

As Introduced

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H. B. No. 127

Representatives Mathews, A., Odioso

A BILL

To amend sections 149.381, 149.43, and 3319.321 of 1
the Revised Code to permit schools to withhold 2
directory information and to remove directory 3
information from the public record definition. 4

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

Section 1. That sections 149.381, 149.43, and 3319.321 of 5
the Revised Code be amended to read as follows: 6

Sec. 149.381. (A) As used in this section, "records 7
commission" means a records commission created under section 8
149.39 of the Revised Code, a school district records commission 9
and an educational service center records commission created 10
under section 149.41 of the Revised Code, a library records 11
commission created under section 149.411 of the Revised Code, a 12
special taxing district records commission created under section 13
149.412 of the Revised Code, and a township records commission 14
created under section 149.42 of the Revised Code. 15

(B) When a records commission has approved an application 16
for one-time disposal of obsolete records or any schedule of 17
records retention and disposition, the records commission shall 18
send that application or schedule to the Ohio history connection 19

for its review. The Ohio history connection shall review the application or schedule within a period of not more than sixty days after its receipt of it. During the sixty-day review period, the Ohio history connection may select for its custody from the application for one-time disposal of obsolete records any records it considers to be of continuing historical value, and shall denote upon any schedule of records retention and disposition the records for which the Ohio history connection will require a certificate of records disposal prior to their disposal.

(C) Upon completion of its review, the Ohio history connection shall forward the application for one-time disposal of obsolete records or the schedule of records retention and disposition to the auditor of state for the auditor of state's approval or disapproval. The auditor of state shall approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it.

(D) Before public records are to be disposed of pursuant to an approved schedule of records retention and disposition, the records commission shall inform the Ohio history connection of the disposal through the submission of a certificate of records disposal for only the records required by the schedule to be disposed of, and shall give the Ohio history connection the opportunity for a period of fifteen business days to select for its custody those public records, from the certificate submitted, that it considers to be of continuing historical value.

(E) The Ohio history connection may not review or select for its custody any of the following:

(1) Records the release of which is prohibited by section

149.432 of the Revised Code.	50
(2) Records containing personally identifiable information concerning any pupil attending a public school other than directory information, as defined in section 3319.321 of the Revised Code, without the written consent of the parent, guardian, or custodian of each such pupil who is less than eighteen years of age, or without the written consent of each pupil who is eighteen years of age or older.	51 52 53 54 55 56 57
(3) Records the release of which would, according to the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, disqualify a school or other educational institution from receiving federal funds.	58 59 60 61
Sec. 149.43. (A) As used in this section:	62
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	63 64 65 66 67 68 69 70
(a) Medical records;	71
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	72 73 74 75 76 77
(c) Records pertaining to actions under section 2151.85	78

and division (C) of section 2919.121 of the Revised Code and to	79
appeals of actions arising under those sections;	80
(d) Records pertaining to adoption proceedings, including	81
the contents of an adoption file maintained by the department of	82
health under sections 3705.12 to 3705.124 of the Revised Code;	83
(e) Information in a record contained in the putative	84
father registry established by section 3107.062 of the Revised	85
Code, regardless of whether the information is held by the	86
department of job and family services or, pursuant to section	87
3111.69 of the Revised Code, the office of child support in the	88
department or a child support enforcement agency;	89
(f) Records specified in division (A) of section 3107.52	90
of the Revised Code;	91
(g) Trial preparation records;	92
(h) Confidential law enforcement investigatory records;	93
(i) Records containing information that is confidential	94
under section 2710.03 or 4112.05 of the Revised Code;	95
(j) DNA records stored in the DNA database pursuant to	96
section 109.573 of the Revised Code;	97
(k) Inmate records released by the department of	98
rehabilitation and correction to the department of youth	99
services or a court of record pursuant to division (E) of	100
section 5120.21 of the Revised Code;	101
(l) Records maintained by the department of youth services	102
pertaining to children in its custody released by the department	103
of youth services to the department of rehabilitation and	104
correction pursuant to section 5139.05 of the Revised Code;	105

(m) Intellectual property records;	106
(n) Donor profile records;	107
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	108 109
(p) Designated public service worker residential and familial information;	110 111
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	112 113 114 115 116
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	117 118
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	119 120 121 122 123 124 125 126 127 128 129 130
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	131 132 133 134

section;	135
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	136 137 138 139 140 141
(v) Records the release of which is prohibited by state or federal law;	142 143
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	144 145 146
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	147 148 149 150 151 152
(y) Records listed in section 5101.29 of the Revised Code;	153
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	154 155 156
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	157 158 159
(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;	160 161 162

(cc) Information and records that are made confidential, 163
privileged, and not subject to disclosure under divisions (B) 164
and (C) of section 2949.221 of the Revised Code; 165

(dd) Personal information, as defined in section 149.45 of 166
the Revised Code; 167

(ee) The confidential name, address, and other personally 168
identifiable information of a program participant in the address 169
confidentiality program established under sections 111.41 to 170
111.47 of the Revised Code, including the contents of any 171
application for absent voter's ballots, absent voter's ballot 172
identification envelope statement of voter, or provisional 173
ballot affirmation completed by a program participant who has a 174
confidential voter registration record; records or portions of 175
records pertaining to that program that identify the number of 176
program participants that reside within a precinct, ward, 177
township, municipal corporation, county, or any other geographic 178
area smaller than the state; and any real property 179
confidentiality notice filed under section 111.431 of the 180
Revised Code and the information described in division (C) of 181
that section. As used in this division, "confidential address" 182
and "program participant" have the meaning defined in section 183
111.41 of the Revised Code. 184

(ff) Orders for active military service of an individual 185
serving or with previous service in the armed forces of the 186
United States, including a reserve component, or the Ohio 187
organized militia, except that, such order becomes a public 188
record on the day that is fifteen years after the published date 189
or effective date of the call to order; 190

(gg) The name, address, contact information, or other 191
personal information of an individual who is less than eighteen 192

years of age that is included in any record related to a traffic	193
accident involving a school vehicle in which the individual was	194
an occupant at the time of the accident;	195
(hh) Protected health information, as defined in 45 C.F.R.	196
160.103, that is in a claim for payment for a health care	197
product, service, or procedure, as well as any other health	198
claims data in another document that reveals the identity of an	199
individual who is the subject of the data or could be used to	200
reveal that individual's identity;	201
(ii) Any depiction by photograph, film, videotape, or	202
printed or digital image under either of the following	203
circumstances:	204
(i) The depiction is that of a victim of an offense the	205
release of which would be, to a reasonable person of ordinary	206
sensibilities, an offensive and objectionable intrusion into the	207
victim's expectation of bodily privacy and integrity.	208
(ii) The depiction captures or depicts the victim of a	209
sexually oriented offense, as defined in section 2950.01 of the	210
Revised Code, at the actual occurrence of that offense.	211
(jj) Restricted portions of a body-worn camera or	212
dashboard camera recording;	213
(kk) In the case of a fetal-infant mortality review board	214
acting under sections 3707.70 to 3707.77 of the Revised Code,	215
records, documents, reports, or other information presented to	216
the board or a person abstracting such materials on the board's	217
behalf, statements made by review board members during board	218
meetings, all work products of the board, and data submitted by	219
the board to the department of health or a national infant death	220
review database, other than the report prepared pursuant to	221

section 3707.77 of the Revised Code.	222
(ll) Records, documents, reports, or other information	223
presented to the pregnancy-associated mortality review board	224
established under section 3738.01 of the Revised Code,	225
statements made by board members during board meetings, all work	226
products of the board, and data submitted by the board to the	227
department of health, other than the biennial reports prepared	228
under section 3738.08 of the Revised Code;	229
(mm) Except as otherwise provided in division (A) (1) (oo)	230
of this section, telephone numbers for a victim, as defined in	231
section 2930.01 of the Revised Code or a witness to a crime that	232
are listed on any law enforcement record or report.	233
(nn) A preneed funeral contract, as defined in section	234
4717.01 of the Revised Code, and contract terms and personally	235
identifying information of a preneed funeral contract, that is	236
contained in a report submitted by or for a funeral home to the	237
board of embalmers and funeral directors under division (C) of	238
section 4717.13, division (J) of section 4717.31, or section	239
4717.41 of the Revised Code.	240
(oo) Telephone numbers for a party to a motor vehicle	241
accident subject to the requirements of section 5502.11 of the	242
Revised Code that are listed on any law enforcement record or	243
report, except that the telephone numbers described in this	244
division are not excluded from the definition of "public record"	245
under this division on and after the thirtieth day after the	246
occurrence of the motor vehicle accident.	247
(pp) Records pertaining to individuals who complete	248
training under section 5502.703 of the Revised Code to be	249
permitted by a school district board of education or governing	250

body of a community school established under Chapter 3314. of	251
the Revised Code, a STEM school established under Chapter 3326.	252
of the Revised Code, or a chartered nonpublic school to convey	253
deadly weapons or dangerous ordnance into a school safety zone;	254
(qq) Records, documents, reports, or other information	255
presented to a domestic violence fatality review board	256
established under section 307.651 of the Revised Code,	257
statements made by board members during board meetings, all work	258
products of the board, and data submitted by the board to the	259
department of health, other than a report prepared pursuant to	260
section 307.656 of the Revised Code;	261
(rr) Records, documents, and information the release of	262
which is prohibited under sections 2930.04 and 2930.07 of the	263
Revised Code;	264
(ss) Records of an existing qualified nonprofit	265
corporation that creates a special improvement district under	266
Chapter 1710. of the Revised Code that do not pertain to a	267
purpose for which the district is created;	268
(tt) Educational support services data, as defined in	269
section 3319.325 of the Revised Code;	270
(uu) Records of the past, current, and future work	271
schedule of a designated public service worker. As used in	272
division (A) (1) (uu) of this section, "work schedule" does not	273
include the docket of cases of a court, judge, or magistrate;	274
(vv) A request form or confirmation letter submitted to a	275
public office under section 149.45 of the Revised Code;	276
(wv) An affidavit or confirmation letter submitted under	277
section 319.28 of the Revised Code;	278

(xx) License or certificate application or renewal 279
responses and supporting documentation submitted to the state 280
medical board regarding an applicant's, or a license or 281
certificate holder's, inability to practice according to 282
acceptable and prevailing standards of care by reason of a 283
medical condition; 284

(yy) Directory information held by a public school as 285
prescribed in section 3319.321 of the Revised Code. 286

A record that is not a public record under division (A) (1) 287
of this section and that, under law, is permanently retained 288
becomes a public record on the day that is seventy-five years 289
after the day on which the record was created, or in the case of 290
a record that is not a public record under division (A) (1) (uu) 291
of this section that is retained, three years after the day on 292
which the record was created, except for any record protected by 293
the attorney-client privilege, a trial preparation record as 294
defined in this section, a statement prohibiting the release of 295
identifying information signed under section 3107.083 of the 296
Revised Code, a denial of release form filed pursuant to section 297
3107.46 of the Revised Code, or any record that is exempt from 298
release or disclosure under section 149.433 of the Revised Code. 299
If the record is a birth certificate and a biological parent's 300
name redaction request form has been accepted under section 301
3107.391 of the Revised Code, the name of that parent shall be 302
redacted from the birth certificate before it is released under 303
this paragraph. If any other section of the Revised Code 304
establishes a time period for disclosure of a record that 305
conflicts with the time period specified in this section, the 306
time period in the other section prevails. 307

(2) "Confidential law enforcement investigatory record" 308

means any record that pertains to a law enforcement matter of a 309
criminal, quasi-criminal, civil, or administrative nature, but 310
only to the extent that the release of the record would create a 311
high probability of disclosure of any of the following: 312

(a) The identity of a suspect who has not been charged 313
with the offense to which the record pertains, or of an 314
information source or witness to whom confidentiality has been 315
reasonably promised; 316

(b) Information provided by an information source or 317
witness to whom confidentiality has been reasonably promised, 318
which information would reasonably tend to disclose the source's 319
or witness's identity; 320

(c) Specific confidential investigatory techniques or 321
procedures or specific investigatory work product; 322

(d) Information that would endanger the life or physical 323
safety of law enforcement personnel, a crime victim, a witness, 324
or a confidential information source. 325

(3) "Medical record" means any document or combination of 326
documents, except births, deaths, and the fact of admission to 327
or discharge from a hospital, that pertains to the medical 328
history, diagnosis, prognosis, or medical condition of a patient 329
and that is generated and maintained in the process of medical 330
treatment. 331

(4) "Trial preparation record" means any record that 332
contains information that is specifically compiled in reasonable 333
anticipation of, or in defense of, a civil or criminal action or 334
proceeding, including the independent thought processes and 335
personal trial preparation of an attorney. 336

(5) "Intellectual property record" means a record, other 337

than a financial or administrative record, that is produced or 338
collected by or for faculty or staff of a state institution of 339
higher learning in the conduct of or as a result of study or 340
research on an educational, commercial, scientific, artistic, 341
technical, or scholarly issue, regardless of whether the study 342
or research was sponsored by the institution alone or in 343
conjunction with a governmental body or private concern, and 344
that has not been publicly released, published, or patented. 345

(6) "Donor profile record" means all records about donors 346
or potential donors to a public institution of higher education 347
except the names and reported addresses of the actual donors and 348
the date, amount, and conditions of the actual donation. 349

(7) "Designated public service worker" means a peace 350
officer, parole officer, probation officer, bailiff, prosecuting 351
attorney, assistant prosecuting attorney, correctional employee, 352
county or multicounty corrections officer, community-based 353
correctional facility employee, designated Ohio national guard 354
member, protective services worker, youth services employee, 355
firefighter, EMT, medical director or member of a cooperating 356
physician advisory board of an emergency medical service 357
organization, state board of pharmacy employee, investigator of 358
the bureau of criminal identification and investigation, 359
emergency service telecommunicator, forensic mental health 360
provider, mental health evaluation provider, regional 361
psychiatric hospital employee, judge, magistrate, or federal law 362
enforcement officer. 363

(8) "Designated public service worker residential and 364
familial information" means any information that discloses any 365
of the following about a designated public service worker: 366

(a) The address of the actual personal residence of a 367

designated public service worker, except for the following 368
information: 369

(i) The address of the actual personal residence of a 370
prosecuting attorney or judge; and 371

(ii) The state or political subdivision in which a 372
designated public service worker resides. 373

(b) Information compiled from referral to or participation 374
in an employee assistance program; 375

(c) The social security number, the residential telephone 376
number, any bank account, debit card, charge card, or credit 377
card number, or the emergency telephone number of, or any 378
medical information pertaining to, a designated public service 379
worker; 380

(d) The name of any beneficiary of employment benefits, 381
including, but not limited to, life insurance benefits, provided 382
to a designated public service worker by the designated public 383
service worker's employer; 384

(e) The identity and amount of any charitable or 385
employment benefit deduction made by the designated public 386
service worker's employer from the designated public service 387
worker's compensation, unless the amount of the deduction is 388
required by state or federal law; 389

(f) The name, the residential address, the name of the 390
employer, the address of the employer, the social security 391
number, the residential telephone number, any bank account, 392
debit card, charge card, or credit card number, or the emergency 393
telephone number of the spouse, a former spouse, or any child of 394
a designated public service worker; 395

(g) A photograph of a peace officer who holds a position 396
or has an assignment that may include undercover or plain 397
clothes positions or assignments as determined by the peace 398
officer's appointing authority. 399

(9) As used in divisions (A) (7) and (15) to (17) of this 400
section: 401

"Peace officer" has the meaning defined in section 109.71 402
of the Revised Code and also includes the superintendent and 403
troopers of the state highway patrol; it does not include the 404
sheriff of a county or a supervisory employee who, in the 405
absence of the sheriff, is authorized to stand in for, exercise 406
the authority of, and perform the duties of the sheriff. 407

"Correctional employee" means any employee of the 408
department of rehabilitation and correction who in the course of 409
performing the employee's job duties has or has had contact with 410
inmates and persons under supervision. 411

"County or multicounty corrections officer" means any 412
corrections officer employed by any county or multicounty 413
correctional facility. 414

"Designated Ohio national guard member" means a member of 415
the Ohio national guard who is participating in duties related 416
to remotely piloted aircraft, including, but not limited to, 417
pilots, sensor operators, and mission intelligence personnel, 418
duties related to special forces operations, or duties related 419
to cybersecurity, and is designated by the adjutant general as a 420
designated public service worker for those purposes. 421

"Protective services worker" means any employee of a 422
county agency who is responsible for child protective services, 423
child support services, or adult protective services. 424

"Youth services employee" means any employee of the 425
department of youth services who in the course of performing the 426
employee's job duties has or has had contact with children 427
committed to the custody of the department of youth services. 428

"Firefighter" means any regular, paid or volunteer, member 429
of a lawfully constituted fire department of a municipal 430
corporation, township, fire district, or village. 431

"EMT" means EMTs-basic, EMTs-I, and paramedics that 432
provide emergency medical services for a public emergency 433
medical service organization. "Emergency medical service 434
organization," "EMT-basic," "EMT-I," and "paramedic" have the 435
meanings defined in section 4765.01 of the Revised Code. 436

"Investigator of the bureau of criminal identification and 437
investigation" has the meaning defined in section 2903.11 of the 438
Revised Code. 439

"Emergency service telecommunicator" means an individual 440
employed by an emergency service provider as defined under 441
section 128.01 of the Revised Code, whose primary responsibility 442
is to be an operator for the receipt or processing of calls for 443
emergency services made by telephone, radio, or other electronic 444
means. 445

"Forensic mental health provider" means any employee of a 446
community mental health service provider or local alcohol, drug 447
addiction, and mental health services board who, in the course 448
of the employee's duties, has contact with persons committed to 449
a local alcohol, drug addiction, and mental health services 450
board by a court order pursuant to section 2945.38, 2945.39, 451
2945.40, or 2945.402 of the Revised Code. 452

"Mental health evaluation provider" means an individual 453

who, under Chapter 5122. of the Revised Code, examines a 454
respondent who is alleged to be a mentally ill person subject to 455
court order, as defined in section 5122.01 of the Revised Code, 456
and reports to the probate court the respondent's mental 457
condition. 458

"Regional psychiatric hospital employee" means any 459
employee of the department of mental health and addiction 460
services who, in the course of performing the employee's duties, 461
has contact with patients committed to the department of mental 462
health and addiction services by a court order pursuant to 463
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 464
Code. 465

"Federal law enforcement officer" has the meaning defined 466
in section 9.88 of the Revised Code. 467

(10) "Information pertaining to the recreational 468
activities of a person under the age of eighteen" means 469
information that is kept in the ordinary course of business by a 470
public office, that pertains to the recreational activities of a 471
person under the age of eighteen years, and that discloses any 472
of the following: 473

(a) The address or telephone number of a person under the 474
age of eighteen or the address or telephone number of that 475
person's parent, guardian, custodian, or emergency contact 476
person; 477

(b) The social security number, birth date, or 478
photographic image of a person under the age of eighteen; 479

(c) Any medical record, history, or information pertaining 480
to a person under the age of eighteen; 481

(d) Any additional information sought or required about a 482

person under the age of eighteen for the purpose of allowing 483
that person to participate in any recreational activity 484
conducted or sponsored by a public office or to use or obtain 485
admission privileges to any recreational facility owned or 486
operated by a public office. 487

(11) "Community control sanction" has the meaning defined 488
in section 2929.01 of the Revised Code. 489

(12) "Post-release control sanction" has the meaning 490
defined in section 2967.01 of the Revised Code. 491

(13) "Redaction" means obscuring or deleting any 492
information that is exempt from the duty to permit public 493
inspection or copying from an item that otherwise meets the 494
definition of a "record" in section 149.011 of the Revised Code. 495

(14) "Designee," "elected official," and "future official" 496
have the meanings defined in section 109.43 of the Revised Code. 497

(15) "Body-worn camera" means a visual and audio recording 498
device worn on the person of a correctional employee, youth 499
services employee, or peace officer while the correctional 500
employee, youth services employee, or peace officer is engaged 501
in the performance of official duties. 502

(16) "Dashboard camera" means a visual and audio recording 503
device mounted on a peace officer's vehicle or vessel that is 504
used while the peace officer is engaged in the performance of 505
the peace officer's duties. 506

(17) "Restricted portions of a body-worn camera or 507
dashboard camera recording" means any visual or audio portion of 508
a body-worn camera or dashboard camera recording that shows, 509
communicates, or discloses any of the following: 510

(a) The image or identity of a child or information that 511
could lead to the identification of a child who is a primary 512
subject of the recording when the department of rehabilitation 513
and correction, department of youth services, or the law 514
enforcement agency knows or has reason to know the person is a 515
child based on the department's or law enforcement agency's 516
records or the content of the recording; 517

(b) The death of a person or a deceased person's body, 518
unless the death was caused by a correctional employee, youth 519
services employee, or peace officer or, subject to division (H) 520
(1) of this section, the consent of the decedent's executor or 521
administrator has been obtained; 522

(c) The death of a correctional employee, youth services 523
employee, peace officer, firefighter, paramedic, or other first 524
responder, occurring while the decedent was engaged in the 525
performance of official duties, unless, subject to division (H) 526
(1) of this section, the consent of the decedent's executor or 527
administrator has been obtained; 528

(d) Grievous bodily harm, unless the injury was effected 529
by a correctional employee, youth services employee, or peace 530
officer or, subject to division (H) (1) of this section, the 531
consent of the injured person or the injured person's guardian 532
has been obtained; 533

(e) An act of severe violence against a person that 534
results in serious physical harm to the person, unless the act 535
and injury was effected by a correctional employee, youth 536
services employee, or peace officer or, subject to division (H) 537
(1) of this section, the consent of the injured person or the 538
injured person's guardian has been obtained; 539

(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;

(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 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;

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

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

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

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could

reasonably be expected to threaten or endanger the safety or	569
property of the person or another person;	570
(1) Personal information of a person who is not arrested,	571
cited, charged, or issued a written warning by a peace officer;	572
(m) Proprietary correctional, youth services, or police	573
contingency plans or tactics that are intended to prevent crime	574
and maintain public order and safety;	575
(n) A personal conversation unrelated to work between	576
correctional employees, youth services employees, or peace	577
officers or between a correctional employee, youth services	578
employee, or peace officer and an employee of a law enforcement	579
agency;	580
(o) A conversation between a correctional employee, youth	581
services employee, or peace officer and a member of the public	582
that does not concern correctional, youth services, or law	583
enforcement activities;	584
(p) The interior of a residence, unless the interior of a	585
residence is the location of an adversarial encounter with, or a	586
use of force by, a correctional employee, youth services	587
employee, or peace officer;	588
(q) Any portion of the interior of a private business that	589
is not open to the public, unless an adversarial encounter with,	590
or a use of force by, a correctional employee, youth services	591
employee, or peace officer occurs in that location.	592
As used in division (A) (17) of this section:	593
"Grievous bodily harm" has the same meaning as in section	594
5924.120 of the Revised Code.	595
"Health care facility" has the same meaning as in section	596

1337.11 of the Revised Code. 597

"Protected health information" has the same meaning as in 598
45 C.F.R. 160.103. 599

"Law enforcement agency" means a government entity that 600
employs peace officers to perform law enforcement duties. 601

"Personal information" means any government-issued 602
identification number, date of birth, address, financial 603
information, or criminal justice information from the law 604
enforcement automated data system or similar databases. 605

"Sex offense" has the same meaning as in section 2907.10 606
of the Revised Code. 607

"Firefighter," "paramedic," and "first responder" have the 608
same meanings as in section 4765.01 of the Revised Code. 609

(B) (1) Upon request by any person and subject to division 610
(B) (8) of this section, all public records responsive to the 611
request shall be promptly prepared and made available for 612
inspection to the requester at all reasonable times during 613
regular business hours. Subject to division (B) (8) of this 614
section, upon request by any person, a public office or person 615
responsible for public records shall make copies of the 616
requested public record available to the requester at cost and 617
within a reasonable period of time. 618

When considering whether a state or local law enforcement 619
agency promptly prepared a video record for inspection or 620
provided a video record for production within a reasonable 621
period of time, in addition to any other factors, a court shall 622
consider the time required for a state or local law enforcement 623
agency to retrieve, download, review, redact, seek legal advice 624
regarding, and produce the video record. Notwithstanding any 625

other requirement set forth in Chapter 149. of the Revised Code, 626
a state or local law enforcement agency may charge a requester 627
the actual cost associated with preparing a video record for 628
inspection or production, not to exceed seventy-five dollars per 629
hour of video produced, nor seven hundred fifty dollars total. 630
As used in this division, "actual cost," with respect to video 631
records only, means all costs incurred by the state or local law 632
enforcement agency in reviewing, blurring or otherwise 633
obscuring, redacting, uploading, or producing the video records, 634
including but not limited to the storage medium on which the 635
record is produced, staff time, and any other relevant overhead 636
necessary to comply with the request. A state or local law 637
enforcement agency may include in its public records policy the 638
requirement that a requester pay the estimated actual cost 639
before beginning the process of preparing a video record for 640
inspection or production. Where a state or local law enforcement 641
agency imposes such a requirement, its obligation to produce a 642
video or make it available for inspection begins once the 643
estimated actual cost is paid in full by the requester. A state 644
or local law enforcement agency shall provide the requester with 645
the estimated actual cost within five business days of receipt 646
of the public records request. If the actual cost exceeds the 647
estimated actual cost, a state or local law enforcement agency 648
may charge a requester for the difference upon fulfilling a 649
request for video records if the requester is notified in 650
advance that the actual cost may be up to twenty per cent higher 651
than the estimated actual cost. A state or local law enforcement 652
agency shall not charge a requester a difference that exceeds 653
twenty per cent of the estimated actual cost. 654

If a public record contains information that is exempt 655
from the duty to permit public inspection or to copy the public 656

record, the public office or the person responsible for the 657
public record shall make available all of the information within 658
the public record that is not exempt. When making that public 659
record available for public inspection or copying that public 660
record, the public office or the person responsible for the 661
public record shall notify the requester of any redaction or 662
make the redaction plainly visible. A redaction shall be deemed 663
a denial of a request to inspect or copy the redacted 664
information, except if federal or state law authorizes or 665
requires a public office to make the redaction. When the auditor 666
of state receives a request to inspect or to make a copy of a 667
record that was provided to the auditor of state for purposes of 668
an audit, but the original public office has asserted to the 669
auditor of state that the record is not a public record, the 670
auditor of state may handle the requests by directing the 671
requestor to the original public office that provided the record 672
to the auditor of state. 673

(2) To facilitate broader access to public records, a 674
public office or the person responsible for public records shall 675
organize and maintain public records in a manner that they can 676
be made available for inspection or copying in accordance with 677
division (B) of this section. A public office also shall have 678
available a copy of its current records retention schedule at a 679
location readily available to the public. If a requester makes 680
an ambiguous or overly broad request or has difficulty in making 681
a request for copies or inspection of public records under this 682
section such that the public office or the person responsible 683
for the requested public record cannot reasonably identify what 684
public records are being requested, the public office or the 685
person responsible for the requested public record may deny the 686
request but shall provide the requester with an opportunity to 687

revise the request by informing the requester of the manner in 688
which records are maintained by the public office and accessed 689
in the ordinary course of the public office's or person's 690
duties. 691

(3) If a request is ultimately denied, in part or in 692
whole, the public office or the person responsible for the 693
requested public record shall provide the requester with an 694
explanation, including legal authority, setting forth why the 695
request was denied. If the initial request was provided in 696
writing, the explanation also shall be provided to the requester 697
in writing. The explanation shall not preclude the public office 698
or the person responsible for the requested public record from 699
relying upon additional reasons or legal authority in defending 700
an action commenced under division (C) of this section. 701

(4) Unless specifically required or authorized by state or 702
federal law or in accordance with division (B) of this section, 703
no public office or person responsible for public records may 704
limit or condition the availability of public records by 705
requiring disclosure of the requester's identity or the intended 706
use of the requested public record. Any requirement that the 707
requester disclose the requester's identity or the intended use 708
of the requested public record constitutes a denial of the 709
request. 710

(5) A public office or person responsible for public 711
records may ask a requester to make the request in writing, may 712
ask for the requester's identity, and may inquire about the 713
intended use of the information requested, but may do so only 714
after disclosing to the requester that a written request is not 715
mandatory, that the requester may decline to reveal the 716
requester's identity or the intended use, and when a written 717

request or disclosure of the identity or intended use would 718
benefit the requester by enhancing the ability of the public 719
office or person responsible for public records to identify, 720
locate, or deliver the public records sought by the requester. 721

(6) If any person requests a copy of a public record in 722
accordance with division (B) of this section, the public office 723
or person responsible for the public record may require the 724
requester to pay in advance the cost involved in providing the 725
copy of the public record in accordance with the choice made by 726
the requester under this division. The public office or the 727
person responsible for the public record shall permit the 728
requester to choose to have the public record duplicated upon 729
paper, upon the same medium upon which the public office or 730
person responsible for the public record keeps it, or upon any 731
other medium upon which the public office or person responsible 732
for the public record determines that it reasonably can be 733
duplicated as an integral part of the normal operations of the 734
public office or person responsible for the public record. When 735
the requester makes a choice under this division, the public 736
office or person responsible for the public record shall provide 737
a copy of it in accordance with the choice made by the 738
requester. Nothing in this section requires a public office or 739
person responsible for the public record to allow the requester 740
of a copy of the public record to make the copies of the public 741
record. 742

(7) (a) Upon a request made in accordance with division (B) 743
of this section and subject to division (B) (6) of this section, 744
a public office or person responsible for public records shall 745
transmit a copy of a public record to any person by United 746
States mail or by any other means of delivery or transmission 747
within a reasonable period of time after receiving the request 748

for the copy. The public office or person responsible for the 749
public record may require the person making the request to pay 750
in advance the cost of postage if the copy is transmitted by 751
United States mail or the cost of delivery if the copy is 752
transmitted other than by United States mail, and to pay in 753
advance the costs incurred for other supplies used in the 754
mailing, delivery, or transmission. 755

(b) Any public office may adopt a policy and procedures 756
that it will follow in transmitting, within a reasonable period 757
of time after receiving a request, copies of public records by 758
United States mail or by any other means of delivery or 759
transmission pursuant to division (B) (7) of this section. A 760
public office that adopts a policy and procedures under division 761
(B) (7) of this section shall comply with them in performing its 762
duties under that division. 763

(c) In any policy and procedures adopted under division 764
(B) (7) of this section: 765

(i) A public office may limit the number of records 766
requested by a person that the office will physically deliver by 767
United States mail or by another delivery service to ten per 768
month, unless the person certifies to the office in writing that 769
the person does not intend to use or forward the requested 770
records, or the information contained in them, for commercial 771
purposes; 772

(ii) A public office that chooses to provide some or all 773
of its public records on a web site that is fully accessible to 774
and searchable by members of the public at all times, other than 775
during acts of God outside the public office's control or 776
maintenance, and that charges no fee to search, access, 777
download, or otherwise receive records provided on the web site, 778

may limit to ten per month the number of records requested by a 779
person that the office will deliver in a digital format, unless 780
the requested records are not provided on the web site and 781
unless the person certifies to the office in writing that the 782
person does not intend to use or forward the requested records, 783
or the information contained in them, for commercial purposes. 784

(iii) For purposes of division (B)(7) of this section, 785
"commercial" shall be narrowly construed and does not include 786
reporting or gathering news, reporting or gathering information 787
to assist citizen oversight or understanding of the operation or 788
activities of government, or nonprofit educational research. 789

(8) A public office or person responsible for public 790
records is not required to permit a person who is incarcerated 791
pursuant to a criminal conviction or a juvenile adjudication to 792
inspect or to obtain a copy of any public record concerning a 793
criminal investigation or prosecution or concerning what would 794
be a criminal investigation or prosecution if the subject of the 795
investigation or prosecution were an adult, unless the request 796
to inspect or to obtain a copy of the record is for the purpose 797
of acquiring information that is subject to release as a public 798
record under this section and the judge who imposed the sentence 799
or made the adjudication with respect to the person, or the 800
judge's successor in office, finds that the information sought 801
in the public record is necessary to support what appears to be 802
a justiciable claim of the person. As used in this division, 803
"public record concerning a criminal investigation or 804
prosecution or concerning what would be a criminal investigation 805
or prosecution if the subject of the investigation were an 806
adult" includes, but is not limited to, personnel files and 807
payroll and attendance records of designated public service 808
workers. 809

(9) (a) Upon written request made and signed by a 810
journalist, a public office, or person responsible for public 811
records, having custody of the records of the agency employing a 812
specified designated public service worker shall disclose to the 813
journalist the address of the actual personal residence of the 814
designated public service worker and, if the designated public 815
service worker's spouse, former spouse, or child is employed by 816
a public office, the name and address of the employer of the 817
designated public service worker's spouse, former spouse, or 818
child, and any past, current, and future work schedules of the 819
designated public service worker. The request shall include the 820
journalist's name and title and the name and address of the 821
journalist's employer and shall state that disclosure of the 822
information sought would be in the public interest. 823

(b) Division (B) (9) (a) of this section also applies to 824
journalist requests for: 825

(i) Customer information maintained by a municipally owned 826
or operated public utility, other than social security numbers 827
and any private financial information such as credit reports, 828
payment methods, credit card numbers, and bank account 829
information; 830

(ii) Information about minors involved in a school vehicle 831
accident as provided in division (A) (1) (gg) of this section, 832
other than personal information as defined in section 149.45 of 833
the Revised Code; 834

(iii) A request form submitted to a public office under 835
section 149.45 of the Revised Code; 836

(iv) An affidavit submitted under section 319.28 of the 837
Revised Code. 838

(c) As used in division (B) (9) of this section, 839
"journalist" means a person engaged in, connected with, or 840
employed by any news medium, including a newspaper, magazine, 841
press association, news agency, or wire service, a radio or 842
television station, or a similar medium, for the purpose of 843
gathering, processing, transmitting, compiling, editing, or 844
disseminating information for the general public. 845

(10) Upon a request made by a victim, victim's attorney, 846
or victim's representative, as that term is used in section 847
2930.02 of the Revised Code, a public office or person 848
responsible for public records shall transmit a copy of a 849
depiction of the victim as described in division (A) (1) (ii) of 850
this section to the victim, victim's attorney, or victim's 851
representative. 852

(C) (1) If a person allegedly is aggrieved by the failure 853
of a public office or the person responsible for public records 854
to promptly prepare a public record and to make it available to 855
the person for inspection in accordance with division (B) of 856
this section or by any other failure of a public office or the 857
person responsible for public records to comply with an 858
obligation in accordance with division (B) of this section, the 859
person allegedly aggrieved may serve pursuant to Rule 4 of the 860
Ohio Rules of Civil Procedure a complaint, on a form prescribed 861
by the clerk of the court of claims, to the public office or 862
person responsible for public records allegedly responsible for 863
the alleged failure. Upon receipt of the complaint of the person 864
allegedly aggrieved, the public office or person responsible for 865
public records has three business days to cure or otherwise 866
address the failure alleged in the complaint. The person 867
allegedly aggrieved shall not file a complaint with a court or 868
commence a mandamus action under this section within the three- 869

day period. Upon the expiration of the three-day period, the 870
person allegedly aggrieved may, subject to the requirements of 871
division (C) (2) of this section, do only one of the following, 872
and not both: 873

(a) File a complaint with the clerk of the court of claims 874
or the clerk of the court of common pleas under section 2743.75 875
of the Revised Code; 876

(b) Commence a mandamus action to obtain a judgment that 877
orders the public office or the person responsible for the 878
public record to comply with division (B) of this section, that 879
awards court costs and reasonable attorney's fees to the person 880
that instituted the mandamus action, and, if applicable, that 881
includes an order fixing statutory damages under division (C) (3) 882
of this section. The mandamus action may be commenced in the 883
court of common pleas of the county in which division (B) of 884
this section allegedly was not complied with, in the supreme 885
court pursuant to its original jurisdiction under Section 2 of 886
Article IV, Ohio Constitution, or in the court of appeals for 887
the appellate district in which division (B) of this section 888
allegedly was not complied with pursuant to its original 889
jurisdiction under Section 3 of Article IV, Ohio Constitution. 890

(2) Upon filing a complaint or mandamus action with a 891
court under divisions (C) (1) (a) or (b) of this section, a person 892
allegedly aggrieved shall file with the court, in conjunction 893
with the person's complaint or petition, a written affirmation 894
stating that the person properly transmitted a complaint to the 895
public office or person responsible for public records, the 896
failure alleged in the complaint has not been cured or otherwise 897
resolved to the person's satisfaction, and that the complaint 898
was transmitted to the public office or person responsible for 899

public records at least three business days before the filing of 900
the suit. If the person fails to file an affirmation pursuant to 901
this division, the suit shall be dismissed. 902

(3) If a requester transmits a written request by hand 903
delivery, electronic submission, or certified mail to inspect or 904
receive copies of any public record in a manner that fairly 905
describes the public record or class of public records to the 906
public office or person responsible for the requested public 907
records, except as otherwise provided in this section, the 908
requester shall be entitled to recover the amount of statutory 909
damages set forth in this division if a court determines that 910
the public office or the person responsible for public records 911
failed to comply with an obligation in accordance with division 912
(B) of this section. Statutory damages are not available 913
pursuant to this section to a person committed to the custody of 914
the department of rehabilitation and correction or the United 915
States bureau of prisons, or a child committed to the department 916
of youth services as permitted in Chapter 2152. of the Revised 917
Code. 918

The amount of statutory damages shall be fixed at one 919
hundred dollars for each business day during which the public 920
office or person responsible for the requested public records 921
failed to comply with an obligation in accordance with division 922
(B) of this section, beginning with the day on which the 923
requester files a mandamus action to recover statutory damages, 924
up to a maximum of one thousand dollars. The award of statutory 925
damages shall not be construed as a penalty, but as compensation 926
for injury arising from lost use of the requested information. 927
The existence of this injury shall be conclusively presumed. The 928
award of statutory damages shall be in addition to all other 929
remedies authorized by this section. 930

The court may reduce an award of statutory damages or not 931
award statutory damages if the court determines both of the 932
following: 933

(a) That, based on the ordinary application of statutory 934
law and case law as it existed at the time of the conduct or 935
threatened conduct of the public office or person responsible 936
for the requested public records that allegedly constitutes a 937
failure to comply with an obligation in accordance with division 938
(B) of this section and that was the basis of the mandamus 939
action, a well-informed public office or person responsible for 940
the requested public records reasonably would believe that the 941
conduct or threatened conduct of the public office or person 942
responsible for the requested public records did not constitute 943
a failure to comply with an obligation in accordance with 944
division (B) of this section; 945

(b) That a well-informed public office or person 946
responsible for the requested public records reasonably would 947
believe that the conduct or threatened conduct of the public 948
office or person responsible for the requested public records 949
would serve the public policy that underlies the authority that 950
is asserted as permitting that conduct or threatened conduct. 951

(4) In a mandamus action filed under division (C)(1) of 952
this section, the following apply: 953

(a) (i) If the court orders the public office or the person 954
responsible for the public record to comply with division (B) of 955
this section, the court shall determine and award to the relator 956
all court costs, which shall be construed as remedial and not 957
punitive. 958

(ii) If the court makes a determination described in 959

division (C) (4) (b) (iii) of this section, the court shall 960
determine and award to the relator all court costs, which shall 961
be construed as remedial and not punitive. 962

(b) If the court renders a judgment that orders the public 963
office or the person responsible for the public record to comply 964
with division (B) of this section or if the court determines any 965
of the following, the court may award reasonable attorney's fees 966
to the relator, subject to division (C) (5) of this section: 967

(i) The public office or the person responsible for the 968
public records failed to respond affirmatively or negatively to 969
the public records request in accordance with the time allowed 970
under division (B) of this section. 971

(ii) The public office or the person responsible for the 972
public records promised to permit the relator to inspect or 973
receive copies of the public records requested within a 974
specified period of time but failed to fulfill that promise 975
within that specified period of time. 976

(iii) The public office or the person responsible for the 977
public records acted in bad faith when the office or person 978
voluntarily made the public records available to the relator for 979
the first time after the relator commenced the mandamus action, 980
but before the court issued any order concluding whether or not 981
the public office or person was required to comply with division 982
(B) of this section. No discovery may be conducted on the issue 983
of the alleged bad faith of the public office or person 984
responsible for the public records. This division shall not be 985
construed as creating a presumption that the public office or 986
the person responsible for the public records acted in bad faith 987
when the office or person voluntarily made the public records 988
available to the relator for the first time after the relator 989

commenced the mandamus action, but before the court issued any 990
order described in this division. 991

(c) The court shall not award attorney's fees to the 992
relator if the court determines both of the following: 993

(i) That, based on the ordinary application of statutory 994
law and case law as it existed at the time of the conduct or 995
threatened conduct of the public office or person responsible 996
for the requested public records that allegedly constitutes a 997
failure to comply with an obligation in accordance with division 998
(B) of this section and that was the basis of the mandamus 999
action, a well-informed public office or person responsible for 1000
the requested public records reasonably would believe that the 1001
conduct or threatened conduct of the public office or person 1002
responsible for the requested public records did not constitute 1003
a failure to comply with an obligation in accordance with 1004
division (B) of this section; 1005

(ii) That a well-informed public office or person 1006
responsible for the requested public records reasonably would 1007
believe that the conduct or threatened conduct of the public 1008
office or person responsible for the requested public records 1009
would serve the public policy that underlies the authority that 1010
is asserted as permitting that conduct or threatened conduct. 1011

(5) All of the following apply to any award of reasonable 1012
attorney's fees awarded under division (C) (4) (b) of this 1013
section: 1014

(a) The fees shall be construed as remedial and not 1015
punitive. 1016

(b) The fees awarded shall not exceed the total of the 1017
reasonable attorney's fees incurred before the public record was 1018

made available to the relator and the fees described in division 1019
(C) (5) (c) of this section. 1020

(c) Reasonable attorney's fees shall include reasonable 1021
fees incurred to produce proof of the reasonableness and amount 1022
of the fees and to otherwise litigate entitlement to the fees. 1023

(d) The court may reduce the amount of fees awarded if the 1024
court determines that, given the factual circumstances involved 1025
with the specific public records request, an alternative means 1026
should have been pursued to more effectively and efficiently 1027
resolve the dispute that was subject to the mandamus action 1028
filed under division (C) (1) of this section. 1029

(6) If the court does not issue a writ of mandamus under 1030
division (C) of this section and the court determines at that 1031
time that the bringing of the mandamus action was frivolous 1032
conduct as defined in division (A) of section 2323.51 of the 1033
Revised Code, the court may award to the public office all court 1034
costs, expenses, and reasonable attorney's fees, as determined 1035
by the court. 1036

(D) Chapter 1347. of the Revised Code does not limit the 1037
provisions of this section. 1038

(E) (1) To ensure that all employees of public offices are 1039
appropriately educated about a public office's obligations under 1040
division (B) of this section, all elected officials or their 1041
appropriate designees shall attend training approved by the 1042
attorney general as provided in section 109.43 of the Revised 1043
Code. A future official may satisfy the requirements of this 1044
division by attending the training before taking office, 1045
provided that the future official may not send a designee in the 1046
future official's place. 1047

(2) All public offices shall adopt a public records policy 1048
in compliance with this section for responding to public records 1049
requests. In adopting a public records policy under this 1050
division, a public office may obtain guidance from the model 1051
public records policy developed and provided to the public 1052
office by the attorney general under section 109.43 of the 1053
Revised Code. Except as otherwise provided in this section, the 1054
policy may not limit the number of public records that the 1055
public office will make available to a single person, may not 1056
limit the number of public records that it will make available 1057
during a fixed period of time, and may not establish a fixed 1058
period of time before it will respond to a request for 1059
inspection or copying of public records, unless that period is 1060
less than eight hours. 1061

The public office shall distribute the public records 1062
policy adopted by the public office under this division to the 1063
employee of the public office who is the records custodian or 1064
records manager or otherwise has custody of the records of that 1065
office. The public office shall require that employee to 1066
acknowledge receipt of the copy of the public records policy. 1067
The public office shall create a poster that describes its 1068
public records policy and shall post the poster in a conspicuous 1069
place in the public office and in all locations where the public 1070
office has branch offices. The public office may post its public 1071
records policy on the internet web site of the public office if 1072
the public office maintains an internet web site. A public 1073
office that has established a manual or handbook of its general 1074
policies and procedures for all employees of the public office 1075
shall include the public records policy of the public office in 1076
the manual or handbook. 1077

(F) (1) The bureau of motor vehicles may adopt rules 1078

pursuant to Chapter 119. of the Revised Code to reasonably limit 1079
the number of bulk commercial special extraction requests made 1080
by a person for the same records or for updated records during a 1081
calendar year. The rules may include provisions for charges to 1082
be made for bulk commercial special extraction requests for the 1083
actual cost of the bureau, plus special extraction costs, plus 1084
ten per cent. The bureau may charge for expenses for redacting 1085
information, the release of which is prohibited by law. 1086

(2) As used in division (F)(1) of this section: 1087

(a) "Actual cost" means the cost of depleted supplies, 1088
records storage media costs, actual mailing and alternative 1089
delivery costs, or other transmitting costs, and any direct 1090
equipment operating and maintenance costs, including actual 1091
costs paid to private contractors for copying services. 1092

(b) "Bulk commercial special extraction request" means a 1093
request for copies of a record for information in a format other 1094
than the format already available, or information that cannot be 1095
extracted without examination of all items in a records series, 1096
class of records, or database by a person who intends to use or 1097
forward the copies for surveys, marketing, solicitation, or 1098
resale for commercial purposes. "Bulk commercial special 1099
extraction request" does not include a request by a person who 1100
gives assurance to the bureau that the person making the request 1101
does not intend to use or forward the requested copies for 1102
surveys, marketing, solicitation, or resale for commercial 1103
purposes. 1104

(c) "Commercial" means profit-seeking production, buying, 1105
or selling of any good, service, or other product. 1106

(d) "Special extraction costs" means the cost of the time 1107

spent by the lowest paid employee competent to perform the task, 1108
the actual amount paid to outside private contractors employed 1109
by the bureau, or the actual cost incurred to create computer 1110
programs to make the special extraction. "Special extraction 1111
costs" include any charges paid to a public agency for computer 1112
or records services. 1113

(3) For purposes of divisions (F) (1) and (2) of this 1114
section, "surveys, marketing, solicitation, or resale for 1115
commercial purposes" shall be narrowly construed and does not 1116
include reporting or gathering news, reporting or gathering 1117
information to assist citizen oversight or understanding of the 1118
operation or activities of government, or nonprofit educational 1119
research. 1120

(G) A request by a defendant, counsel of a defendant, or 1121
any agent of a defendant in a criminal action that public 1122
records related to that action be made available under this 1123
section shall be considered a demand for discovery pursuant to 1124
the Criminal Rules, except to the extent that the Criminal Rules 1125
plainly indicate a contrary intent. The defendant, counsel of 1126
the defendant, or agent of the defendant making a request under 1127
this division shall serve a copy of the request on the 1128
prosecuting attorney, director of law, or other chief legal 1129
officer responsible for prosecuting the action. 1130

(H) (1) Any portion of a body-worn camera or dashboard 1131
camera recording described in divisions (A) (17) (b) to (h) of 1132
this section may be released by consent of the subject of the 1133
recording or a representative of that person, as specified in 1134
those divisions, only if either of the following applies: 1135

(a) The recording will not be used in connection with any 1136
probable or pending criminal proceedings; 1137

(b) The recording has been used in connection with a 1138
criminal proceeding that was dismissed or for which a judgment 1139
has been entered pursuant to Rule 32 of the Rules of Criminal 1140
Procedure, and will not be used again in connection with any 1141
probable or pending criminal proceedings. 1142

(2) If a public office denies a request to release a 1143
restricted portion of a body-worn camera or dashboard camera 1144
recording, as defined in division (A) (17) of this section, any 1145
person may file a mandamus action pursuant to this section or a 1146
complaint with the clerk of the court of claims pursuant to 1147
section 2743.75 of the Revised Code, requesting the court to 1148
order the release of all or portions of the recording. If the 1149
court considering the request determines that the filing 1150
articulates by clear and convincing evidence that the public 1151
interest in the recording substantially outweighs privacy 1152
interests and other interests asserted to deny release, the 1153
court shall order the public office to release the recording. 1154

Sec. 3319.321. (A) No person shall release, or permit 1155
access to, the directory information concerning any students 1156
attending a public school to any person or group for use in a 1157
profit-making plan or activity. Notwithstanding division (B) (4) 1158
of section 149.43 of the Revised Code, a person may require 1159
disclosure of the requestor's identity or the intended use of 1160
the directory information concerning any students attending a 1161
public school to ascertain whether the directory information is 1162
for use in a profit-making plan or activity. 1163

(B) No person shall release, or permit access to, 1164
personally identifiable information, other than directory 1165
information under divisions (B) (2) (a) and (b) of this section, 1166
concerning any student attending a public school, for purposes 1167

other than those identified in division (C), (E), (G), or (H) of 1168
this section, without the written consent of the parent, 1169
guardian, or custodian of each such student who is less than 1170
eighteen years of age, or without the written consent of each 1171
such student who is eighteen years of age or older. 1172

(1) For purposes of this section, "directory information" 1173
includes a student's name, address, telephone listing, date and 1174
place of birth, major field of study, participation in 1175
officially recognized activities and sports, weight and height 1176
of members of athletic teams, dates of attendance, date of 1177
graduation, and awards received. 1178

(2) (a) Except as provided in ~~division~~divisions (B) (2) (b) 1179
and (c) of this section, ~~no~~ if a school district board of 1180
education shall impose any restriction on the presentation of 1181
elects to release directory information that it has designated 1182
as subject to release in accordance with the "Family Educational 1183
Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, 1184
as amended, to representatives of the armed forces, business, 1185
industry, charitable institutions, other employers, and 1186
institutions of higher education ~~unless such any restriction is~~ 1187
it imposes on the presentation of that information shall be 1188
uniformly imposed on each of these types of representatives, 1189
except that if a student eighteen years of age or older or a 1190
student's parent, guardian, or custodian has informed the board 1191
that any or all such information should not be released without 1192
such person's prior written consent, the board shall not release 1193
that information without such person's prior written consent. 1194

(b) The names and addresses of students in grades ten 1195
through twelve shall be released to a recruiting officer for any 1196
branch of the United States armed forces who requests such 1197

information, except that such data shall not be released if the 1198
student or student's parent, guardian, or custodian submits to 1199
the board a written request not to release such data. Any data 1200
received by a recruiting officer shall be used solely for the 1201
purpose of providing information to students regarding military 1202
service and shall not be released to any person other than 1203
individuals within the recruiting services of the armed forces. 1204

(c) Except as provided in division (B) (2) (b) of this 1205
section, a school district board of education may choose not to 1206
release, or permit access to, any student's directory 1207
information. 1208

(3) Except for directory information and except as 1209
provided in division (E), (G), or (H) of this section, 1210
information covered by this section that is released shall only 1211
be transferred to a third or subsequent party on the condition 1212
that such party will not permit any other party to have access 1213
to such information without written consent of the parent, 1214
guardian, or custodian, or of the student who is eighteen years 1215
of age or older. 1216

(4) Except as otherwise provided in this section, any 1217
parent of a student may give the written parental consent 1218
required under this section. Where parents are separated or 1219
divorced, the written parental consent required under this 1220
section may be obtained from either parent, subject to any 1221
agreement between such parents or court order governing the 1222
rights of such parents. In the case of a student whose legal 1223
guardian is in an institution, a person independent of the 1224
institution who has no other conflicting interests in the case 1225
shall be appointed by the board of education of the school 1226
district in which the institution is located to give the written 1227

parental consent required under this section. 1228

(5) (a) A parent of a student who is not the student's 1229
residential parent, upon request, shall be permitted access to 1230
any records or information concerning the student under the same 1231
terms and conditions under which access to the records or 1232
information is available to the residential parent of that 1233
student, provided that the access of the parent who is not the 1234
residential parent is subject to any agreement between the 1235
parents, to division (F) of this section, and, to the extent 1236
described in division (B) (5) (b) of this section, is subject to 1237
any court order issued pursuant to section 3109.051 of the 1238
Revised Code and any other court order governing the rights of 1239
the parents. 1240

(b) If the residential parent of a student has presented 1241
the keeper of a record or information that is related to the 1242
student with a copy of an order issued under division (H) (1) of 1243
section 3109.051 of the Revised Code that limits the terms and 1244
conditions under which the parent who is not the residential 1245
parent of the student is to have access to records and 1246
information pertaining to the student or with a copy of any 1247
other court order governing the rights of the parents that so 1248
limits those terms and conditions, and if the order pertains to 1249
the record or information in question, the keeper of the record 1250
or information shall provide access to the parent who is not the 1251
residential parent only to the extent authorized in the order. 1252
If the residential parent has presented the keeper of the record 1253
or information with such an order, the keeper of the record 1254
shall permit the parent who is not the residential parent to 1255
have access to the record or information only in accordance with 1256
the most recent such order that has been presented to the keeper 1257
by the residential parent or the parent who is not the 1258

residential parent. 1259

(C) Nothing in this section shall limit the administrative 1260
use of public school records by a person acting exclusively in 1261
the person's capacity as an employee of a board of education or 1262
of the state or any of its political subdivisions, any court, or 1263
the federal government, and nothing in this section shall 1264
prevent the transfer of a student's record to an educational 1265
institution for a legitimate educational purpose. However, 1266
except as provided in this section, public school records shall 1267
not be released or made available for any other purpose. 1268
Fingerprints, photographs, or records obtained pursuant to 1269
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 1270
division (E) of this section, or any medical, psychological, 1271
guidance, counseling, or other information that is derived from 1272
the use of the fingerprints, photographs, or records, shall not 1273
be admissible as evidence against the minor who is the subject 1274
of the fingerprints, photographs, or records in any proceeding 1275
in any court. The provisions of this division regarding the 1276
administrative use of records by an employee of the state or any 1277
of its political subdivisions or of a court or the federal 1278
government shall be applicable only when the use of the 1279
information is required by a state statute adopted before 1280
November 19, 1974, or by federal law. 1281

(D) A board of education may require, subject to division 1282
(E) of this section, a person seeking to obtain copies of public 1283
school records to pay the cost of reproduction and, in the case 1284
of data released under division (B) (2) (b) of this section, to 1285
pay for any mailing costs, which payment shall not exceed the 1286
actual cost to the school. 1287

(E) A principal or chief administrative officer of a 1288

public school, or any employee of a public school who is 1289
authorized to handle school records, shall provide access to a 1290
student's records to a law enforcement officer who indicates 1291
that the officer is conducting an investigation and that the 1292
student is or may be a missing child, as defined in section 1293
2901.30 of the Revised Code. Free copies of information in the 1294
student's record shall be provided, upon request, to the law 1295
enforcement officer, if prior approval is given by the student's 1296
parent, guardian, or legal custodian. Information obtained by 1297
the officer shall be used solely in the investigation of the 1298
case. The information may be used by law enforcement agency 1299
personnel in any manner that is appropriate in solving the case, 1300
including, but not limited to, providing the information to 1301
other law enforcement officers and agencies and to the bureau of 1302
criminal identification and investigation for purposes of 1303
computer integration pursuant to section 2901.30 of the Revised 1304
Code. 1305

(F) No person shall release to a parent of a student who 1306
is not the student's residential parent or to any other person, 1307
or permit a parent of a student who is not the student's 1308
residential parent or permit any other person to have access to, 1309
any information about the location of any elementary or 1310
secondary school to which a student has transferred or 1311
information that would enable the parent who is not the 1312
student's residential parent or the other person to determine 1313
the location of that elementary or secondary school, if the 1314
elementary or secondary school to which the student has 1315
transferred and that requested the records of the student under 1316
section 3313.672 of the Revised Code informs the elementary or 1317
secondary school from which the student's records are obtained 1318
that the student is under the care of a shelter for victims of 1319

domestic violence, as defined in section 3113.33 of the Revised Code. 1320
1321

(G) A principal or chief administrative officer of a 1322
public school, or any employee of a public school who is 1323
authorized to handle school records, shall comply with any order 1324
issued pursuant to division (D) (1) of section 2151.14 of the 1325
Revised Code, any request for records that is properly made 1326
pursuant to division (D) (3) (a) of section 2151.14 or division 1327
(A) of section 2151.141 of the Revised Code, and any 1328
determination that is made by a court pursuant to division (D) 1329
(3) (b) of section 2151.14 or division (B) (1) of section 2151.141 1330
of the Revised Code. 1331

(H) Notwithstanding any provision of this section, a 1332
principal of a public school, to the extent permitted by the 1333
"Family Educational Rights and Privacy Act of 1974," shall make 1334
the report required in section 3319.45 of the Revised Code that 1335
a pupil committed any violation listed in division (A) of 1336
section 3313.662 of the Revised Code on property owned or 1337
controlled by, or at an activity held under the auspices of, the 1338
board of education, regardless of whether the pupil was sixteen 1339
years of age or older. The principal is not required to obtain 1340
the consent of the pupil who is the subject of the report or the 1341
consent of the pupil's parent, guardian, or custodian before 1342
making a report pursuant to section 3319.45 of the Revised Code. 1343

Section 2. That existing sections 149.381, 149.43, and 1344
3319.321 of the Revised Code are hereby repealed. 1345

Section 3. Section 149.43 of the Revised Code is presented 1346
in this act as a composite of the section as amended by H.B. 1347
265, H.B. 315, S.B. 29, and S.B. 109 all of the 135th General 1348
Assembly. The General Assembly, applying the principle stated in 1349

division (B) of section 1.52 of the Revised Code that amendments	1350
are to be harmonized and reconciled if reasonably capable of	1351
simultaneous operation, finds that the composite is the	1352
resulting version of the section in effect prior to the	1353
effective date of the section as presented in this act.	1354