

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 314**

**Representatives Isaacsohn, Ray**

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To amend section 149.43 of the Revised Code to 1  
restrict harassing or disruptive public records 2  
requests and permit private contractors to 3  
respond to voluminous public records requests. 4

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

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

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

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

(a) Medical records; 16

(b) Records pertaining to probation and parole 17  
proceedings, to proceedings related to the imposition of 18  
community control sanctions and post-release control sanctions, 19  
or to proceedings related to determinations under section 20

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| 2967.271 of the Revised Code regarding the release or maintained | 21 |
| incarceration of an offender to whom that section applies;       | 22 |
| (c) Records pertaining to actions under section 2151.85          | 23 |
| and division (C) of section 2919.121 of the Revised Code and to  | 24 |
| appeals of actions arising under those sections;                 | 25 |
| (d) Records pertaining to adoption proceedings, including        | 26 |
| the contents of an adoption file maintained by the department of | 27 |
| health under sections 3705.12 to 3705.124 of the Revised Code;   | 28 |
| (e) Information in a record contained in the putative            | 29 |
| father registry established by section 3107.062 of the Revised   | 30 |
| Code, regardless of whether the information is held by the       | 31 |
| department of job and family services or, pursuant to section    | 32 |
| 3111.69 of the Revised Code, the office of child support in the  | 33 |
| department or a child support enforcement agency;                | 34 |
| (f) Records specified in division (A) of section 3107.52         | 35 |
| of the Revised Code;   | 36 |
| (g) Trial preparation records;                                   | 37 |
| (h) Confidential law enforcement investigatory records;          | 38 |
| (i) Records containing information that is confidential          | 39 |
| under section 2710.03 or 4112.05 of the Revised Code;            | 40 |
| (j) DNA records stored in the DNA database pursuant to           | 41 |
| section 109.573 of the Revised Code;                             | 42 |
| (k) Inmate records released by the department of                 | 43 |
| rehabilitation and correction to the department of youth         | 44 |
| services or a court of record pursuant to division (E) of        | 45 |
| section 5120.21 of the Revised Code;                             | 46 |
| (l) Records maintained by the department of youth services       | 47 |

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| pertaining to children in its custody released by the department | 48 |
| of youth services to the department of rehabilitation and        | 49 |
| correction pursuant to section 5139.05 of the Revised Code;      | 50 |
| (m) Intellectual property records;                               | 51 |
| (n) Donor profile records;                                       | 52 |
| (o) Records maintained by the department of job and family       | 53 |
| services pursuant to section 3121.894 of the Revised Code;       | 54 |
| (p) Designated public service worker residential and             | 55 |
| familial information;  | 56 |
| (q) In the case of a county hospital operated pursuant to        | 57 |
| Chapter 339. of the Revised Code or a municipal hospital         | 58 |
| operated pursuant to Chapter 749. of the Revised Code,           | 59 |
| information that constitutes a trade secret, as defined in       | 60 |
| section 1333.61 of the Revised Code;                             | 61 |
| (r) Information pertaining to the recreational activities        | 62 |
| of a person under the age of eighteen;                           | 63 |
| (s) In the case of a child fatality review board acting          | 64 |
| under sections 307.621 to 307.629 of the Revised Code or a       | 65 |
| review conducted pursuant to guidelines established by the       | 66 |
| director of health under section 3701.70 of the Revised Code,    | 67 |
| records provided to the board or director, statements made by    | 68 |
| board members during meetings of the board or by persons         | 69 |
| participating in the director's review, and all work products of | 70 |
| the board or director, and in the case of a child fatality       | 71 |
| review board, child fatality review data submitted by the board  | 72 |
| to the department of health or a national child death review     | 73 |
| database, other than the report prepared pursuant to division    | 74 |
| (A) of section 307.626 of the Revised Code;                      | 75 |

(t) Records provided to and statements made by the 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 section;

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

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

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

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

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

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

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

(bb) Records described in division (C) of section 187.04 105  
of the Revised Code that are not designated to be made available 106  
to the public as provided in that division; 107

(cc) Information and records that are made confidential, 108  
privileged, and not subject to disclosure under divisions (B) 109  
and (C) of section 2949.221 of the Revised Code; 110

(dd) Personal information, as defined in section 149.45 of 111  
the Revised Code; 112

(ee) The confidential name, address, and other personally 113  
identifiable information of a program participant in the address 114  
confidentiality program established under sections 111.41 to 115  
111.47 of the Revised Code, including the contents of any 116  
application for absent voter's ballots, absent voter's ballot 117  
identification envelope statement of voter, or provisional 118  
ballot affirmation completed by a program participant who has a 119  
confidential voter registration record; records or portions of 120  
records pertaining to that program that identify the number of 121  
program participants that reside within a precinct, ward, 122  
township, municipal corporation, county, or any other geographic 123  
area smaller than the state; and any real property 124  
confidentiality notice filed under section 111.431 of the 125  
Revised Code and the information described in division (C) of 126  
that section. As used in this division, "confidential address" 127  
and "program participant" have the meaning defined in section 128  
111.41 of the Revised Code. 129

(ff) Orders for active military service of an individual 130  
serving or with previous service in the armed forces of the 131  
United States, including a reserve component, or the Ohio 132  
organized militia, except that, such order becomes a public 133  
record on the day that is fifteen years after the published date 134

or effective date of the call to order; 135

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

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

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

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

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

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

(kk) In the case of a fetal-infant mortality review board 159  
acting under sections 3707.70 to 3707.77 of the Revised Code, 160  
records, documents, reports, or other information presented to 161  
the board or a person abstracting such materials on the board's 162  
behalf, statements made by review board members during board 163

meetings, all work products of the board, and data submitted by 164  
the board to the department of health or a national infant death 165  
review database, other than the report prepared pursuant to 166  
section 3707.77 of the Revised Code. 167

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

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

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

(oo) Telephone numbers for a party to a motor vehicle 186  
accident subject to the requirements of section 5502.11 of the 187  
Revised Code that are listed on any law enforcement record or 188  
report, except that the telephone numbers described in this 189  
division are not excluded from the definition of "public record" 190  
under this division on and after the thirtieth day after the 191  
occurrence of the motor vehicle accident. 192

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| (pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone; | 193<br>194<br>195<br>196<br>197<br>198<br>199 |
| (qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than a report prepared pursuant to section 307.656 of the Revised Code;                                   | 200<br>201<br>202<br>203<br>204<br>205<br>206 |
| (rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;   | 207<br>208<br>209                             |
| (ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created;   | 210<br>211<br>212<br>213                      |
| (tt) Educational support services data, as defined in section 3319.325 of the Revised Code;   | 214<br>215                                    |
| (uu) Records of the past, current, and future work schedule of a designated public service worker. As used in division (A)(1)(uu) of this section, "work schedule" does not include the docket of cases of a court, judge, or magistrate;   | 216<br>217<br>218<br>219                      |
| (vv) A request form or confirmation letter submitted to a public office under section 149.45 of the Revised Code;   | 220<br>221                                    |

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| (ww) An affidavit or confirmation letter submitted under              | 222 |
| section 319.28 of the Revised Code;                                   | 223 |
| (xx) License or certificate application or renewal                    | 224 |
| responses and supporting documentation submitted to the state         | 225 |
| medical board regarding an applicant's, or a license or               | 226 |
| certificate holder's, inability to practice according to              | 227 |
| acceptable and prevailing standards of care by reason of a            | 228 |
| medical condition;  | 229 |
| <u>(yy) Documentary evidence provided in response to a</u>            | 230 |
| <u>request for such evidence made under division (B) (11) of this</u> | 231 |
| <u>section.</u>   | 232 |
| A record that is not a public record under division (A) (1)           | 233 |
| of this section and that, under law, is permanently retained          | 234 |
| becomes a public record on the day that is seventy-five years         | 235 |
| after the day on which the record was created, or in the case of      | 236 |
| a record that is not a public record under division (A) (1) (uu)      | 237 |
| of this section that is retained, three years after the day on        | 238 |
| which the record was created, except for any record protected by      | 239 |
| the attorney-client privilege, a trial preparation record as          | 240 |
| defined in this section, a statement prohibiting the release of       | 241 |
| identifying information signed under section 3107.083 of the          | 242 |
| Revised Code, a denial of release form filed pursuant to section      | 243 |
| 3107.46 of the Revised Code, or any record that is exempt from        | 244 |
| release or disclosure under section 149.433 of the Revised Code.      | 245 |
| If the record is a birth certificate and a biological parent's        | 246 |
| name redaction request form has been accepted under section           | 247 |
| 3107.391 of the Revised Code, the name of that parent shall be        | 248 |
| redacted from the birth certificate before it is released under       | 249 |
| this paragraph. If any other section of the Revised Code              | 250 |
| establishes a time period for disclosure of a record that             | 251 |

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| conflicts with the time period specified in this section, the    | 252 |
| time period in the other section prevails.                       | 253 |
| (2) "Confidential law enforcement investigatory record"          | 254 |
| means any record that pertains to a law enforcement matter of a  | 255 |
| criminal, quasi-criminal, civil, or administrative nature, but   | 256 |
| only to the extent that the release of the record would create a | 257 |
| high probability of disclosure of any of the following:          | 258 |
| (a) The identity of a suspect who has not been charged           | 259 |
| with the offense to which the record pertains, or of an          | 260 |
| information source or witness to whom confidentiality has been   | 261 |
| reasonably promised;   | 262 |
| (b) Information provided by an information source or             | 263 |
| witness to whom confidentiality has been reasonably promised,    | 264 |
| which information would reasonably tend to disclose the source's | 265 |
| or witness's identity;   | 266 |
| (c) Specific confidential investigatory techniques or            | 267 |
| procedures or specific investigatory work product;               | 268 |
| (d) Information that would endanger the life or physical         | 269 |
| safety of law enforcement personnel, a crime victim, a witness,  | 270 |
| or a confidential information source.                            | 271 |
| (3) "Medical record" means any document or combination of        | 272 |
| documents, except births, deaths, and the fact of admission to   | 273 |
| or discharge from a hospital, that pertains to the medical       | 274 |
| history, diagnosis, prognosis, or medical condition of a patient | 275 |
| and that is generated and maintained in the process of medical   | 276 |
| treatment.   | 277 |
| (4) "Trial preparation record" means any record that             | 278 |
| contains information that is specifically compiled in reasonable | 279 |
| anticipation of, or in defense of, a civil or criminal action or | 280 |

proceeding, including the independent thought processes and 281  
personal trial preparation of an attorney. 282

(5) "Intellectual property record" means a record, other 283  
than a financial or administrative record, that is produced or 284  
collected by or for faculty or staff of a state institution of 285  
higher learning in the conduct of or as a result of study or 286  
research on an educational, commercial, scientific, artistic, 287  
technical, or scholarly issue, regardless of whether the study 288  
or research was sponsored by the institution alone or in 289  
conjunction with a governmental body or private concern, and 290  
that has not been publicly released, published, or patented. 291

(6) "Donor profile record" means all records about donors 292  
or potential donors to a public institution of higher education 293  
except the names and reported addresses of the actual donors and 294  
the date, amount, and conditions of the actual donation. 295

(7) "Designated public service worker" means a peace 296  
officer, parole officer, probation officer, bailiff, prosecuting 297  
attorney, assistant prosecuting attorney, correctional employee, 298  
county or multicounty corrections officer, community-based 299  
correctional facility employee, designated Ohio national guard 300  
member, protective services worker, youth services employee, 301  
firefighter, EMT, medical director or member of a cooperating 302  
physician advisory board of an emergency medical service 303  
organization, state board of pharmacy employee, investigator of 304  
the bureau of criminal identification and investigation, 305  
emergency service telecommunicator, forensic mental health 306  
provider, mental health evaluation provider, regional 307  
psychiatric hospital employee, judge, magistrate, or federal law 308  
enforcement officer. 309

(8) "Designated public service worker residential and 310

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| familial information" means any information that discloses any   | 311 |
| of the following about a designated public service worker:       | 312 |
| (a) The address of the actual personal residence of a            | 313 |
| designated public service worker, except for the following       | 314 |
| information:   | 315 |
| (i) The address of the actual personal residence of a            | 316 |
| prosecuting attorney or judge; and                               | 317 |
| (ii) The state or political subdivision in which a               | 318 |
| designated public service worker resides.                        | 319 |
| (b) Information compiled from referral to or participation       | 320 |
| in an employee assistance program;                               | 321 |
| (c) The social security number, the residential telephone        | 322 |
| number, any bank account, debit card, charge card, or credit     | 323 |
| card number, or the emergency telephone number of, or any        | 324 |
| medical information pertaining to, a designated public service   | 325 |
| worker;  | 326 |
| (d) The name of any beneficiary of employment benefits,          | 327 |
| including, but not limited to, life insurance benefits, provided | 328 |
| to a designated public service worker by the designated public   | 329 |
| service worker's employer;                                       | 330 |
| (e) The identity and amount of any charitable or                 | 331 |
| employment benefit deduction made by the designated public       | 332 |
| service worker's employer from the designated public service     | 333 |
| worker's compensation, unless the amount of the deduction is     | 334 |
| required by state or federal law;                                | 335 |
| (f) The name, the residential address, the name of the           | 336 |
| employer, the address of the employer, the social security       | 337 |
| number, the residential telephone number, any bank account,      | 338 |

debit card, charge card, or credit card number, or the emergency 339  
telephone number of the spouse, a former spouse, or any child of 340  
a designated public service worker; 341

(g) A photograph of a peace officer who holds a position 342  
or has an assignment that may include undercover or plain 343  
clothes positions or assignments as determined by the peace 344  
officer's appointing authority. 345

(9) As used in divisions (A) (7) and (15) to (17) of this 346  
section: 347

"Peace officer" has the meaning defined in section 109.71 348  
of the Revised Code and also includes the superintendent and 349  
troopers of the state highway patrol; it does not include the 350  
sheriff of a county or a supervisory employee who, in the 351  
absence of the sheriff, is authorized to stand in for, exercise 352  
the authority of, and perform the duties of the sheriff. 353

"Correctional employee" means any employee of the 354  
department of rehabilitation and correction who in the course of 355  
performing the employee's job duties has or has had contact with 356  
inmates and persons under supervision. 357

"County or multicounty corrections officer" means any 358  
corrections officer employed by any county or multicounty 359  
correctional facility. 360

"Designated Ohio national guard member" means a member of 361  
the Ohio national guard who is participating in duties related 362  
to remotely piloted aircraft, including, but not limited to, 363  
pilots, sensor operators, and mission intelligence personnel, 364  
duties related to special forces operations, or duties related 365  
to cybersecurity, and is designated by the adjutant general as a 366  
designated public service worker for those purposes. 367

"Protective services worker" means any employee of a 368  
county agency who is responsible for child protective services, 369  
child support services, or adult protective services. 370

"Youth services employee" means any employee of the 371  
department of youth services who in the course of performing the 372  
employee's job duties has or has had contact with children 373  
committed to the custody of the department of youth services. 374

"Firefighter" means any regular, paid or volunteer, member 375  
of a lawfully constituted fire department of a municipal 376  
corporation, township, fire district, or village. 377

"EMT" means EMTs-basic, EMTs-I, and paramedics that 378  
provide emergency medical services for a public emergency 379  
medical service organization. "Emergency medical service 380  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 381  
meanings defined in section 4765.01 of the Revised Code. 382

"Investigator of the bureau of criminal identification and 383  
investigation" has the meaning defined in section 2903.11 of the 384  
Revised Code. 385

"Emergency service telecommunicator" means an individual 386  
employed by an emergency service provider as defined under 387  
section 128.01 of the Revised Code, whose primary responsibility 388  
is to be an operator for the receipt or processing of calls for 389  
emergency services made by telephone, radio, or other electronic 390  
means. 391

"Forensic mental health provider" means any employee of a 392  
community mental health service provider or local alcohol, drug 393  
addiction, and mental health services board who, in the course 394  
of the employee's duties, has contact with persons committed to 395  
a local alcohol, drug addiction, and mental health services 396

board by a court order pursuant to section 2945.38, 2945.39, 397  
2945.40, or 2945.402 of the Revised Code. 398

"Mental health evaluation provider" means an individual 399  
who, under Chapter 5122. of the Revised Code, examines a 400  
respondent who is alleged to be a mentally ill person subject to 401  
court order, as defined in section 5122.01 of the Revised Code, 402  
and reports to the probate court the respondent's mental 403  
condition. 404

"Regional psychiatric hospital employee" means any 405  
employee of the department of mental health and addiction 406  
services who, in the course of performing the employee's duties, 407  
has contact with patients committed to the department of mental 408  
health and addiction services by a court order pursuant to 409  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 410  
Code. 411

"Federal law enforcement officer" has the meaning defined 412  
in section 9.88 of the Revised Code. 413

(10) "Information pertaining to the recreational 414  
activities of a person under the age of eighteen" means 415  
information that is kept in the ordinary course of business by a 416  
public office, that pertains to the recreational activities of a 417  
person under the age of eighteen years, and that discloses any 418  
of the following: 419

(a) The address or telephone number of a person under the 420  
age of eighteen or the address or telephone number of that 421  
person's parent, guardian, custodian, or emergency contact 422  
person; 423

(b) The social security number, birth date, or 424  
photographic image of a person under the age of eighteen; 425

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| (c) Any medical record, history, or information pertaining to a person under the age of eighteen;  | 426<br>427                             |
| (d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. | 428<br>429<br>430<br>431<br>432<br>433 |
| (11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.  | 434<br>435                             |
| (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.   | 436<br>437                             |
| (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.  | 438<br>439<br>440<br>441               |
| (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.  | 442<br>443                             |
| (15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.  | 444<br>445<br>446<br>447<br>448        |
| (16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.   | 449<br>450<br>451<br>452               |
| (17) "Restricted portions of a body-worn camera or   | 453                                    |

dashboard camera recording" means any visual or audio portion of 454  
a body-worn camera or dashboard camera recording that shows, 455  
communicates, or discloses any of the following: 456

(a) The image or identity of a child or information that 457  
could lead to the identification of a child who is a primary 458  
subject of the recording when the department of rehabilitation 459  
and correction, department of youth services, or the law 460  
enforcement agency knows or has reason to know the person is a 461  
child based on the department's or law enforcement agency's 462  
records or the content of the recording; 463

(b) The death of a person or a deceased person's body, 464  
unless the death was caused by a correctional employee, youth 465  
services employee, or peace officer or, subject to division (H) 466  
(1) of this section, the consent of the decedent's executor or 467  
administrator has been obtained; 468

(c) The death of a correctional employee, youth services 469  
employee, peace officer, firefighter, paramedic, or other first 470  
responder, occurring while the decedent was engaged in the 471  
performance of official duties, unless, subject to division (H) 472  
(1) of this section, the consent of the decedent's executor or 473  
administrator has been obtained; 474

(d) Grievous bodily harm, unless the injury was effected 475  
by a correctional employee, youth services employee, or peace 476  
officer or, subject to division (H) (1) of this section, the 477  
consent of the injured person or the injured person's guardian 478  
has been obtained; 479

(e) An act of severe violence against a person that 480  
results in serious physical harm to the person, unless the act 481  
and injury was effected by a correctional employee, youth 482

services employee, or peace officer or, subject to division (H) 483  
(1) of this section, the consent of the injured person or the 484  
injured person's guardian has been obtained; 485

(f) Grievous bodily harm to a correctional employee, youth 486  
services employee, peace officer, firefighter, paramedic, or 487  
other first responder, occurring while the injured person was 488  
engaged in the performance of official duties, unless, subject 489  
to division (H) (1) of this section, the consent of the injured 490  
person or the injured person's guardian has been obtained; 491

(g) An act of severe violence resulting in serious 492  
physical harm against a correctional employee, youth services 493  
employee, peace officer, firefighter, paramedic, or other first 494  
responder, occurring while the injured person was engaged in the 495  
performance of official duties, unless, subject to division (H) 496  
(1) of this section, the consent of the injured person or the 497  
injured person's guardian has been obtained; 498

(h) A person's nude body, unless, subject to division (H) 499  
(1) of this section, the person's consent has been obtained; 500

(i) Protected health information, the identity of a person 501  
in a health care facility who is not the subject of a 502  
correctional, youth services, or law enforcement encounter, or 503  
any other information in a health care facility that could 504  
identify a person who is not the subject of a correctional, 505  
youth services, or law enforcement encounter; 506

(j) Information that could identify the alleged victim of 507  
a sex offense, menacing by stalking, or domestic violence; 508

(k) Information, that does not constitute a confidential 509  
law enforcement investigatory record, that could identify a 510  
person who provides sensitive or confidential information to the 511

department of rehabilitation and correction, the department of 512  
youth services, or a law enforcement agency when the disclosure 513  
of the person's identity or the information provided could 514  
reasonably be expected to threaten or endanger the safety or 515  
property of the person or another person; 516

(l) Personal information of a person who is not arrested, 517  
cited, charged, or issued a written warning by a peace officer; 518

(m) Proprietary correctional, youth services, or police 519  
contingency plans or tactics that are intended to prevent crime 520  
and maintain public order and safety; 521

(n) A personal conversation unrelated to work between 522  
correctional employees, youth services employees, or peace 523  
officers or between a correctional employee, youth services 524  
employee, or peace officer and an employee of a law enforcement 525  
agency; 526

(o) A conversation between a correctional employee, youth 527  
services employee, or peace officer and a member of the public 528  
that does not concern correctional, youth services, or law 529  
enforcement activities; 530

(p) The interior of a residence, unless the interior of a 531  
residence is the location of an adversarial encounter with, or a 532  
use of force by, a correctional employee, youth services 533  
employee, or peace officer; 534

(q) Any portion of the interior of a private business that 535  
is not open to the public, unless an adversarial encounter with, 536  
or a use of force by, a correctional employee, youth services 537  
employee, or peace officer occurs in that location. 538

As used in division (A) (17) of this section: 539

|   |   |
|---|---|
| "Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.   | 540<br>541  |
| "Health care facility" has the same meaning as in section 1337.11 of the Revised Code.  | 542<br>543  |
| "Protected health information" has the same meaning as in 45 C.F.R. 160.103.  | 544<br>545  |
| "Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.   | 546<br>547  |
| "Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.   | 548<br>549<br>550<br>551                                    |
| "Sex offense" has the same meaning as in section 2907.10 of the Revised Code.   | 552<br>553  |
| "Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.   | 554<br>555  |
| <u>(18) "Public defender" means an attorney employed by a public defender's office or who is selected or appointed pursuant to section 120.33 of the Revised Code.</u>  | 556<br>557<br>558   |
| (B) (1) Upon request by any person and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. | 559<br>560<br>561<br>562<br>563<br>564<br>565<br>566<br>567 |

When considering whether a state or local law enforcement 568  
agency promptly prepared a video record for inspection or 569  
provided a video record for production within a reasonable 570  
period of time, in addition to any other factors, a court shall 571  
consider the time required for a state or local law enforcement 572  
agency to retrieve, download, review, redact, seek legal advice 573  
regarding, and produce the video record. Notwithstanding any 574  
other requirement set forth in Chapter 149. of the Revised Code, 575  
a state or local law enforcement agency may charge a requester 576  
the actual cost associated with preparing a video record for 577  
inspection or production, not to exceed seventy-five dollars per 578  
hour of video produced, nor seven hundred fifty dollars total. 579  
As used in this division, "actual cost," with respect to video 580  
records only, means all costs incurred by the state or local law 581  
enforcement agency in reviewing, blurring or otherwise 582  
obscuring, redacting, uploading, or producing the video records, 583  
including but not limited to the storage medium on which the 584  
record is produced, staff time, and any other relevant overhead 585  
necessary to comply with the request. A state or local law 586  
enforcement agency may include in its public records policy the 587  
requirement that a requester pay the estimated actual cost 588  
before beginning the process of preparing a video record for 589  
inspection or production. Where a state or local law enforcement 590  
agency imposes such a requirement, its obligation to produce a 591  
video or make it available for inspection begins once the 592  
estimated actual cost is paid in full by the requester. A state 593  
or local law enforcement agency shall provide the requester with 594  
the estimated actual cost within five business days of receipt 595  
of the public records request. If the actual cost exceeds the 596  
estimated actual cost, a state or local law enforcement agency 597  
may charge a requester for the difference upon fulfilling a 598  
request for video records if the requester is notified in 599

advance that the actual cost may be up to twenty per cent higher 600  
than the estimated actual cost. A state or local law enforcement 601  
agency shall not charge a requester a difference that exceeds 602  
twenty per cent of the estimated actual cost. 603

If a public record contains information that is exempt 604  
from the duty to permit public inspection or to copy the public 605  
record, the public office or the person responsible for the 606  
public record shall make available all of the information within 607  
the public record that is not exempt. When making that public 608  
record available for public inspection or copying that public 609  
record, the public office or the person responsible for the 610  
public record shall notify the requester of any redaction or 611  
make the redaction plainly visible. A redaction shall be deemed 612  
a denial of a request to inspect or copy the redacted 613  
information, except if federal or state law authorizes or 614  
requires a public office to make the redaction. When the auditor 615  
of state receives a request to inspect or to make a copy of a 616  
record that was provided to the auditor of state for purposes of 617  
an audit, but the original public office has asserted to the 618  
auditor of state that the record is not a public record, the 619  
auditor of state may handle the requests by directing the 620  
requestor to the original public office that provided the record 621  
to the auditor of state. 622

~~(2)~~ (2) (a) To facilitate broader access to public records, 623  
a public office or the person responsible for public records 624  
shall organize and maintain public records in a manner that they 625  
can be made available for inspection or copying in accordance 626  
with division (B) of this section. A public office also shall 627  
have available a copy of its current records retention schedule 628  
at a location readily available to the public. 629

(b) If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(c) (i) If a requester submits multiple related or unrelated requests for copying or inspection of public records to the same public office or person responsible for a public record and, based on the volume or the repeated nature of the requests, the public office or person has reason to believe that the requests are intended to harass the public office or person or to disrupt the essential functions of the public office or person, the public office or person may bring an action in the court of common pleas of the county in which the public office or person is located requesting the court to limit or deny the requests.

(ii) The action shall proceed as any other civil action, and the Ohio Rules of Civil Procedure apply to the action. The court shall provide the requester with notice of the action and an opportunity to be heard. While the action or any appeal from a final order of the court is pending, the requirement that the public office or person respond to the requests under this section is tolled.

(iii) If the court determines by a preponderance of the

evidence that the requests are intended to harass the public 660  
office or person or to disrupt the essential functions of the 661  
public office or person, the court may limit or deny the 662  
requests. If the court determines by a preponderance of the 663  
evidence that the requester is likely to submit future requests 664  
for copying or inspection of public records to that public 665  
office or person for the purpose of harassing the public office 666  
or person or disrupting the essential functions of the public 667  
office or person, the court also may issue an order that limits 668  
or denies any such future requests submitted to the public 669  
office or person by that requester. An order issued under this 670  
division remains in force indefinitely unless the order provides 671  
for its expiration after a specified period of time. 672

(iv) Division (B) (2) (c) of this section does not apply to 673  
a requester who is any of the following: 674

(I) A journalist as defined in division (B) (9) (c) of this 675  
section; 676

(II) A pro se litigant who requests records pertaining to 677  
litigation in which the pro se litigant is a named party; 678

(III) A state agency, including a public college or 679  
university or subsidiary of a public college or university, as 680  
well as a public defender or other government attorney, or the 681  
staff or agent of a public defender or government attorney. This 682  
exemption does not apply to a public defender whose request for 683  
records is not related to a matter that is within the scope of 684  
the public defender's employment with a public defender's office 685  
or selection or appointment under section 120.33 of the Revised 686  
Code. 687

(v) No court shall limit, deny, or restrict the access of 688

any requester listed under division (B) (2) (c) (iv) of this 689  
section to any public record under division (B) (2) (c) of this 690  
section. 691

(vi) A public office or person responsible for public 692  
records shall not bring an action under division (B) (2) (c) (i) of 693  
this section against a requester who the public office or person 694  
knows or has reason to believe is a public defender unless the 695  
requester fails to provide sufficient evidence in response to a 696  
request for evidence made pursuant to division (B) (11) of this 697  
section within five business days of the transmission of the 698  
request for evidence. 699

(3) If a request is ultimately denied, in part or in 700  
whole, the public office or the person responsible for the 701  
requested public record shall provide the requester with an 702  
explanation, including legal authority, setting forth why the 703  
request was denied. If the initial request was provided in 704  
writing, the explanation also shall be provided to the requester 705  
in writing. The explanation shall not preclude the public office 706  
or the person responsible for the requested public record from 707  
relying upon additional reasons or legal authority in defending 708  
an action commenced under division (C) of this section. 709

(4) Unless specifically required or authorized by state or 710  
federal law or in accordance with division (B) of this section, 711  
no public office or person responsible for public records may 712  
limit or condition the availability of public records by 713  
requiring disclosure of the requester's identity or the intended 714  
use of the requested public record. Any requirement that the 715  
requester disclose the requester's identity or the intended use 716  
of the requested public record constitutes a denial of the 717  
request. 718

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

~~(6)~~ (6) (a) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. If the request is voluminous and it is therefore reasonable to do so, the public office or person responsible for the public record may engage a private contractor to respond to the request, including making any required redactions, on behalf of the public office or person. The public office or person responsible for the public record may include the cost of the contractor's services in calculating the cost involved in providing the copy of the public record.

(b) The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines

that it reasonably can be duplicated as an integral part of the 750  
normal operations of the public office or person responsible for 751  
the public record. When the requester makes a choice under this 752  
division, the public office or person responsible for the public 753  
record shall provide a copy of it in accordance with the choice 754  
made by the requester. ~~Nothing~~ 755

(c) Nothing in this section requires a public office or 756  
person responsible for the public record to allow the requester 757  
of a copy of the public record to make the copies of the public 758  
record. 759

(7) (a) Upon a request made in accordance with division (B) 760  
of this section and subject to division (B) (6) of this section, 761  
a public office or person responsible for public records shall 762  
transmit a copy of a public record to any person by United 763  
States mail or by any other means of delivery or transmission 764  
within a reasonable period of time after receiving the request 765  
for the copy. The public office or person responsible for the 766  
public record may require the person making the request to pay 767  
in advance the cost of postage if the copy is transmitted by 768  
United States mail or the cost of delivery if the copy is 769  
transmitted other than by United States mail, and to pay in 770  
advance the costs incurred for other supplies used in the 771  
mailing, delivery, or transmission. 772

(b) Any public office may adopt a policy and procedures 773  
that it will follow in transmitting, within a reasonable period 774  
of time after receiving a request, copies of public records by 775  
United States mail or by any other means of delivery or 776  
transmission pursuant to division (B) (7) of this section. A 777  
public office that adopts a policy and procedures under division 778  
(B) (7) of this section shall comply with them in performing its 779

duties under that division. 780

(c) In any policy and procedures adopted under division 781  
(B) (7) of this section: 782

(i) A public office may limit the number of records 783  
requested by a person that the office will physically deliver by 784  
United States mail or by another delivery service to ten per 785  
month, unless the person certifies to the office in writing that 786  
the person does not intend to use or forward the requested 787  
records, or the information contained in them, for commercial 788  
purposes; 789

(ii) A public office that chooses to provide some or all 790  
of its public records on a web site that is fully accessible to 791  
and searchable by members of the public at all times, other than 792  
during acts of God outside the public office's control or 793  
maintenance, and that charges no fee to search, access, 794  
download, or otherwise receive records provided on the web site, 795  
may limit to ten per month the number of records requested by a 796  
person that the office will deliver in a digital format, unless 797  
the requested records are not provided on the web site and 798  
unless the person certifies to the office in writing that the 799  
person does not intend to use or forward the requested records, 800  
or the information contained in them, for commercial purposes. 801

(iii) For purposes of division (B) (7) of this section, 802  
"commercial" shall be narrowly construed and does not include 803  
reporting or gathering news, reporting or gathering information 804  
to assist citizen oversight or understanding of the operation or 805  
activities of government, or nonprofit educational research. 806

(8) A public office or person responsible for public 807  
records is not required to permit a person ~~who~~ to inspect or 808

obtain a copy of a public record if either of the following 809  
apply: 810

(a) The person is incarcerated pursuant to a criminal 811  
conviction or a juvenile adjudication and requests to inspect or 812  
to obtain a copy of any public record concerning a criminal 813  
investigation or prosecution or concerning what would be a 814  
criminal investigation or prosecution if the subject of the 815  
investigation or prosecution were an adult, unless the request 816  
to inspect or to obtain a copy of the record is for the purpose 817  
of acquiring information that is subject to release as a public 818  
record under this section and the judge who imposed the sentence 819  
or made the adjudication with respect to the person, or the 820  
judge's successor in office, finds that the information sought 821  
in the public record is necessary to support what appears to be 822  
a justiciable claim of the person. As used in this division, 823  
"public record concerning a criminal investigation or 824  
prosecution or concerning what would be a criminal investigation 825  
or prosecution if the subject of the investigation were an 826  
adult" includes, but is not limited to, personnel files and 827  
payroll and attendance records of designated public service 828  
workers. 829

(b) A court order issued under division (B) (2) (c) of this 830  
section permits the public office or the person responsible for 831  
public records to deny the request. 832

(9) (a) Upon written request made and signed by a 833  
journalist, a public office, or person responsible for public 834  
records, having custody of the records of the agency employing a 835  
specified designated public service worker shall disclose to the 836  
journalist the address of the actual personal residence of the 837  
designated public service worker and, if the designated public 838

service worker's spouse, former spouse, or child is employed by 839  
a public office, the name and address of the employer of the 840  
designated public service worker's spouse, former spouse, or 841  
child, and any past, current, and future work schedules of the 842  
designated public service worker. The request shall include the 843  
journalist's name and title and the name and address of the 844  
journalist's employer and shall state that disclosure of the 845  
information sought would be in the public interest. 846

(b) Division (B) (9) (a) of this section also applies to 847  
journalist requests for: 848

(i) Customer information maintained by a municipally owned 849  
or operated public utility, other than social security numbers 850  
and any private financial information such as credit reports, 851  
payment methods, credit card numbers, and bank account 852  
information; 853

(ii) Information about minors involved in a school vehicle 854  
accident as provided in division (A) (1) (gg) of this section, 855  
other than personal information as defined in section 149.45 of 856  
the Revised Code; 857

(iii) A request form submitted to a public office under 858  
section 149.45 of the Revised Code; 859

(iv) An affidavit submitted under section 319.28 of the 860  
Revised Code. 861

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

disseminating information for the general public. 868

(10) Upon a request made by a victim, victim's attorney, 869  
or victim's representative, as that term is used in section 870  
2930.02 of the Revised Code, a public office or person 871  
responsible for public records shall transmit a copy of a 872  
depiction of the victim as described in division (A) (1) (ii) of 873  
this section to the victim, victim's attorney, or victim's 874  
representative. 875

(11) A public office or person responsible for public 876  
records may require a requester who the public office or person 877  
knows or has reason to believe is a public defender to provide 878  
documentary evidence sufficient to prove that the requested 879  
records relate to a matter that is within the scope of the 880  
requester's employment with a public defender's office or 881  
selection or appointment under section 120.33 of the Revised 882  
Code. A public office or person responsible for public records 883  
shall not require a requester who the public office or person 884  
knows or has reason to believe is a public defender to provide, 885  
nor condition the availability of public records on the 886  
provision of, materials protected by the attorney-client 887  
privilege or attorney work product privilege in response to a 888  
request for evidence made pursuant to this division. 889

(C) (1) If a person allegedly is aggrieved by the failure 890  
of a public office or the person responsible for public records 891  
to promptly prepare a public record and to make it available to 892  
the person for inspection in accordance with division (B) of 893  
this section or by any other failure of a public office or the 894  
person responsible for public records to comply with an 895  
obligation in accordance with division (B) of this section, the 896  
person allegedly aggrieved may serve pursuant to Rule 4 of the 897

Ohio Rules of Civil Procedure a complaint, on a form prescribed 898  
by the clerk of the court of claims, to the public office or 899  
person responsible for public records allegedly responsible for 900  
the alleged failure. Upon receipt of the complaint of the person 901  
allegedly aggrieved, the public office or person responsible for 902  
public records has three business days to cure or otherwise 903  
address the failure alleged in the complaint. The person 904  
allegedly aggrieved shall not file a complaint with a court or 905  
commence a mandamus action under this section within the three- 906  
day period. Upon the expiration of the three-day period, the 907  
person allegedly aggrieved may, subject to the requirements of 908  
division (C) (2) of this section, do only one of the following, 909  
and not both: 910

(a) File a complaint with the clerk of the court of claims 911  
or the clerk of the court of common pleas under section 2743.75 912  
of the Revised Code; 913

(b) Commence a mandamus action to obtain a judgment that 914  
orders the public office or the person responsible for the 915  
public record to comply with division (B) of this section, that 916  
awards court costs and reasonable attorney's fees to the person 917  
that instituted the mandamus action, and, if applicable, that 918  
includes an order fixing statutory damages under division (C) (3) 919  
of this section. The mandamus action may be commenced in the 920  
court of common pleas of the county in which division (B) of 921  
this section allegedly was not complied with, in the supreme 922  
court pursuant to its original jurisdiction under Section 2 of 923  
Article IV, Ohio Constitution, or in the court of appeals for 924  
the appellate district in which division (B) of this section 925  
allegedly was not complied with pursuant to its original 926  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 927

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

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

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records

failed to comply with an obligation in accordance with division 959  
(B) of this section, beginning with the day on which the 960  
requester files a mandamus action to recover statutory damages, 961  
up to a maximum of one thousand dollars. The award of statutory 962  
damages shall not be construed as a penalty, but as compensation 963  
for injury arising from lost use of the requested information. 964  
The existence of this injury shall be conclusively presumed. The 965  
award of statutory damages shall be in addition to all other 966  
remedies authorized by this section. 967

The court may reduce an award of statutory damages or not 968  
award statutory damages if the court determines both of the 969  
following: 970

(a) That, based on the ordinary application of statutory 971  
law and case law as it existed at the time of the conduct or 972  
threatened conduct of the public office or person responsible 973  
for the requested public records that allegedly constitutes a 974  
failure to comply with an obligation in accordance with division 975  
(B) of this section and that was the basis of the mandamus 976  
action, a well-informed public office or person responsible for 977  
the requested public records reasonably would believe that the 978  
conduct or threatened conduct of the public office or person 979  
responsible for the requested public records did not constitute 980  
a failure to comply with an obligation in accordance with 981  
division (B) of this section; 982

(b) That a well-informed public office or person 983  
responsible for the requested public records reasonably would 984  
believe that the conduct or threatened conduct of the public 985  
office or person responsible for the requested public records 986  
would serve the public policy that underlies the authority that 987  
is asserted as permitting that conduct or threatened conduct. 988

|  |                                      |
|--|--------------------------------------|
| (4) In a mandamus action filed under division (C) (1) of this section, the following apply:  | 989<br>990                           |
| (a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.  | 991<br>992<br>993<br>994<br>995      |
| (ii) If the court makes a determination described in division (C) (4) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.  | 996<br>997<br>998<br>999             |
| (b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (5) of this section: | 1000<br>1001<br>1002<br>1003<br>1004 |
| (i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.   | 1005<br>1006<br>1007<br>1008         |
| (ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.   | 1009<br>1010<br>1011<br>1012<br>1013 |
| (iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action,   | 1014<br>1015<br>1016<br>1017         |

but before the court issued any order concluding whether or not 1018  
the public office or person was required to comply with division 1019  
(B) of this section. No discovery may be conducted on the issue 1020  
of the alleged bad faith of the public office or person 1021  
responsible for the public records. This division shall not be 1022  
construed as creating a presumption that the public office or 1023  
the person responsible for the public records acted in bad faith 1024  
when the office or person voluntarily made the public records 1025  
available to the relator for the first time after the relator 1026  
commenced the mandamus action, but before the court issued any 1027  
order described in this division. 1028

(c) The court shall not award attorney's fees to the 1029  
relator if the court determines both of the following: 1030

(i) That, based on the ordinary application of statutory 1031  
law and case law as it existed at the time of the conduct or 1032  
threatened conduct of the public office or person responsible 1033  
for the requested public records that allegedly constitutes a 1034  
failure to comply with an obligation in accordance with division 1035  
(B) of this section and that was the basis of the mandamus 1036  
action, a well-informed public office or person responsible for 1037  
the requested public records reasonably would believe that the 1038  
conduct or threatened conduct of the public office or person 1039  
responsible for the requested public records did not constitute 1040  
a failure to comply with an obligation in accordance with 1041  
division (B) of this section; 1042

(ii) That a well-informed public office or person 1043  
responsible for the requested public records reasonably would 1044  
believe that the conduct or threatened conduct of the public 1045  
office or person responsible for the requested public records 1046  
would serve the public policy that underlies the authority that 1047

is asserted as permitting that conduct or threatened conduct. 1048

(5) All of the following apply to any award of reasonable 1049  
attorney's fees awarded under division (C) (4) (b) of this 1050  
section: 1051

(a) The fees shall be construed as remedial and not 1052  
punitive. 1053

(b) The fees awarded shall not exceed the total of the 1054  
reasonable attorney's fees incurred before the public record was 1055  
made available to the relator and the fees described in division 1056  
(C) (5) (c) of this section. 1057

(c) Reasonable attorney's fees shall include reasonable 1058  
fees incurred to produce proof of the reasonableness and amount 1059  
of the fees and to otherwise litigate entitlement to the fees. 1060

(d) The court may reduce the amount of fees awarded if the 1061  
court determines that, given the factual circumstances involved 1062  
with the specific public records request, an alternative means 1063  
should have been pursued to more effectively and efficiently 1064  
resolve the dispute that was subject to the mandamus action 1065  
filed under division (C) (1) of this section. 1066

(6) If the court does not issue a writ of mandamus under 1067  
division (C) of this section and the court determines at that 1068  
time that the bringing of the mandamus action was frivolous 1069  
conduct as defined in division (A) of section 2323.51 of the 1070  
Revised Code, the court may award to the public office all court 1071  
costs, expenses, and reasonable attorney's fees, as determined 1072  
by the court. 1073

(D) Chapter 1347. of the Revised Code does not limit the 1074  
provisions of this section. 1075

(E) (1) To ensure that all employees of public offices are 1076  
appropriately educated about a public office's obligations under 1077  
division (B) of this section, all elected officials or their 1078  
appropriate designees shall attend training approved by the 1079  
attorney general as provided in section 109.43 of the Revised 1080  
Code. A future official may satisfy the requirements of this 1081  
division by attending the training before taking office, 1082  
provided that the future official may not send a designee in the 1083  
future official's place. 1084

(2) All public offices shall adopt a public records policy 1085  
in compliance with this section for responding to public records 1086  
requests. In adopting a public records policy under this 1087  
division, a public office may obtain guidance from the model 1088  
public records policy developed and provided to the public 1089  
office by the attorney general under section 109.43 of the 1090  
Revised Code. Except as otherwise provided in this section, the 1091  
policy may not limit the number of public records that the 1092  
public office will make available to a single person, may not 1093  
limit the number of public records that it will make available 1094  
during a fixed period of time, and may not establish a fixed 1095  
period of time before it will respond to a request for 1096  
inspection or copying of public records, unless that period is 1097  
less than eight hours. 1098

The public office shall distribute the public records 1099  
policy adopted by the public office under this division to the 1100  
employee of the public office who is the records custodian or 1101  
records manager or otherwise has custody of the records of that 1102  
office. The public office shall require that employee to 1103  
acknowledge receipt of the copy of the public records policy. 1104  
The public office shall create a poster that describes its 1105  
public records policy and shall post the poster in a conspicuous 1106

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

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

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

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

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who 1137  
gives assurance to the bureau that the person making the request 1138  
does not intend to use or forward the requested copies for 1139  
surveys, marketing, solicitation, or resale for commercial 1140  
purposes. 1141

(c) "Commercial" means profit-seeking production, buying, 1142  
or selling of any good, service, or other product. 1143

(d) "Special extraction costs" means the cost of the time 1144  
spent by the lowest paid employee competent to perform the task, 1145  
the actual amount paid to outside private contractors employed 1146  
by the bureau, or the actual cost incurred to create computer 1147  
programs to make the special extraction. "Special extraction 1148  
costs" include any charges paid to a public agency for computer 1149  
or records services. 1150

(3) For purposes of divisions (F) (1) and (2) of this 1151  
section, "surveys, marketing, solicitation, or resale for 1152  
commercial purposes" shall be narrowly construed and does not 1153  
include reporting or gathering news, reporting or gathering 1154  
information to assist citizen oversight or understanding of the 1155  
operation or activities of government, or nonprofit educational 1156  
research. 1157

(G) A request by a defendant, counsel of a defendant, or 1158  
any agent of a defendant in a criminal action that public 1159  
records related to that action be made available under this 1160  
section shall be considered a demand for discovery pursuant to 1161  
the Criminal Rules, except to the extent that the Criminal Rules 1162  
plainly indicate a contrary intent. The defendant, counsel of 1163  
the defendant, or agent of the defendant making a request under 1164  
this division shall serve a copy of the request on the 1165  
prosecuting attorney, director of law, or other chief legal 1166

officer responsible for prosecuting the action. 1167

(H) (1) Any portion of a body-worn camera or dashboard 1168  
camera recording described in divisions (A) (17) (b) to (h) of 1169  
this section may be released by consent of the subject of the 1170  
recording or a representative of that person, as specified in 1171  
those divisions, only if either of the following applies: 1172

(a) The recording will not be used in connection with any 1173  
probable or pending criminal proceedings; 1174

(b) The recording has been used in connection with a 1175  
criminal proceeding that was dismissed or for which a judgment 1176  
has been entered pursuant to Rule 32 of the Rules of Criminal 1177  
Procedure, and will not be used again in connection with any 1178  
probable or pending criminal proceedings. 1179

(2) If a public office denies a request to release a 1180  
restricted portion of a body-worn camera or dashboard camera 1181  
recording, as defined in division (A) (17) of this section, any 1182  
person may file a mandamus action pursuant to this section or a 1183  
complaint with the clerk of the court of claims pursuant to 1184  
section 2743.75 of the Revised Code, requesting the court to 1185  
order the release of all or portions of the recording. If the 1186  
court considering the request determines that the filing 1187  
articulates by clear and convincing evidence that the public 1188  
interest in the recording substantially outweighs privacy 1189  
interests and other interests asserted to deny release, the 1190  
court shall order the public office to release the recording. 1191

**Section 2.** That existing section 149.43 of the Revised 1192  
Code is hereby repealed. 1193

**Section 3.** Section 149.43 of the Revised Code is presented 1194  
in this act as a composite of the section as amended by H.B. 1195

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| 265, H.B. 315, S.B. 29, and S.B. 109, all of the 135th General   | 1196 |
| Assembly. The General Assembly, applying the principle stated in | 1197 |
| division (B) of section 1.52 of the Revised Code that amendments | 1198 |
| are to be harmonized and reconciled if reasonably capable of     | 1199 |
| simultaneous operation, finds that the composite is the          | 1200 |
| resulting version of the section in effect prior to the          | 1201 |
| effective date of the section as presented in this act.          | 1202 |