

**As Reported by the House Education Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 127**

**Representatives Mathews, A., Odioso**

**Cosponsors: Representatives Fowler Arthur, Bird, Brennan, Click**

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

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

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

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**Sec. 149.381.** (A) As used in this section, "records  
commission" means a records commission created under section  
149.39 of the Revised Code, a school district records commission  
and an educational service center records commission created  
under section 149.41 of the Revised Code, a library records  
commission created under section 149.411 of the Revised Code, a  
special taxing district records commission created under section  
149.412 of the Revised Code, and a township records commission  
created under section 149.42 of the Revised Code.

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

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for its review. The Ohio history connection shall review the 20  
application or schedule within a period of not more than sixty 21  
days after its receipt of it. During the sixty-day review 22  
period, the Ohio history connection may select for its custody 23  
from the application for one-time disposal of obsolete records 24  
any records it considers to be of continuing historical value, 25  
and shall denote upon any schedule of records retention and 26  
disposition the records for which the Ohio history connection 27  
will require a certificate of records disposal prior to their 28  
disposal. 29

(C) Upon completion of its review, the Ohio history 30  
connection shall forward the application for one-time disposal 31  
of obsolete records or the schedule of records retention and 32  
disposition to the auditor of state for the auditor of state's 33  
approval or disapproval. The auditor of state shall approve or 34  
disapprove the application or schedule within a period of not 35  
more than sixty days after receipt of it. 36

(D) Before public records are to be disposed of pursuant 37  
to an approved schedule of records retention and disposition, 38  
the records commission shall inform the Ohio history connection 39  
of the disposal through the submission of a certificate of 40  
records disposal for only the records required by the schedule 41  
to be disposed of, and shall give the Ohio history connection 42  
the opportunity for a period of fifteen business days to select 43  
for its custody those public records, from the certificate 44  
submitted, that it considers to be of continuing historical 45  
value. 46

(E) The Ohio history connection may not review or select 47  
for its custody any of the following: 48

(1) Records the release of which is prohibited by section 49

149.432 of the Revised Code. 50

(2) Records containing personally identifiable information 51  
concerning any pupil attending a public school ~~other than~~ 52  
~~directory information, as defined in section 3319.321 of the~~ 53  
~~Revised Code,~~ without the written consent of the parent, 54  
guardian, or custodian of each such pupil who is less than 55  
eighteen years of age, or without the written consent of each 56  
pupil who is eighteen years of age or older. 57

(3) Records the release of which would, according to the 58  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 59  
571, 20 U.S.C. 1232g, disqualify a school or other educational 60  
institution from receiving federal funds. 61

**Sec. 149.43.** (A) As used in this section: 62

(1) "Public record" means records kept by any public 63  
office, including, but not limited to, state, county, city, 64  
village, township, and school district units, and records 65  
pertaining to the delivery of educational services by an 66  
alternative school in this state kept by the nonprofit or for- 67  
profit entity operating the alternative school pursuant to 68  
section 3313.533 of the Revised Code. "Public record" does not 69  
mean any of the following: 70

(a) Medical records; 71

(b) Records pertaining to probation and parole 72  
proceedings, to proceedings related to the imposition of 73  
community control sanctions and post-release control sanctions, 74  
or to proceedings related to determinations under section 75  
2967.271 of the Revised Code regarding the release or maintained 76  
incarceration of an offender to whom that section applies; 77

(c) Records pertaining to actions under section 2151.85 78

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| 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 |

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| (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<br>109                                                                       |
| (p) Designated public service worker residential and familial information;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 110<br>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<br>113<br>114<br>115<br>116                                                  |
| (r) Information pertaining to the recreational activities of a person under the age of eighteen;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 117<br>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<br>120<br>121<br>122<br>123<br>124<br>125<br>126<br>127<br>128<br>129<br>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<br>132<br>133<br>134                                                         |

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| section;                                                         | 135 |
| (u) Test materials, examinations, or evaluation tools used       | 136 |
| in an examination for licensure as a nursing home administrator  | 137 |
| that the board of executives of long-term services and supports  | 138 |
| administers under section 4751.15 of the Revised Code or         | 139 |
| contracts under that section with a private or government entity | 140 |
| to administer;                                                   | 141 |
| (v) Records the release of which is prohibited by state or       | 142 |
| federal law;                                                     | 143 |
| (w) Proprietary information of or relating to any person         | 144 |
| that is submitted to or compiled by the Ohio venture capital     | 145 |
| authority created under section 150.01 of the Revised Code;      | 146 |
| (x) Financial statements and data any person submits for         | 147 |
| any purpose to the Ohio housing finance agency or the            | 148 |
| controlling board in connection with applying for, receiving, or | 149 |
| accounting for financial assistance from the agency, and         | 150 |
| information that identifies any individual who benefits directly | 151 |
| or indirectly from financial assistance from the agency;         | 152 |
| (y) Records listed in section 5101.29 of the Revised Code;       | 153 |
| (z) Discharges recorded with a county recorder under             | 154 |
| section 317.24 of the Revised Code, as specified in division (B) | 155 |
| (2) of that section;                                             | 156 |
| (aa) Usage information including names and addresses of          | 157 |
| specific residential and commercial customers of a municipally   | 158 |
| owned or operated public utility;                                | 159 |
| (bb) Records described in division (C) of section 187.04         | 160 |
| of the Revised Code that are not designated to be made available | 161 |
| to the public as provided in that division;                      | 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

(ww) 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

(l) 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), (b), and (c) of this 1166  
section, concerning any student attending a public school, for 1167

purposes other than those identified in division (C), (E), (G), 1168  
or (H) of this section, without the written consent of the 1169  
parent, guardian, or custodian of each such student who is less 1170  
than eighteen years of age, or without the written consent of 1171  
each 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 (d) 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) A school district board of education may release 1205  
student directory information to the management council of the 1206  
Ohio education computer network and information technology 1207  
centers both established under section 3301.075 of the Revised 1208  
Code and educational service centers. 1209

(d) Except as provided in division (B) (2) (b) of this 1210  
section, a school district board of education may choose not to 1211  
release, or permit access to, any student's directory 1212  
information. 1213

(3) Except for directory information and except as 1214  
provided in division (E), (G), or (H) of this section, 1215  
information covered by this section that is released shall only 1216  
be transferred to a third or subsequent party on the condition 1217  
that such party will not permit any other party to have access 1218  
to such information without written consent of the parent, 1219  
guardian, or custodian, or of the student who is eighteen years 1220  
of age or older. 1221

(4) Except as otherwise provided in this section, any 1222  
parent of a student may give the written parental consent 1223  
required under this section. Where parents are separated or 1224  
divorced, the written parental consent required under this 1225  
section may be obtained from either parent, subject to any 1226  
agreement between such parents or court order governing the 1227

rights of such parents. In the case of a student whose legal 1228  
guardian is in an institution, a person independent of the 1229  
institution who has no other conflicting interests in the case 1230  
shall be appointed by the board of education of the school 1231  
district in which the institution is located to give the written 1232  
parental consent required under this section. 1233

(5) (a) A parent of a student who is not the student's 1234  
residential parent, upon request, shall be permitted access to 1235  
any records or information concerning the student under the same 1236  
terms and conditions under which access to the records or 1237  
information is available to the residential parent of that 1238  
student, provided that the access of the parent who is not the 1239  
residential parent is subject to any agreement between the 1240  
parents, to division (F) of this section, and, to the extent 1241  
described in division (B) (5) (b) of this section, is subject to 1242  
any court order issued pursuant to section 3109.051 of the 1243  
Revised Code and any other court order governing the rights of 1244  
the parents. 1245

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

or information with such an order, the keeper of the record 1259  
shall permit the parent who is not the residential parent to 1260  
have access to the record or information only in accordance with 1261  
the most recent such order that has been presented to the keeper 1262  
by the residential parent or the parent who is not the 1263  
residential parent. 1264

(C) Nothing in this section shall limit the administrative 1265  
use of public school records by a person acting exclusively in 1266  
the person's capacity as an employee of a board of education or 1267  
of the state or any of its political subdivisions, any court, or 1268  
the federal government, and nothing in this section shall 1269  
prevent the transfer of a student's record to an educational 1270  
institution for a legitimate educational purpose. However, 1271  
except as provided in this section, public school records shall 1272  
not be released or made available for any other purpose. 1273  
Fingerprints, photographs, or records obtained pursuant to 1274  
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 1275  
division (E) of this section, or any medical, psychological, 1276  
guidance, counseling, or other information that is derived from 1277  
the use of the fingerprints, photographs, or records, shall not 1278  
be admissible as evidence against the minor who is the subject 1279  
of the fingerprints, photographs, or records in any proceeding 1280  
in any court. The provisions of this division regarding the 1281  
administrative use of records by an employee of the state or any 1282  
of its political subdivisions or of a court or the federal 1283  
government shall be applicable only when the use of the 1284  
information is required by a state statute adopted before 1285  
November 19, 1974, or by federal law. 1286

(D) A board of education may require, subject to division 1287  
(E) of this section, a person seeking to obtain copies of public 1288  
school records to pay the cost of reproduction and, in the case 1289

of data released under division (B) (2) (b) of this section, to 1290  
pay for any mailing costs, which payment shall not exceed the 1291  
actual cost to the school. 1292

(E) A principal or chief administrative officer of a 1293  
public school, or any employee of a public school who is 1294  
authorized to handle school records, shall provide access to a 1295  
student's records to a law enforcement officer who indicates 1296  
that the officer is conducting an investigation and that the 1297  
student is or may be a missing child, as defined in section 1298  
2901.30 of the Revised Code. Free copies of information in the 1299  
student's record shall be provided, upon request, to the law 1300  
enforcement officer, if prior approval is given by the student's 1301  
parent, guardian, or legal custodian. Information obtained by 1302  
the officer shall be used solely in the investigation of the 1303  
case. The information may be used by law enforcement agency 1304  
personnel in any manner that is appropriate in solving the case, 1305  
including, but not limited to, providing the information to 1306  
other law enforcement officers and agencies and to the bureau of 1307  
criminal identification and investigation for purposes of 1308  
computer integration pursuant to section 2901.30 of the Revised 1309  
Code. 1310

(F) No person shall release to a parent of a student who 1311  
is not the student's residential parent or to any other person, 1312  
or permit a parent of a student who is not the student's 1313  
residential parent or permit any other person to have access to, 1314  
any information about the location of any elementary or 1315  
secondary school to which a student has transferred or 1316  
information that would enable the parent who is not the 1317  
student's residential parent or the other person to determine 1318  
the location of that elementary or secondary school, if the 1319  
elementary or secondary school to which the student has 1320

transferred and that requested the records of the student under 1321  
section 3313.672 of the Revised Code informs the elementary or 1322  
secondary school from which the student's records are obtained 1323  
that the student is under the care of a shelter for victims of 1324  
domestic violence, as defined in section 3113.33 of the Revised 1325  
Code. 1326

(G) A principal or chief administrative officer of a 1327  
public school, or any employee of a public school who is 1328  
authorized to handle school records, shall comply with any order 1329  
issued pursuant to division (D) (1) of section 2151.14 of the 1330  
Revised Code, any request for records that is properly made 1331  
pursuant to division (D) (3) (a) of section 2151.14 or division 1332  
(A) of section 2151.141 of the Revised Code, and any 1333  
determination that is made by a court pursuant to division (D) 1334  
(3) (b) of section 2151.14 or division (B) (1) of section 2151.141 1335  
of the Revised Code. 1336

(H) Notwithstanding any provision of this section, a 1337  
principal of a public school, to the extent permitted by the 1338  
"Family Educational Rights and Privacy Act of 1974," shall make 1339  
the report required in section 3319.45 of the Revised Code that 1340  
a pupil committed any violation listed in division (A) of 1341  
section 3313.662 of the Revised Code on property owned or 1342  
controlled by, or at an activity held under the auspices of, the 1343  
board of education, regardless of whether the pupil was sixteen 1344  
years of age or older. The principal is not required to obtain 1345  
the consent of the pupil who is the subject of the report or the 1346  
consent of the pupil's parent, guardian, or custodian before 1347  
making a report pursuant to section 3319.45 of the Revised Code. 1348

(I) Nothing in this section shall require a school 1349  
district board of education to take any action to elect to 1350

release directory information to an entity if the entity and 1351  
school district have entered into an agreement that authorizes 1352  
the release of directory information to the entity. 1353

**Section 2.** That existing sections 149.381, 149.43, and 1354  
3319.321 of the Revised Code are hereby repealed. 1355

**Section 3.** Section 149.43 of the Revised Code is presented 1356  
in this act as a composite of the section as amended by H.B. 1357  
265, H.B. 315, S.B. 29, and S.B. 109 all of the 135th General 1358  
Assembly. The General Assembly, applying the principle stated in 1359  
division (B) of section 1.52 of the Revised Code that amendments 1360  
are to be harmonized and reconciled if reasonably capable of 1361  
simultaneous operation, finds that the composite is the 1362  
resulting version of the section in effect prior to the 1363  
effective date of the section as presented in this act. 1364