

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 314

Representatives Isaacsohn, Ray

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

2967.271 of the Revised Code regarding the release or maintained 21
incarceration of an offender to whom that section applies; 22

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

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

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

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

(g) Trial preparation records; 37

(h) Confidential law enforcement investigatory records; 38

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

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

(k) Inmate records released by the department of 43
rehabilitation and correction to the department of youth 44
services or a court of record pursuant to division (E) of 45
section 5120.21 of the Revised Code; 46

(l) Records maintained by the department of youth services 47

pertaining to children in its custody released by the department 48
of youth services to the department of rehabilitation and 49
correction pursuant to section 5139.05 of the Revised Code; 50

(m) Intellectual property records; 51

(n) Donor profile records; 52

(o) Records maintained by the department of job and family 53
services pursuant to section 3121.894 of the Revised Code; 54

(p) Designated public service worker residential and 55
familial information; 56

(q) In the case of a county hospital operated pursuant to 57
Chapter 339. of the Revised Code or a municipal hospital 58
operated pursuant to Chapter 749. of the Revised Code, 59
information that constitutes a trade secret, as defined in 60
section 1333.61 of the Revised Code; 61

(r) Information pertaining to the recreational activities 62
of a person under the age of eighteen; 63

(s) In the case of a child fatality review board acting 64
under sections 307.621 to 307.629 of the Revised Code or a 65
review conducted pursuant to guidelines established by the 66
director of health under section 3701.70 of the Revised Code, 67
records provided to the board or director, statements made by 68
board members during meetings of the board or by persons 69
participating in the director's review, and all work products of 70
the board or director, and in the case of a child fatality 71
review board, child fatality review data submitted by the board 72
to the department of health or a national child death review 73
database, other than the report prepared pursuant to division 74
(A) of section 307.626 of the Revised Code; 75

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

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

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

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

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

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

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

(aa) Usage information including names and addresses of 102
specific residential and commercial customers of a municipally 103
owned or operated public utility; 104

(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

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

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

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

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

(tt) Educational support services data, as defined in 214
section 3319.325 of the Revised Code; 215

(uu) Records of the past, current, and future work 216
schedule of a designated public service worker. As used in 217
division (A)(1)(uu) of this section, "work schedule" does not 218
include the docket of cases of a court, judge, or magistrate; 219

(vv) A request form or confirmation letter submitted to a 220
public office under section 149.45 of the Revised Code; 221

(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

(yy) Documentary evidence provided in response to a 230
request for such evidence made under division (B)(11) of this 231
section. 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

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

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

(c) Any medical record, history, or information pertaining 426
to a person under the age of eighteen; 427

(d) Any additional information sought or required about a 428
person under the age of eighteen for the purpose of allowing 429
that person to participate in any recreational activity 430
conducted or sponsored by a public office or to use or obtain 431
admission privileges to any recreational facility owned or 432
operated by a public office. 433

(11) "Community control sanction" has the meaning defined 434
in section 2929.01 of the Revised Code. 435

(12) "Post-release control sanction" has the meaning 436
defined in section 2967.01 of the Revised Code. 437

(13) "Redaction" means obscuring or deleting any 438
information that is exempt from the duty to permit public 439
inspection or copying from an item that otherwise meets the 440
definition of a "record" in section 149.011 of the Revised Code. 441

(14) "Designee," "elected official," and "future official" 442
have the meanings defined in section 109.43 of the Revised Code. 443

(15) "Body-worn camera" means a visual and audio recording 444
device worn on the person of a correctional employee, youth 445
services employee, or peace officer while the correctional 446
employee, youth services employee, or peace officer is engaged 447
in the performance of official duties. 448

(16) "Dashboard camera" means a visual and audio recording 449
device mounted on a peace officer's vehicle or vessel that is 450
used while the peace officer is engaged in the performance of 451
the peace officer's duties. 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 540
5924.120 of the Revised Code. 541

"Health care facility" has the same meaning as in section 542
1337.11 of the Revised Code. 543

"Protected health information" has the same meaning as in 544
45 C.F.R. 160.103. 545

"Law enforcement agency" means a government entity that 546
employs peace officers to perform law enforcement duties. 547

"Personal information" means any government-issued 548
identification number, date of birth, address, financial 549
information, or criminal justice information from the law 550
enforcement automated data system or similar databases. 551

"Sex offense" has the same meaning as in section 2907.10 552
of the Revised Code. 553

"Firefighter," "paramedic," and "first responder" have the 554
same meanings as in section 4765.01 of the Revised Code. 555

(18) "Public defender" means an attorney employed by a 556
public defender's office or who is selected or appointed 557
pursuant to section 120.33 of the Revised Code. 558

(B) (1) Upon request by any person and subject to division 559
(B) (8) of this section, all public records responsive to the 560
request shall be promptly prepared and made available for 561
inspection to the requester at all reasonable times during 562
regular business hours. Subject to division (B) (8) of this 563
section, upon request by any person, a public office or person 564
responsible for public records shall make copies of the 565
requested public record available to the requester at cost and 566
within a reasonable period of time. 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 719
records may ask a requester to make the request in writing, may 720
ask for the requester's identity, and may inquire about the 721
intended use of the information requested, but may do so only 722
after disclosing to the requester that a written request is not 723
mandatory, that the requester may decline to reveal the 724
requester's identity or the intended use, and when a written 725
request or disclosure of the identity or intended use would 726
benefit the requester by enhancing the ability of the public 727
office or person responsible for public records to identify, 728
locate, or deliver the public records sought by the requester. 729

~~(6)~~ (6) (a) If any person requests a copy of a public record 730
in accordance with division (B) of this section, the public 731
office or person responsible for the public record may require 732
the requester to pay in advance the cost involved in providing 733
the copy of the public record in accordance with the choice made 734
by the requester under this division. If the request is 735
voluminous and it is therefore reasonable to do so, the public 736
office or person responsible for the public record may engage a 737
private contractor to respond to the request, including making 738
any required redactions, on behalf of the public office or 739
person. The public office or person responsible for the public 740
record may include the cost of the contractor's services in 741
calculating the cost involved in providing the copy of the 742
public record. 743

(b) The public office or the person responsible for the 744
public record shall permit the requester to choose to have the 745
public record duplicated upon paper, upon the same medium upon 746
which the public office or person responsible for the public 747
record keeps it, or upon any other medium upon which the public 748
office or person responsible for the public record determines 749

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 928
court under divisions (C) (1) (a) or (b) of this section, a person 929
allegedly aggrieved shall file with the court, in conjunction 930
with the person's complaint or petition, a written affirmation 931
stating that the person properly transmitted a complaint to the 932
public office or person responsible for public records, the 933
failure alleged in the complaint has not been cured or otherwise 934
resolved to the person's satisfaction, and that the complaint 935
was transmitted to the public office or person responsible for 936
public records at least three business days before the filing of 937
the suit. If the person fails to file an affirmation pursuant to 938
this division, the suit shall be dismissed. 939

(3) If a requester transmits a written request by hand 940
delivery, electronic submission, or certified mail to inspect or 941
receive copies of any public record in a manner that fairly 942
describes the public record or class of public records to the 943
public office or person responsible for the requested public 944
records, except as otherwise provided in this section, the 945
requester shall be entitled to recover the amount of statutory 946
damages set forth in this division if a court determines that 947
the public office or the person responsible for public records 948
failed to comply with an obligation in accordance with division 949
(B) of this section. Statutory damages are not available 950
pursuant to this section to a person committed to the custody of 951
the department of rehabilitation and correction or the United 952
States bureau of prisons, or a child committed to the department 953
of youth services as permitted in Chapter 2152. of the Revised 954
Code. 955

The amount of statutory damages shall be fixed at one 956
hundred dollars for each business day during which the public 957
office or person responsible for the requested public records 958

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 989
this section, the following apply: 990

(a) (i) If the court orders the public office or the person 991
responsible for the public record to comply with division (B) of 992
this section, the court shall determine and award to the relator 993
all court costs, which shall be construed as remedial and not 994
punitive. 995

(ii) If the court makes a determination described in 996
division (C) (4) (b) (iii) of this section, the court shall 997
determine and award to the relator all court costs, which shall 998
be construed as remedial and not punitive. 999

(b) If the court renders a judgment that orders the public 1000
office or the person responsible for the public record to comply 1001
with division (B) of this section or if the court determines any 1002
of the following, the court may award reasonable attorney's fees 1003
to the relator, subject to division (C) (5) of this section: 1004

(i) The public office or the person responsible for the 1005
public records failed to respond affirmatively or negatively to 1006
the public records request in accordance with the time allowed 1007
under division (B) of this section. 1008

(ii) The public office or the person responsible for the 1009
public records promised to permit the relator to inspect or 1010
receive copies of the public records requested within a 1011
specified period of time but failed to fulfill that promise 1012
within that specified period of time. 1013

(iii) The public office or the person responsible for the 1014
public records acted in bad faith when the office or person 1015
voluntarily made the public records available to the relator for 1016
the first time after the relator commenced the mandamus action, 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 1107
office has branch offices. The public office may post its public 1108
records policy on the internet web site of the public office if 1109
the public office maintains an internet web site. A public 1110
office that has established a manual or handbook of its general 1111
policies and procedures for all employees of the public office 1112
shall include the public records policy of the public office in 1113
the manual or handbook. 1114

(F) (1) The bureau of motor vehicles may adopt rules 1115
pursuant to Chapter 119. of the Revised Code to reasonably limit 1116
the number of bulk commercial special extraction requests made 1117
by a person for the same records or for updated records during a 1118
calendar year. The rules may include provisions for charges to 1119
be made for bulk commercial special extraction requests for the 1120
actual cost of the bureau, plus special extraction costs, plus 1121
ten per cent. The bureau may charge for expenses for redacting 1122
information, the release of which is prohibited by law. 1123

(2) As used in division (F) (1) of this section: 1124

(a) "Actual cost" means the cost of depleted supplies, 1125
records storage media costs, actual mailing and alternative 1126
delivery costs, or other transmitting costs, and any direct 1127
equipment operating and maintenance costs, including actual 1128
costs paid to private contractors for copying services. 1129

(b) "Bulk commercial special extraction request" means a 1130
request for copies of a record for information in a format other 1131
than the format already available, or information that cannot be 1132
extracted without examination of all items in a records series, 1133
class of records, or database by a person who intends to use or 1134
forward the copies for surveys, marketing, solicitation, or 1135
resale for commercial purposes. "Bulk commercial special 1136

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

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