a witness, 301
or a confidential information source. 302

(b) As used in divisions (A) (2) and (18) of this section, 303
"specific investigatory work product" means information 304
assembled by law enforcement officials in connection with a 305
probable or pending criminal or civil proceeding, with the 306
exception of routine incident reports. "Specific investigatory 307
work product" is not a public record prior to the conclusion of 308

all direct appeals, or, if no appeal is filed, prior to the 309
expiration of the time during which an appeal may be filed, or, 310
if no trial has occurred, until the criminal or civil proceeding 311
has ended without possibility of direct appeal or each agency, 312
office, or official responsible for the matter has made a 313
decision not to proceed with the matter. 314

(3) "Medical record" means any document or combination of 315
documents, except births, deaths, and the fact of admission to 316
or discharge from a hospital, that pertains to the medical 317
history, diagnosis, prognosis, or medical condition of a patient 318
and that is generated and maintained in the process of medical 319
treatment. 320

(4) "Trial preparation record" means any record created by 321
or for another party or by or for that party's representative, 322
in reasonable anticipation of, or in defense of, a civil or 323
criminal action or proceeding, that is not a confidential law 324
enforcement investigatory record or attorney work product record 325
and that contains factual information that is specifically 326
compiled for that civil or criminal action or proceeding. 327

(5) "Intellectual property record" means a record, other 328
than a financial or administrative record, that is produced or 329
collected by or for faculty or staff of a state institution of 330
higher learning in the conduct of or as a result of study or 331
research on an educational, commercial, scientific, artistic, 332
technical, or scholarly issue, regardless of whether the study 333
or research was sponsored by the institution alone or in 334
conjunction with a governmental body or private concern, and 335
that has not been publicly released, published, or patented. 336

(6) "Donor profile record" means all records about donors 337
or potential donors to a public institution of higher education 338

except the names and reported addresses of the actual donors and 339
the date, amount, and conditions of the actual donation. 340

(7) "Designated public service worker" means a peace 341
officer, parole officer, probation officer, bailiff, prosecuting 342
attorney, assistant prosecuting attorney, correctional employee, 343
county or multicounty corrections officer, community-based 344
correctional facility employee, designated Ohio national guard 345
member, protective services worker, youth services employee, 346
firefighter, EMT, medical director or member of a cooperating 347
physician advisory board of an emergency medical service 348
organization, state board of pharmacy employee, investigator of 349
the bureau of criminal identification and investigation, 350
emergency service telecommunicator, forensic mental health 351
provider, mental health evaluation provider, regional 352
psychiatric hospital employee, judge, magistrate, clerk of 353
court, or federal law enforcement officer. 354

(8) "Designated public service worker residential and 355
familial information" means any information that discloses any 356
of the following about a designated public service worker: 357

(a) The address of the actual personal residence of a 358
designated public service worker, except for the following 359
information: 360

(i) The address of the actual personal residence of a 361
prosecuting attorney~~or,~~ judge, or clerk of court; and 362

(ii) The state or political subdivision in which a 363
designated public service worker resides. 364

(b) Information compiled from referral to or participation 365
in an employee assistance program; 366

(c) The social security number, the residential telephone 367

number, any bank account, debit card, charge card, or credit 368
card number, or the emergency telephone number of, or any 369
medical information pertaining to, a designated public service 370
worker; 371

(d) The name of any beneficiary of employment benefits, 372
including, but not limited to, life insurance benefits, provided 373
to a designated public service worker by the designated public 374
service worker's employer; 375

(e) The identity and amount of any charitable or 376
employment benefit deduction made by the designated public 377
service worker's employer from the designated public service 378
worker's compensation, unless the amount of the deduction is 379
required by state or federal law; 380

(f) The name, the residential address, the name of the 381
employer, the address of the employer, the social security 382
number, the residential telephone number, any bank account, 383
debit card, charge card, or credit card number, or the emergency 384
telephone number of the spouse, a former spouse, or any child of 385
a designated public service worker; 386

(g) A photograph of a peace officer who holds a position 387
or has an assignment that may include undercover or plain 388
clothes positions or assignments as determined by the peace 389
officer's appointing authority. 390

(9) As used in divisions (A) (7) and (15) to (17) of this 391
section: 392

"Peace officer" has the meaning defined in section 109.71 393
of the Revised Code and also includes the superintendent and 394
troopers of the state highway patrol; it does not include the 395
sheriff of a county or a supervisory employee who, in the 396

absence of the sheriff, is authorized to stand in for, exercise 397
the authority of, and perform the duties of the sheriff. 398

"Correctional employee" means any employee of the 399
department of rehabilitation and correction who in the course of 400
performing the employee's job duties has or has had contact with 401
inmates and persons under supervision. 402

"County or multicounty corrections officer" means any 403
corrections officer employed by any county or multicounty 404
correctional facility. 405

"Clerk of court" means a clerk of a court of record in 406
this state. 407

"Designated Ohio national guard member" means a member of 408
the Ohio national guard who is participating in duties related 409
to remotely piloted aircraft, including, but not limited to, 410
pilots, sensor operators, and mission intelligence personnel, 411
duties related to special forces operations, or duties related 412
to cybersecurity, and is designated by the adjutant general as a 413
designated public service worker for those purposes. 414

"Protective services worker" means any employee of a 415
county agency who is responsible for child protective services, 416
child support services, or adult protective services. 417

"Youth services employee" means any employee of the 418
department of youth services who in the course of performing the 419
employee's job duties has or has had contact with children 420
committed to the custody of the department of youth services. 421

"Firefighter" means any regular, paid or volunteer, member 422
of a lawfully constituted fire department of a municipal 423
corporation, township, fire district, or village. 424

"EMT" means EMTs-basic, EMTs-I, and paramedics that 425
provide emergency medical services for a public emergency 426
medical service organization. "Emergency medical service 427
organization," "EMT-basic," "EMT-I," and "paramedic" have the 428
meanings defined in section 4765.01 of the Revised Code. 429

"Investigator of the bureau of criminal identification and 430
investigation" has the meaning defined in section 2903.11 of the 431
Revised Code. 432

"Emergency service telecommunicator" means an individual 433
employed by an emergency service provider as defined under 434
section 128.01 of the Revised Code, whose primary responsibility 435
is to be an operator for the receipt or processing of calls for 436
emergency services made by telephone, radio, or other electronic 437
means. 438

"Forensic mental health provider" means any employee of a 439
community mental health service provider or local alcohol, drug 440
addiction, and mental health services board who, in the course 441
of the employee's duties, has contact with persons committed to 442
a local alcohol, drug addiction, and mental health services 443
board by a court order pursuant to section 2945.38, 2945.39, 444
2945.40, or 2945.402 of the Revised Code. 445

"Mental health evaluation provider" means an individual 446
who, under Chapter 5122. of the Revised Code, examines a 447
respondent who is alleged to be a mentally ill person subject to 448
court order, as defined in section 5122.01 of the Revised Code, 449
and reports to the probate court the respondent's mental 450
condition. 451

"Regional psychiatric hospital employee" means any 452
employee of the department of behavioral health who, in the 453

course of performing the employee's duties, has contact with 454
patients committed to the department of behavioral health by a 455
court order pursuant to section 2945.38, 2945.39, 2945.40, or 456
2945.402 of the Revised Code. 457

"Federal law enforcement officer" has the meaning defined 458
in section 9.88 of the Revised Code. 459

(10) "Information pertaining to the recreational 460
activities of a person under the age of eighteen" means 461
information that is kept in the ordinary course of business by a 462
public office, that pertains to the recreational activities of a 463
person under the age of eighteen years, and that discloses any 464
of the following: 465

(a) The address or telephone number of a person under the 466
age of eighteen or the address or telephone number of that 467
person's parent, guardian, custodian, or emergency contact 468
person; 469

(b) The social security number, birth date, or 470
photographic image of a person under the age of eighteen; 471

(c) Any medical record, history, or information pertaining 472
to a person under the age of eighteen; 473

(d) Any additional information sought or required about a 474
person under the age of eighteen for the purpose of allowing 475
that person to participate in any recreational activity 476
conducted or sponsored by a public office or to use or obtain 477
admission privileges to any recreational facility owned or 478
operated by a public office. 479

(11) "Community control sanction" has the meaning defined 480
in section 2929.01 of the Revised Code. 481

(12) "Post-release control sanction" has the meaning 482
defined in section 2967.01 of the Revised Code. 483

(13) "Redaction" means obscuring or deleting any 484
information that is exempt from the duty to permit public 485
inspection or copying from an item that otherwise meets the 486
definition of a "record" in section 149.011 of the Revised Code. 487

(14) "Designee," "elected official," and "future official" 488
have the meanings defined in section 109.43 of the Revised Code. 489

(15) "Body-worn camera" means a visual and audio recording 490
device worn on the person of a correctional employee, youth 491
services employee, or peace officer while the correctional 492
employee, youth services employee, or peace officer is engaged 493
in the performance of official duties. 494

(16) "Dashboard camera" means a visual and audio recording 495
device mounted on a peace officer's vehicle or vessel that is 496
used while the peace officer is engaged in the performance of 497
the peace officer's duties. 498

(17) "Restricted portions of a body-worn camera or 499
dashboard camera recording" means any visual or audio portion of 500
a body-worn camera or dashboard camera recording that shows, 501
communicates, or discloses any of the following: 502

(a) The image or identity of a child or information that 503
could lead to the identification of a child who is a primary 504
subject of the recording when the department of rehabilitation 505
and correction, department of youth services, or the law 506
enforcement agency knows or has reason to know the person is a 507
child based on the department's or law enforcement agency's 508
records or the content of the recording; 509

(b) The death of a person or a deceased person's body, 510

unless the death was caused by a correctional employee, youth 511
services employee, or peace officer or, subject to division (H) 512
(1) of this section, the consent of the decedent's executor or 513
administrator has been obtained; 514

(c) The death of a correctional employee, youth services 515
employee, peace officer, firefighter, paramedic, or other first 516
responder, occurring while the decedent was engaged in the 517
performance of official duties, unless, subject to division (H) 518
(1) of this section, the consent of the decedent's executor or 519
administrator has been obtained; 520

(d) Grievous bodily harm, unless the injury was effected 521
by a correctional employee, youth services employee, or peace 522
officer or, subject to division (H) (1) of this section, the 523
consent of the injured person or the injured person's guardian 524
has been obtained; 525

(e) An act of severe violence against a person that 526
results in serious physical harm to the person, unless the act 527
and injury was effected by a correctional employee, youth 528
services employee, or peace officer or, subject to division (H) 529
(1) of this section, the consent of the injured person or the 530
injured person's guardian has been obtained; 531

(f) Grievous bodily harm to a correctional employee, youth 532
services employee, peace officer, firefighter, paramedic, or 533
other first responder, occurring while the injured person was 534
engaged in the performance of official duties, unless, subject 535
to division (H) (1) of this section, the consent of the injured 536
person or the injured person's guardian has been obtained; 537

(g) An act of severe violence resulting in serious 538
physical harm against a correctional employee, youth services 539

employee, peace officer, firefighter, paramedic, or other first 540
responder, occurring while the injured person was engaged in the 541
performance of official duties, unless, subject to division (H) 542
(1) of this section, the consent of the injured person or the 543
injured person's guardian has been obtained; 544

(h) A person's nude body, unless, subject to division (H) 545
(1) of this section, the person's consent has been obtained; 546

(i) Protected health information, the identity of a person 547
in a health care facility who is not the subject of a 548
correctional, youth services, or law enforcement encounter, or 549
any other information in a health care facility that could 550
identify a person who is not the subject of a correctional, 551
youth services, or law enforcement encounter; 552

(j) Information that could identify the alleged victim of 553
a sex offense, menacing by stalking, or domestic violence; 554

(k) Information, that does not constitute a confidential 555
law enforcement investigatory record, that could identify a 556
person who provides sensitive or confidential information to the 557
department of rehabilitation and correction, the department of 558
youth services, or a law enforcement agency when the disclosure 559
of the person's identity or the information provided could 560
reasonably be expected to threaten or endanger the safety or 561
property of the person or another person; 562

(l) Personal information of a person who is not arrested, 563
cited, charged, or issued a written warning by a peace officer; 564

(m) Proprietary correctional, youth services, or police 565
contingency plans or tactics that are intended to prevent crime 566
and maintain public order and safety; 567

(n) A personal conversation unrelated to work between 568

correctional employees, youth services employees, or peace 569
officers or between a correctional employee, youth services 570
employee, or peace officer and an employee of a law enforcement 571
agency; 572

(o) A conversation between a correctional employee, youth 573
services employee, or peace officer and a member of the public 574
that does not concern correctional, youth services, or law 575
enforcement activities; 576

(p) The interior of a residence, unless the interior of a 577
residence is the location of an adversarial encounter with, or a 578
use of force by, a correctional employee, youth services 579
employee, or peace officer; 580

(q) Any portion of the interior of a private business that 581
is not open to the public, unless an adversarial encounter with, 582
or a use of force by, a correctional employee, youth services 583
employee, or peace officer occurs in that location. 584

As used in division (A) (17) of this section: 585

"Grievous bodily harm" has the same meaning as in section 586
5924.120 of the Revised Code. 587

"Health care facility" has the same meaning as in section 588
1337.11 of the Revised Code. 589

"Protected health information" has the same meaning as in 590
45 C.F.R. 160.103. 591

"Law enforcement agency" means a government entity that 592
employs peace officers to perform law enforcement duties. 593

"Personal information" means any government-issued 594
identification number, date of birth, address, financial 595
information, or criminal justice information from the law 596

enforcement automated data system or similar databases. 597

"Sex offense" has the same meaning as in section 2907.10 598
of the Revised Code. 599

"Firefighter," "paramedic," and "first responder" have the 600
same meanings as in section 4765.01 of the Revised Code. 601

(18) "Attorney work product record" means a record that is 602
not specific investigatory work product or a trial preparation 603
record and that is created by an attorney, or by the agent of an 604
attorney, in reasonable anticipation of or for litigation, 605
trial, or administrative proceedings, when acting in an official 606
capacity on behalf of the state, a political subdivision of the 607
state, a state agency, a public official, or a public employee, 608
that documents the independent thought processes, mental 609
impressions, legal theories, strategies, analysis, or reasoning 610
of an attorney or the agent of an attorney. 611

(19) "Elected official" means a person who is elected or 612
appointed to an elective office of the state or a political 613
subdivision. 614

(20) "Public calendar" means a calendar or appointment 615
book maintained by an elected official to schedule the elected 616
official's activities in relation to the elected official's 617
position as an elected official. "Public calendar" does not 618
include a personal calendar or appointment book maintained 619
solely for an elected official's personal convenience that does 620
not serve to document the elected official's official activities 621
or functions or the official activities or functions of the 622
elected official's public office. 623

(21) "Member of the victim's family" has the same meaning 624
as in section 2930.01 of the Revised Code. 625

(B) (1) Upon request by any person and subject to division 626
(B) (8) of this section, all public records responsive to the 627
request shall be promptly prepared and made available for 628
inspection to the requester at all reasonable times during 629
regular business hours. Subject to division (B) (8) of this 630
section, upon request by any person, a public office or person 631
responsible for public records shall make copies of the 632
requested public record available to the requester at cost and 633
within a reasonable period of time. 634

When considering whether a state or local law enforcement 635
agency or a prosecuting attorney's office promptly prepared a 636
video record for inspection or produced a copy of a video record 637
within a reasonable period of time, in addition to any other 638
factors, a court shall consider the time required for a state or 639
local law enforcement agency or a prosecuting attorney's office 640
to retrieve, download, review, redact, seek legal advice 641
regarding, and produce the video record. Except as specified in 642
division (B) (11) of this section, notwithstanding any other 643
requirement set forth in Chapter 149. of the Revised Code, a 644
state or local law enforcement agency or a prosecuting 645
attorney's office may charge a requester the actual cost 646
associated with preparing a video record for inspection or 647
production, not to exceed seventy-five dollars per hour of video 648
produced, nor seven hundred fifty dollars total. As used in this 649
division, "actual cost," with respect to video records only, 650
means all costs incurred by the state or local law enforcement 651
agency or a prosecuting attorney's office in reviewing, blurring 652
or otherwise obscuring, redacting, uploading, or producing the 653
video records, including but not limited to the storage medium 654
on which the record is produced, staff time, and any other 655
relevant overhead necessary to comply with the request. A state 656

or local law enforcement agency or a prosecuting attorney's 657
office may include in its public records policy the requirement 658
that a requester pay the estimated actual cost before beginning 659
the process of preparing a video record for inspection or 660
production. Where a state or local law enforcement agency or a 661
prosecuting attorney's office imposes such a requirement, its 662
obligation to produce a video or make it available for 663
inspection begins once the estimated actual cost is paid in full 664
by the requester. A state or local law enforcement agency or a 665
prosecuting attorney's office shall provide the requester with 666
the estimated actual cost within five business days of receipt 667
of the public records request. If the actual cost exceeds the 668
estimated actual cost, a state or local law enforcement agency 669
or a prosecuting attorney's office may charge a requester for 670
the difference upon fulfilling a request for video records if 671
the requester is notified in advance that the actual cost may be 672
up to twenty per cent higher than the estimated actual cost. A 673
state or local law enforcement agency or a prosecuting 674
attorney's office shall not charge a requester a difference that 675
exceeds twenty per cent of the estimated actual cost. 676

If a public record contains information that is exempt 677
from the duty to permit public inspection or to copy the public 678
record, the public office or the person responsible for the 679
public record shall make available all of the information within 680
the public record that is not exempt. When making that public 681
record available for public inspection or copying that public 682
record, the public office or the person responsible for the 683
public record shall notify the requester of any redaction or 684
make the redaction plainly visible. A redaction shall be deemed 685
a denial of a request to inspect or copy the redacted 686
information, except if federal or state law authorizes or 687

requires a public office to make the redaction. When the auditor 688
of state receives a request to inspect or to make a copy of a 689
record that was provided to the auditor of state for purposes of 690
an audit, but the original public office has asserted to the 691
auditor of state that the record is not a public record, the 692
auditor of state may handle the requests by directing the 693
requestor to the original public office that provided the record 694
to the auditor of state. 695

(2) To facilitate broader access to public records, a 696
public office or the person responsible for public records shall 697
organize and maintain public records in a manner that they can 698
be made available for inspection or copying in accordance with 699
division (B) of this section. A public office also shall have 700
available a copy of its current records retention schedule at a 701
location readily available to the public. If a requester makes 702
an ambiguous or overly broad request or has difficulty in making 703
a request for copies or inspection of public records under this 704
section such that the public office or the person responsible 705
for the requested public record cannot reasonably identify what 706
public records are being requested, the public office or the 707
person responsible for the requested public record may deny the 708
request but shall provide the requester with an opportunity to 709
revise the request by informing the requester of the manner in 710
which records are maintained by the public office and accessed 711
in the ordinary course of the public office's or person's 712
duties. 713

(3) If a request is ultimately denied, in part or in 714
whole, the public office or the person responsible for the 715
requested public record shall provide the requester with an 716
explanation, including legal authority, setting forth why the 717
request was denied. If the initial request was provided in 718

writing, the explanation also shall be provided to the requester 719
in writing. The explanation shall not preclude the public office 720
or the person responsible for the requested public record from 721
relying upon additional reasons or legal authority in defending 722
an action commenced under division (C) of this section. 723

(4) Unless specifically required or authorized by state or 724
federal law or in accordance with division (B) of this section, 725
no public office or person responsible for public records may 726
limit or condition the availability of public records by 727
requiring disclosure of the requester's identity or the intended 728
use of the requested public record. Any requirement that the 729
requester disclose the requester's identity or the intended use 730
of the requested public record constitutes a denial of the 731
request. 732

(5) A public office or person responsible for public 733
records may ask a requester to make the request in writing, may 734
ask for the requester's identity, and may inquire about the 735
intended use of the information requested, but may do so only 736
after disclosing to the requester that a written request is not 737
mandatory, that the requester may decline to reveal the 738
requester's identity or the intended use, and when a written 739
request or disclosure of the identity or intended use would 740
benefit the requester by enhancing the ability of the public 741
office or person responsible for public records to identify, 742
locate, or deliver the public records sought by the requester. 743

(6) If any person requests a copy of a public record in 744
accordance with division (B) of this section, the public office 745
or person responsible for the public record may require the 746
requester to pay in advance the cost involved in providing the 747
copy of the public record in accordance with the choice made by 748

the requester under this division. The public office or the 749
person responsible for the public record shall permit the 750
requester to choose to have the public record duplicated upon 751
paper, upon the same medium upon which the public office or 752
person responsible for the public record keeps it, or upon any 753
other medium upon which the public office or person responsible 754
for the public record determines that it reasonably can be 755
duplicated as an integral part of the normal operations of the 756
public office or person responsible for the public record. When 757
the requester makes a choice under this division, the public 758
office or person responsible for the public record shall provide 759
a copy of it in accordance with the choice made by the 760
requester. Nothing in this section requires a public office or 761
person responsible for the public record to allow the requester 762
of a copy of the public record to make the copies of the public 763
record. 764

(7) (a) Upon a request made in accordance with division (B) 765
of this section and subject to division (B) (6) of this section, 766
a public office or person responsible for public records shall 767
transmit a copy of a public record to any person by United 768
States mail or by any other means of delivery or transmission 769
within a reasonable period of time after receiving the request 770
for the copy. The public office or person responsible for the 771
public record may require the person making the request to pay 772
in advance the cost of postage if the copy is transmitted by 773
United States mail or the cost of delivery if the copy is 774
transmitted other than by United States mail, and to pay in 775
advance the costs incurred for other supplies used in the 776
mailing, delivery, or transmission. 777

(b) Any public office may adopt a policy and procedures 778
that it will follow in transmitting, within a reasonable period 779

of time after receiving a request, copies of public records by 780
United States mail or by any other means of delivery or 781
transmission pursuant to division (B) (7) of this section. A 782
public office that adopts a policy and procedures under division 783
(B) (7) of this section shall comply with them in performing its 784
duties under that division. 785

(c) In any policy and procedures adopted under division 786
(B) (7) of this section: 787

(i) A public office may limit the number of records 788
requested by a person that the office will physically deliver by 789
United States mail or by another delivery service to ten per 790
month, unless the person certifies to the office in writing that 791
the person does not intend to use or forward the requested 792
records, or the information contained in them, for commercial 793
purposes; 794

(ii) A public office that chooses to provide some or all 795
of its public records on a web site that is fully accessible to 796
and searchable by members of the public at all times, other than 797
during acts of God outside the public office's control or 798
maintenance, and that charges no fee to search, access, 799
download, or otherwise receive records provided on the web site, 800
may limit to ten per month the number of records requested by a 801
person that the office will deliver in a digital format, unless 802
the requested records are not provided on the web site and 803
unless the person certifies to the office in writing that the 804
person does not intend to use or forward the requested records, 805
or the information contained in them, for commercial purposes. 806

(iii) For purposes of division (B) (7) of this section, 807
"commercial" shall be narrowly construed and does not include 808
reporting or gathering news, reporting or gathering information 809

to assist citizen oversight or understanding of the operation or 810
activities of government, or nonprofit educational research. 811

(8) A public office or person responsible for public 812
records is not required to permit a person who is incarcerated 813
pursuant to a criminal conviction or a juvenile adjudication to 814
inspect or to obtain a copy of any public record concerning a 815
criminal investigation or prosecution or concerning what would 816
be a criminal investigation or prosecution if the subject of the 817
investigation or prosecution were an adult, unless the request 818
to inspect or to obtain a copy of the record is for the purpose 819
of acquiring information that is subject to release as a public 820
record under this section and the judge who imposed the sentence 821
or made the adjudication with respect to the person, or the 822
judge's successor in office, finds that the information sought 823
in the public record is necessary to support what appears to be 824
a justiciable claim of the person. As used in this division, 825
"public record concerning a criminal investigation or 826
prosecution or concerning what would be a criminal investigation 827
or prosecution if the subject of the investigation were an 828
adult" includes, but is not limited to, personnel files and 829
payroll and attendance records of designated public service 830
workers. 831

(9) (a) Upon written request made and signed by a 832
journalist, a public office, or person responsible for public 833
records, having custody of the records of the agency employing a 834
specified designated public service worker shall disclose to the 835
journalist the address of the actual personal residence of the 836
designated public service worker and, if the designated public 837
service worker's spouse, former spouse, or child is employed by 838
a public office, the name and address of the employer of the 839
designated public service worker's spouse, former spouse, or 840

child, and any past, current, and future work schedules of the 841
designated public service worker. The request shall include the 842
journalist's name and title and the name and address of the 843
journalist's employer and shall state that disclosure of the 844
information sought would be in the public interest. 845

(b) Division (B) (9) (a) of this section also applies to 846
journalist requests for: 847

(i) Customer information maintained by a municipally owned 848
or operated public utility, other than social security numbers 849
and any private financial information such as credit reports, 850
payment methods, credit card numbers, and bank account 851
information; 852

(ii) Information about minors involved in a school vehicle 853
accident as provided in division (A) (1) (gg) of this section, 854
other than personal information as defined in section 149.45 of 855
the Revised Code; 856

(iii) A request form submitted to a public office under 857
section 149.45 of the Revised Code; 858

(iv) An affidavit submitted under section 319.28 of the 859
Revised Code. 860

(c) As used in division (B) (9) of this section, 861
"journalist" means a person engaged in, connected with, or 862
employed by any news medium, including a newspaper, magazine, 863
press association, news agency, or wire service, a radio or 864
television station, or a similar medium, for the purpose of 865
gathering, processing, transmitting, compiling, editing, or 866
disseminating information for the general public. 867

(10) Upon a request made by a victim, victim's attorney, 868
or victim's representative, as that term is used in section 869

2930.02 of the Revised Code, a public office or person 870
responsible for public records shall transmit a copy of a 871
depiction of the victim as described in division (A) (1) (ii) of 872
this section to the victim, victim's attorney, or victim's 873
representative. 874

(11) A state or local law enforcement agency or a 875
prosecuting attorney's office shall not charge a fee for 876
preparing a video record for inspection, or producing a copy of 877
a video record, when the requester of the video record is a 878
victim, as defined in Ohio Constitution, Article I, Section 10a, 879
or who is a victim who suffered loss and could seek remedy 880
through a tort action as defined by section 2307.011 of the 881
Revised Code, who reasonably asserts that the video recording 882
relates to the act or omission that caused the victim's harm or 883
loss, or who is the legal counsel or insurer of the victim. A 884
fee under this section may only be waived upon the receipt of an 885
affidavit by the victim or the victim's legal counsel 886
identifying that the use of the video is to investigate harm or 887
damages that may have been captured on the video. 888

As used in this division, "legal counsel of the victim" 889
means an attorney who, at the time of making the request, 890
produces to the state or local law enforcement agency or a 891
prosecuting attorney's office a signed retention agreement or 892
letter of representation that establishes that the attorney is 893
representing the victim. 894

(C) (1) If a person allegedly is aggrieved by the failure 895
of a public office or the person responsible for public records 896
to promptly prepare a public record and to make it available to 897
the person for inspection in accordance with division (B) of 898
this section or by any other failure of a public office or the 899

person responsible for public records to comply with an 900
obligation in accordance with division (B) of this section, the 901
person allegedly aggrieved may serve pursuant to Rule 4 of the 902
Ohio Rules of Civil Procedure a complaint, on a form prescribed 903
by the clerk of the court of claims, to the public office or 904
person responsible for public records allegedly responsible for 905
the alleged failure. Upon receipt of the complaint of the person 906
allegedly aggrieved, the public office or person responsible for 907
public records has three business days to cure or otherwise 908
address the failure alleged in the complaint. The person 909
allegedly aggrieved shall not file a complaint with a court or 910
commence a mandamus action under this section within the three- 911
day period. Upon the expiration of the three-day period, the 912
person allegedly aggrieved may, subject to the requirements of 913
division (C) (2) of this section, do only one of the following, 914
and not both: 915

(a) File a complaint with the clerk of the court of claims 916
or the clerk of the court of common pleas under section 2743.75 917
of the Revised Code; 918

(b) Commence a mandamus action to obtain a judgment that 919
orders the public office or the person responsible for the 920
public record to comply with division (B) of this section, that 921
awards court costs and reasonable attorney's fees to the person 922
that instituted the mandamus action, and, if applicable, that 923
includes an order fixing statutory damages under division (C) (3) 924
of this section. The mandamus action may be commenced in the 925
court of common pleas of the county in which division (B) of 926
this section allegedly was not complied with, in the supreme 927
court pursuant to its original jurisdiction under Section 2 of 928
Article IV, Ohio Constitution, or in the court of appeals for 929
the appellate district in which division (B) of this section 930

allegedly was not complied with pursuant to its original 931
jurisdiction under Section 3 of Article IV, Ohio Constitution. 932

(2) Upon filing a complaint or mandamus action with a 933
court under divisions (C) (1) (a) or (b) of this section, a person 934
allegedly aggrieved shall file with the court, in conjunction 935
with the person's complaint or petition, a written affirmation 936
stating that the person properly transmitted a complaint to the 937
public office or person responsible for public records, the 938
failure alleged in the complaint has not been cured or otherwise 939
resolved to the person's satisfaction, and that the complaint 940
was transmitted to the public office or person responsible for 941
public records at least three business days before the filing of 942
the suit. If the person fails to file an affirmation pursuant to 943
this division, the suit shall be dismissed. 944

(3) If a requester transmits a written request by hand 945
delivery, electronic submission, or certified mail to inspect or 946
receive copies of any public record in a manner that fairly 947
describes the public record or class of public records to the 948
public office or person responsible for the requested public 949
records, except as otherwise provided in this section, the 950
requester shall be entitled to recover the amount of statutory 951
damages set forth in this division if a court determines that 952
the public office or the person responsible for public records 953
failed to comply with an obligation in accordance with division 954
(B) of this section. Statutory damages are not available 955
pursuant to this section to a person committed to the custody of 956
the department of rehabilitation and correction or the United 957
States bureau of prisons, or a child committed to the department 958
of youth services as permitted in Chapter 2152. of the Revised 959
Code. 960

The amount of statutory damages shall be fixed at one 961
hundred dollars for each business day during which the public 962
office or person responsible for the requested public records 963
failed to comply with an obligation in accordance with division 964
(B) of this section, beginning with the day on which the 965
requester files a mandamus action to recover statutory damages, 966
up to a maximum of one thousand dollars. The award of statutory 967
damages shall not be construed as a penalty, but as compensation 968
for injury arising from lost use of the requested information. 969
The existence of this injury shall be conclusively presumed. The 970
award of statutory damages shall be in addition to all other 971
remedies authorized by this section. 972

The court may reduce an award of statutory damages or not 973
award statutory damages if the court determines both of the 974
following: 975

(a) That, based on the ordinary application of statutory 976
law and case law as it existed at the time of the conduct or 977
threatened conduct of the public office or person responsible 978
for the requested public records that allegedly constitutes a 979
failure to comply with an obligation in accordance with division 980
(B) of this section and that was the basis of the mandamus 981
action, a well-informed public office or person responsible for 982
the requested public records reasonably would believe that the 983
conduct or threatened conduct of the public office or person 984
responsible for the requested public records did not constitute 985
a failure to comply with an obligation in accordance with 986
division (B) of this section; 987

(b) That a well-informed public office or person 988
responsible for the requested public records reasonably would 989
believe that the conduct or threatened conduct of the public 990

office or person responsible for the requested public records 991
would serve the public policy that underlies the authority that 992
is asserted as permitting that conduct or threatened conduct. 993

(4) In a mandamus action filed under division (C) (1) of 994
this section, the following apply: 995

(a) (i) If the court orders the public office or the person 996
responsible for the public record to comply with division (B) of 997
this section, the court shall determine and award to the relator 998
all court costs, which shall be construed as remedial and not 999
punitive. 1000

(ii) If the court makes a determination described in 1001
division (C) (4) (b) (iii) of this section, the court shall 1002
determine and award to the relator all court costs, which shall 1003
be construed as remedial and not punitive. 1004

(b) If the court renders a judgment that orders the public 1005
office or the person responsible for the public record to comply 1006
with division (B) of this section or if the court determines any 1007
of the following, the court may award reasonable attorney's fees 1008
to the relator, subject to division (C) (5) of this section: 1009

(i) The public office or the person responsible for the 1010
public records failed to respond affirmatively or negatively to 1011
the public records request in accordance with the time allowed 1012
under division (B) of this section. 1013

(ii) The public office or the person responsible for the 1014
public records promised to permit the relator to inspect or 1015
receive copies of the public records requested within a 1016
specified period of time but failed to fulfill that promise 1017
within that specified period of time. 1018

(iii) The public office or the person responsible for the 1019

public records acted in bad faith when the office or person 1020
voluntarily made the public records available to the relator for 1021
the first time after the relator commenced the mandamus action, 1022
but before the court issued any order concluding whether or not 1023
the public office or person was required to comply with division 1024
(B) of this section. No discovery may be conducted on the issue 1025
of the alleged bad faith of the public office or person 1026
responsible for the public records. This division shall not be 1027
construed as creating a presumption that the public office or 1028
the person responsible for the public records acted in bad faith 1029
when the office or person voluntarily made the public records 1030
available to the relator for the first time after the relator 1031
commenced the mandamus action, but before the court issued any 1032
order described in this division. 1033

(c) The court shall not award attorney's fees to the 1034
relator if the court determines both of the following: 1035

(i) That, based on the ordinary application of statutory 1036
law and case law as it existed at the time of the conduct or 1037
threatened conduct of the public office or person responsible 1038
for the requested public records that allegedly constitutes a 1039
failure to comply with an obligation in accordance with division 1040
(B) of this section and that was the basis of the mandamus 1041
action, a well-informed public office or person responsible for 1042
the requested public records reasonably would believe that the 1043
conduct or threatened conduct of the public office or person 1044
responsible for the requested public records did not constitute 1045
a failure to comply with an obligation in accordance with 1046
division (B) of this section; 1047

(ii) That a well-informed public office or person 1048
responsible for the requested public records reasonably would 1049

believe that the conduct or threatened conduct of the public 1050
office or person responsible for the requested public records 1051
would serve the public policy that underlies the authority that 1052
is asserted as permitting that conduct or threatened conduct. 1053

(5) All of the following apply to any award of reasonable 1054
attorney's fees awarded under division (C) (4) (b) of this 1055
section: 1056

(a) The fees shall be construed as remedial and not 1057
punitive. 1058

(b) The fees awarded shall not exceed the total of the 1059
reasonable attorney's fees incurred before the public record was 1060
made available to the relator and the fees described in division 1061
(C) (5) (c) of this section. 1062

(c) Reasonable attorney's fees shall include reasonable 1063
fees incurred to produce proof of the reasonableness and amount 1064
of the fees and to otherwise litigate entitlement to the fees. 1065

(d) The court may reduce the amount of fees awarded if the 1066
court determines that, given the factual circumstances involved 1067
with the specific public records request, an alternative means 1068
should have been pursued to more effectively and efficiently 1069
resolve the dispute that was subject to the mandamus action 1070
filed under division (C) (1) of this section. 1071

(6) If the court does not issue a writ of mandamus under 1072
division (C) of this section and the court determines at that 1073
time that the bringing of the mandamus action was frivolous 1074
conduct as defined in division (A) of section 2323.51 of the 1075
Revised Code, the court may award to the public office all court 1076
costs, expenses, and reasonable attorney's fees, as determined 1077
by the court. 1078

(D) Chapter 1347. of the Revised Code does not limit the 1079
provisions of this section. 1080

(E) (1) To ensure that all employees of public offices are 1081
appropriately educated about a public office's obligations under 1082
division (B) of this section, all elected officials or their 1083
appropriate designees shall attend training approved by the 1084
attorney general as provided in section 109.43 of the Revised 1085
Code. A future official may satisfy the requirements of this 1086
division by attending the training before taking office, 1087
provided that the future official may not send a designee in the 1088
future official's place. 1089

(2) All public offices shall adopt a public records policy 1090
in compliance with this section for responding to public records 1091
requests. In adopting a public records policy under this 1092
division, a public office may obtain guidance from the model 1093
public records policy developed and provided to the public 1094
office by the attorney general under section 109.43 of the 1095
Revised Code. Except as otherwise provided in this section, the 1096
policy may not limit the number of public records that the 1097
public office will make available to a single person, may not 1098
limit the number of public records that it will make available 1099
during a fixed period of time, and may not establish a fixed 1100
period of time before it will respond to a request for 1101
inspection or copying of public records, unless that period is 1102
less than eight hours. 1103

The public office shall distribute the public records 1104
policy adopted by the public office under this division to the 1105
employee of the public office who is the records custodian or 1106
records manager or otherwise has custody of the records of that 1107
office. The public office shall require that employee to 1108

acknowledge receipt of the copy of the public records policy. 1109
The public office shall create a poster that describes its 1110
public records policy and shall post the poster in a conspicuous 1111
place in the public office and in all locations where the public 1112
office has branch offices. The public office may post its public 1113
records policy on the internet web site of the public office if 1114
the public office maintains an internet web site. A public 1115
office that has established a manual or handbook of its general 1116
policies and procedures for all employees of the public office 1117
shall include the public records policy of the public office in 1118
the manual or handbook. 1119

(F) (1) The bureau of motor vehicles may adopt rules 1120
pursuant to Chapter 119. of the Revised Code to reasonably limit 1121
the number of bulk commercial special extraction requests made 1122
by a person for the same records or for updated records during a 1123
calendar year. The rules may include provisions for charges to 1124
be made for bulk commercial special extraction requests for the 1125
actual cost of the bureau, plus special extraction costs, plus 1126
ten per cent. The bureau may charge for expenses for redacting 1127
information, the release of which is prohibited by law. 1128

(2) As used in division (F) (1) of this section: 1129

(a) "Actual cost" means the cost of depleted supplies, 1130
records storage media costs, actual mailing and alternative 1131
delivery costs, or other transmitting costs, and any direct 1132
equipment operating and maintenance costs, including actual 1133
costs paid to private contractors for copying services. 1134

(b) "Bulk commercial special extraction request" means a 1135
request for copies of a record for information in a format other 1136
than the format already available, or information that cannot be 1137
extracted without examination of all items in a records series, 1138

class of records, or database by a person who intends to use or 1139
forward the copies for surveys, marketing, solicitation, or 1140
resale for commercial purposes. "Bulk commercial special 1141
extraction request" does not include a request by a person who 1142
gives assurance to the bureau that the person making the request 1143
does not intend to use or forward the requested copies for 1144
surveys, marketing, solicitation, or resale for commercial 1145
purposes. 1146

(c) "Commercial" means profit-seeking production, buying, 1147
or selling of any good, service, or other product. 1148

(d) "Special extraction costs" means the cost of the time 1149
spent by the lowest paid employee competent to perform the task, 1150
the actual amount paid to outside private contractors employed 1151
by the bureau, or the actual cost incurred to create computer 1152
programs to make the special extraction. "Special extraction 1153
costs" include any charges paid to a public agency for computer 1154
or records services. 1155

(3) For purposes of divisions (F) (1) and (2) of this 1156
section, "surveys, marketing, solicitation, or resale for 1157
commercial purposes" shall be narrowly construed and does not 1158
include reporting or gathering news, reporting or gathering 1159
information to assist citizen oversight or understanding of the 1160
operation or activities of government, or nonprofit educational 1161
research. 1162

(G) A request by a defendant, counsel of a defendant, or 1163
any agent of a defendant in a criminal action that public 1164
records related to that action be made available under this 1165
section shall be considered a demand for discovery pursuant to 1166
the Criminal Rules, except to the extent that the Criminal Rules 1167
plainly indicate a contrary intent. The defendant, counsel of 1168

the defendant, or agent of the defendant making a request under 1169
this division shall serve a copy of the request on the 1170
prosecuting attorney, director of law, or other chief legal 1171
officer responsible for prosecuting the action. 1172

(H) (1) Any portion of a body-worn camera or dashboard 1173
camera recording described in divisions (A) (17) (b) to (h) of 1174
this section may be released by consent of the subject of the 1175
recording or a representative of that person, as specified in 1176
those divisions, only if either of the following applies: 1177

(a) The recording will not be used in connection with any 1178
probable or pending criminal proceedings; 1179

(b) The recording has been used in connection with a 1180
criminal proceeding that was dismissed or for which a judgment 1181
has been entered pursuant to Rule 32 of the Rules of Criminal 1182
Procedure, and will not be used again in connection with any 1183
probable or pending criminal proceedings. 1184

(2) If a public office denies a request to release a 1185
restricted portion of a body-worn camera or dashboard camera 1186
recording, as defined in division (A) (17) of this section, any 1187
person may file a mandamus action pursuant to this section or a 1188
complaint with the clerk of the court of claims pursuant to 1189
section 2743.75 of the Revised Code, requesting the court to 1190
order the release of all or portions of the recording. If the 1191
court considering the request determines that the filing 1192
articulates by clear and convincing evidence that the public 1193
interest in the recording substantially outweighs privacy 1194
interests and other interests asserted to deny release, the 1195
court shall order the public office to release the recording. 1196

Section 2. That existing section 149.43 of the Revised 1197

Code is hereby repealed.

1198