

As Introduced

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H. B. No. 565

Representatives Jarrells, Odioso

**Cosponsors: Representatives Thomas, C., Brennan, White, E., Synenberg,
Lawson-Rowe, Upchurch, Troy, Schmidt**

To amend section 149.43 of the Revised Code to
exempt from disclosure under Public Records Law,
the name and address of a grand juror and the
signature of a grand-jury foreperson, and to
name this act the Grand Jury Privacy and
Protection Act.

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

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

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

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

(a) Medical records;

(b) Records pertaining to probation and parole 19
proceedings, to proceedings related to the imposition of 20
community control sanctions and post-release control sanctions, 21
or to proceedings related to determinations under section 22
2967.271 of the Revised Code regarding the release or maintained 23
incarceration of an offender to whom that section applies; 24

(c) Records pertaining to actions under section 2151.85 25
and division (C) of section 2919.121 of the Revised Code and to 26
appeals of actions arising under those sections; 27

(d) Records pertaining to adoption proceedings, including 28
the contents of an adoption file maintained by the department of 29
health under sections 3705.12 to 3705.124 of the Revised Code; 30

(e) Information in a record contained in the putative 31
father registry established by section 3107.062 of the Revised 32
Code, regardless of whether the information is held by the 33
department of children and youth or, pursuant to section 3111.69 34
of the Revised Code, the office of child support in the 35
department of job and family services or a child support 36
enforcement agency; 37

(f) Records specified in division (A) of section 3107.52 38
of the Revised Code; 39

(g) Trial preparation records, prior to the conclusion of 40
all direct appeals or, if no appeal is filed, prior to the 41
expiration of the time during which an appeal may be filed, or, 42
if no trial has occurred, until the civil or criminal action or 43
proceeding has ended without the possibility of direct appeal or 44
each agency, office, or official responsible for the matter has 45
made a decision not to proceed with the matter; 46

(h) Confidential law enforcement investigatory records; 47

(i) Records containing information that is confidential	48
under section 2710.03 or 4112.05 of the Revised Code;	49
(j) DNA records stored in the DNA database pursuant to	50
section 109.573 of the Revised Code;	51
(k) Inmate records under section 5120.21 of the Revised	52
Code, except for permitted disclosure of the information listed	53
in division (E) (1) of that section;	54
(l) Records maintained by the department of youth services	55
pertaining to children in its custody released by the department	56
of youth services to the department of rehabilitation and	57
correction pursuant to section 5139.05 of the Revised Code;	58
(m) Intellectual property records;	59
(n) Donor profile records;	60
(o) Records maintained by the department of job and family	61
services pursuant to section 3121.894 of the Revised Code;	62
(p) Designated public service worker residential and	63
familial information;	64
(q) In the case of a county hospital operated pursuant to	65
Chapter 339. of the Revised Code or a municipal hospital	66
operated pursuant to Chapter 749. of the Revised Code,	67
information that constitutes a trade secret, as defined in	68
section 1333.61 of the Revised Code;	69
(r) Information pertaining to the recreational activities	70
of a person under the age of eighteen;	71
(s) In the case of a child fatality review board acting	72
under sections 307.621 to 307.629 of the Revised Code or a	73
review conducted pursuant to guidelines established by the	74

director of health under section 3701.70 of the Revised Code, 75
records provided to the board or director, statements made by 76
board members during meetings of the board or by persons 77
participating in the director's review, and all work products of 78
the board or director, and in the case of a child fatality 79
review board, child fatality review data submitted by the board 80
to the department of health or a national child death review 81
database, other than the report prepared pursuant to division 82
(A) of section 307.626 of the Revised Code; 83

(t) Records provided to and statements made by the 84
executive director of a public children services agency or a 85
prosecuting attorney acting pursuant to section 5153.171 of the 86
Revised Code other than the information released under that 87
section; 88

(u) Test materials, examinations, or evaluation tools used 89
in an examination for licensure as a nursing home administrator 90
that the board of executives of long-term services and supports 91
administers under section 4751.15 of the Revised Code or 92
contracts under that section with a private or government entity 93
to administer; 94

(v) Records the release of which is prohibited by state or 95
federal law; 96

(w) Proprietary information of or relating to any person 97
that is submitted to or compiled by the Ohio venture capital 98
authority created under section 150.01 of the Revised Code; 99

(x) Financial statements and data any person submits for 100
any purpose to the Ohio housing finance agency or the 101
controlling board in connection with applying for, receiving, or 102
accounting for financial assistance from the agency, and 103

information that identifies any individual who benefits directly 104
or indirectly from financial assistance from the agency; 105

(y) Records listed in section 5101.29 of the Revised Code; 106

(z) Discharges recorded with a county recorder under 107
section 317.24 of the Revised Code, as specified in division (B) 108
(2) of that section; 109

(aa) Usage information including names and addresses of 110
specific residential and commercial customers of a municipally 111
owned or operated public utility; 112

(bb) Records described in division (C) of section 187.04 113
of the Revised Code that are not designated to be made available 114
to the public as provided in that division; 115

(cc) Information and records that are made confidential, 116
privileged, and not subject to disclosure under divisions (B) 117
and (C) of section 2949.221 of the Revised Code; 118

(dd) Personal information, as defined in section 149.45 of 119
the Revised Code; 120

(ee) The confidential name, address, and other personally 121
identifiable information of a program participant in the address 122
confidentiality program established under sections 111.41 to 123
111.47 of the Revised Code, including the contents of any 124
application for absent voter's ballots, absent voter's ballot 125
identification envelope statement of voter, or provisional 126
ballot affirmation completed by a program participant who has a 127
confidential voter registration record; records or portions of 128
records pertaining to that program that identify the number of 129
program participants that reside within a precinct, ward, 130
township, municipal corporation, county, or any other geographic 131
area smaller than the state; and any real property 132

confidentiality notice filed under section 111.431 of the 133
Revised Code and the information described in division (C) of 134
that section. As used in this division, "confidential address" 135
and "program participant" have the meaning defined in section 136
111.41 of the Revised Code. 137

(ff) Orders for active military service of an individual 138
serving or with previous service in the armed forces of the 139
United States, including a reserve component, or the Ohio 140
organized militia, except that, such order becomes a public 141
record on the day that is fifteen years after the published date 142
or effective date of the call to order; 143

(gg) The name, address, contact information, or other 144
personal information of an individual who is less than eighteen 145
years of age that is included in any record related to a traffic 146
accident involving a school vehicle in which the individual was 147
an occupant at the time of the accident; 148

(hh) Protected health information, as defined in 45 C.F.R. 149
160.103, that is in a claim for payment for a health care 150
product, service, or procedure, as well as any other health 151
claims data in another document that reveals the identity of an 152
individual who is the subject of the data or could be used to 153
reveal that individual's identity; 154

(ii) Any depiction by photograph, film, videotape, or 155
printed or digital image under either of the following 156
circumstances: 157

(i) The depiction is that of a victim of an offense the 158
release of which would be, to a reasonable person of ordinary 159
sensibilities, an offensive and objectionable intrusion into the 160
victim's expectation of bodily privacy and integrity. 161

(ii) The depiction captures or depicts the victim of a 162
sexually oriented offense, as defined in section 2950.01 of the 163
Revised Code, at the actual occurrence of that offense. 164

(jj) Restricted portions of a body-worn camera or 165
dashboard camera recording; 166

(kk) In the case of a fetal-infant mortality review board 167
acting under sections 3707.70 to 3707.77 of the Revised Code, 168
records, documents, reports, or other information presented to 169
the board or a person abstracting such materials on the board's 170
behalf, statements made by review board members during board 171
meetings, all work products of the board, and data submitted by 172
the board to the department of health or a national infant death 173
review database, other than the report prepared pursuant to 174
section 3707.77 of the Revised Code. 175

(ll) Records, documents, reports, or other information 176
presented to the pregnancy-associated mortality review board 177
established under section 5180.27 of the Revised Code, 178
statements made by board members during board meetings, all work 179
products of the board, and data submitted by the board to the 180
department of health, other than the biennial reports prepared 181
under section 5180.277 of the Revised Code; 182

(mm) Except as otherwise provided in division (A) (1) (oo) 183
of this section, telephone numbers for a victim, as defined in 184
section 2930.01 of the Revised Code or a witness to a crime that 185
are listed on any law enforcement record or report. 186

(nn) A preneed funeral contract, as defined in section 187
4717.01 of the Revised Code, and contract terms and personally 188
identifying information of a preneed funeral contract, that is 189
contained in a report submitted by or for a funeral home to the 190

board of embalmers and funeral directors under division (C) of 191
section 4717.13, division (J) of section 4717.31, or section 192
4717.41 of the Revised Code. 193

(oo) Telephone numbers for a party to a motor vehicle 194
accident subject to the requirements of section 5502.11 of the 195
Revised Code that are listed on any law enforcement record or 196
report, except that the telephone numbers described in this 197
division are not excluded from the definition of "public record" 198
under this division on and after the thirtieth day after the 199
occurrence of the motor vehicle accident. 200

(pp) Records pertaining to individuals who complete 201
training under section 5502.703 of the Revised Code to be 202
permitted by a school district board of education or governing 203
body of a community school established under Chapter 3314. of 204
the Revised Code, a STEM school established under Chapter 3326. 205
of the Revised Code, or a chartered nonpublic school to convey 206
deadly weapons or dangerous ordnance into a school safety zone; 207

(qq) Records, documents, reports, or other information 208
presented to a domestic violence fatality review board 209
established under section 307.651 of the Revised Code, 210
statements made by board members during board meetings, all work 211
products of the board, and data submitted by the board to the 212
department of health, other than a report prepared pursuant to 213
section 307.656 of the Revised Code; 214

(rr) Records, documents, and information the release of 215
which is prohibited under sections 2930.04 and 2930.07 of the 216
Revised Code; 217

(ss) Records of an existing qualified nonprofit 218
corporation that creates a special improvement district under 219

Chapter 1710. of the Revised Code that do not pertain to a 220
purpose for which the district is created; 221

(tt) Educational support services data, as defined in 222
section 3319.325 of the Revised Code; 223

(uu) Records of the past, current, and future work 224
schedule of a designated public service worker. As used in 225
division (A) (1) (uu) of this section, "work schedule" does not 226
include the docket of cases of a court, judge, or magistrate; 227

(vv) A request form or confirmation letter submitted to a 228
public office under section 149.45 of the Revised Code; 229

(ww) An affidavit or confirmation letter submitted under 230
section 319.28 of the Revised Code; 231

(xx) License or certificate application or renewal 232
responses and supporting documentation submitted to the state 233
medical board regarding an applicant's, or a license or 234
certificate holder's, inability to practice according to 235
acceptable and prevailing standards of care by reason of a 236
medical condition; 237

(yy) Images and data captured by an automated license 238
plate recognition system that are maintained in a law 239
enforcement database; 240

(zz) Attorney work product record; 241

(aaa) Any entry on the public calendar of an elected 242
official that is for any date that is after the date the record 243
is requested; 244

(bbb) Records pertaining to burial sites under section 245
149.3010 of the Revised Code; 246

(ccc) The name of a grand juror, the address of the actual 247
personal residence of a grand juror, and the signature of a 248
grand-jury foreperson, who has been impaneled and who has sworn 249
an oath under section 2939.06 of the Revised Code. 250

A record that is not a public record under division (A) (1) 251
of this section and that, under law, is permanently retained 252
becomes a public record on the day that is seventy-five years 253
after the day on which the record was created, or in the case of 254
a record that is not a public record under division (A) (1) (uu) 255
of this section that is retained, three years after the day on 256
which the record was created, except for any record protected by 257
the attorney-client privilege, a trial preparation record as 258
defined in this section, a statement prohibiting the release of 259
identifying information signed under section 3107.083 of the 260
Revised Code, a denial of release form filed pursuant to section 261
3107.46 of the Revised Code, records pertaining to burial sites 262
under section 149.3010 of the Revised Code, or any record that 263
is exempt from release or disclosure under section 149.433 of 264
the Revised Code. If the record is a birth certificate and a 265
biological parent's name redaction request form has been 266
accepted under section 3107.391 of the Revised Code, the name of 267
that parent shall be redacted from the birth certificate before 268
it is released under this paragraph. If any other section of the 269
Revised Code establishes a time period for disclosure of a 270
record that conflicts with the time period specified in this 271
section, the time period in the other section prevails. 272

(2) (a) "Confidential law enforcement investigatory record" 273
means any record that pertains to a law enforcement matter of a 274
criminal, quasi-criminal, civil, or administrative nature, but 275
only to the extent that the release of the record would create a 276
high probability of disclosure of any of the following: 277

(i) The identity of a suspect who has not been charged 278
with the offense to which the record pertains, or of an 279
information source or witness to whom confidentiality has been 280
reasonably promised; 281

(ii) Information provided by an information source or 282
witness to whom confidentiality has been reasonably promised, 283
which information would reasonably tend to disclose the source's 284
or witness's identity; 285

(iii) Specific confidential investigatory techniques or 286
procedures or specific investigatory work product; 287

(iv) Information that would endanger the life or physical 288
safety of law enforcement personnel, a crime victim, a witness, 289
or a confidential information source. 290

(b) As used in divisions (A) (2) and (18) of this section, 291
"specific investigatory work product" means information 292
assembled by law enforcement officials in connection with a 293
probable or pending criminal or civil proceeding, with the 294
exception of routine incident reports. "Specific investigatory 295
work product" is not a public record prior to the conclusion of 296
all direct appeals, or, if no appeal is filed, prior to the 297
expiration of the time during which an appeal may be filed, or, 298
if no trial has occurred, until the criminal or civil proceeding 299
has ended without possibility of direct appeal or each agency, 300
office, or official responsible for the matter has made a 301
decision not to proceed with the matter. 302

(3) "Medical record" means any document or combination of 303
documents, except births, deaths, and the fact of admission to 304
or discharge from a hospital, that pertains to the medical 305
history, diagnosis, prognosis, or medical condition of a patient 306

and that is generated and maintained in the process of medical 307
treatment. 308

(4) "Trial preparation record" means any record created by 309
or for another party or by or for that party's representative, 310
in reasonable anticipation of, or in defense of, a civil or 311
criminal action or proceeding, that is not a confidential law 312
enforcement investigatory record or attorney work product record 313
and that contains factual information that is specifically 314
compiled for that civil or criminal action or proceeding. 315

(5) "Intellectual property record" means a record, other 316
than a financial or administrative record, that is produced or 317
collected by or for faculty or staff of a state institution of 318
higher learning in the conduct of or as a result of study or 319
research on an educational, commercial, scientific, artistic, 320
technical, or scholarly issue, regardless of whether the study 321
or research was sponsored by the institution alone or in 322
conjunction with a governmental body or private concern, and 323
that has not been publicly released, published, or patented. 324

(6) "Donor profile record" means all records about donors 325
or potential donors to a public institution of higher education 326
except the names and reported addresses of the actual donors and 327
the date, amount, and conditions of the actual donation. 328

(7) "Designated public service worker" means a peace 329
officer, parole officer, probation officer, bailiff, prosecuting 330
attorney, assistant prosecuting attorney, correctional employee, 331
county or multicounty corrections officer, community-based 332
correctional facility employee, designated Ohio national guard 333
member, protective services worker, youth services employee, 334
firefighter, EMT, medical director or member of a cooperating 335
physician advisory board of an emergency medical service 336

organization, state board of pharmacy employee, investigator of 337
the bureau of criminal identification and investigation, 338
emergency service telecommunicator, forensic mental health 339
provider, mental health evaluation provider, regional 340
psychiatric hospital employee, judge, magistrate, or federal law 341
enforcement officer. 342

(8) "Designated public service worker residential and 343
familial information" means any information that discloses any 344
of the following about a designated public service worker: 345

(a) The address of the actual personal residence of a 346
designated public service worker, except for the following 347
information: 348

(i) The address of the actual personal residence of a 349
prosecuting attorney or judge; and 350

(ii) The state or political subdivision in which a 351
designated public service worker resides. 352

(b) Information compiled from referral to or participation 353
in an employee assistance program; 354

(c) The social security number, the residential telephone 355
number, any bank account, debit card, charge card, or credit 356
card number, or the emergency telephone number of, or any 357
medical information pertaining to, a designated public service 358
worker; 359

(d) The name of any beneficiary of employment benefits, 360
including, but not limited to, life insurance benefits, provided 361
to a designated public service worker by the designated public 362
service worker's employer; 363

(e) The identity and amount of any charitable or 364

employment benefit deduction made by the designated public 365
service worker's employer from the designated public service 366
worker's compensation, unless the amount of the deduction is 367
required by state or federal law; 368

(f) The name, the residential address, the name of the 369
employer, the address of the employer, the social security 370
number, the residential telephone number, any bank account, 371
debit card, charge card, or credit card number, or the emergency 372
telephone number of the spouse, a former spouse, or any child of 373
a designated public service worker; 374

(g) A photograph of a peace officer who holds a position 375
or has an assignment that may include undercover or plain 376
clothes positions or assignments as determined by the peace 377
officer's appointing authority. 378

(9) As used in divisions (A) (7) and (15) to (17) of this 379
section: 380

"Peace officer" has the meaning defined in section 109.71 381
of the Revised Code and also includes the superintendent and 382
troopers of the state highway patrol; it does not include the 383
sheriff of a county or a supervisory employee who, in the 384
absence of the sheriff, is authorized to stand in for, exercise 385
the authority of, and perform the duties of the sheriff. 386

"Correctional employee" means any employee of the 387
department of rehabilitation and correction who in the course of 388
performing the employee's job duties has or has had contact with 389
inmates and persons under supervision. 390

"County or multicounty corrections officer" means any 391
corrections officer employed by any county or multicounty 392
correctional facility. 393

"Designated Ohio national guard member" means a member of 394
the Ohio national guard who is participating in duties related 395
to remotely piloted aircraft, including, but not limited to, 396
pilots, sensor operators, and mission intelligence personnel, 397
duties related to special forces operations, or duties related 398
to cybersecurity, and is designated by the adjutant general as a 399
designated public service worker for those purposes. 400

"Protective services worker" means any employee of a 401
county agency who is responsible for child protective services, 402
child support services, or adult protective services. 403

"Youth services employee" means any employee of the 404
department of youth services who in the course of performing the 405
employee's job duties has or has had contact with children 406
committed to the custody of the department of youth services. 407

"Firefighter" means any regular, paid or volunteer, member 408
of a lawfully constituted fire department of a municipal 409
corporation, township, fire district, or village. 410

"EMT" means EMTs-basic, EMTs-I, and paramedics that 411
provide emergency medical services for a public emergency 412
medical service organization. "Emergency medical service 413
organization," "EMT-basic," "EMT-I," and "paramedic" have the 414
meanings defined in section 4765.01 of the Revised Code. 415

"Investigator of the bureau of criminal identification and 416
investigation" has the meaning defined in section 2903.11 of the 417
Revised Code. 418

"Emergency service telecommunicator" means an individual 419
employed by an emergency service provider as defined under 420
section 128.01 of the Revised Code, whose primary responsibility 421
is to be an operator for the receipt or processing of calls for 422

emergency services made by telephone, radio, or other electronic 423
means. 424

"Forensic mental health provider" means any employee of a 425
community mental health service provider or local alcohol, drug 426
addiction, and mental health services board who, in the course 427
of the employee's duties, has contact with persons committed to 428
a local alcohol, drug addiction, and mental health services 429
board by a court order pursuant to section 2945.38, 2945.39, 430
2945.40, or 2945.402 of the Revised Code. 431

"Mental health evaluation provider" means an individual 432
who, under Chapter 5122. of the Revised Code, examines a 433
respondent who is alleged to be a mentally ill person subject to 434
court order, as defined in section 5122.01 of the Revised Code, 435
and reports to the probate court the respondent's mental 436
condition. 437

"Regional psychiatric hospital employee" means any 438
employee of the department of mental health and addiction 439
services who, in the course of performing the employee's duties, 440
has contact with patients committed to the department of mental 441
health and addiction services by a court order pursuant to 442
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 443
Code. 444

"Federal law enforcement officer" has the meaning defined 445
in section 9.88 of the Revised Code. 446

(10) "Information pertaining to the recreational 447
activities of a person under the age of eighteen" means 448
information that is kept in the ordinary course of business by a 449
public office, that pertains to the recreational activities of a 450
person under the age of eighteen years, and that discloses any 451

of the following: 452

(a) The address or telephone number of a person under the 453
age of eighteen or the address or telephone number of that 454
person's parent, guardian, custodian, or emergency contact 455
person; 456

(b) The social security number, birth date, or 457
photographic image of a person under the age of eighteen; 458

(c) Any medical record, history, or information pertaining 459
to a person under the age of eighteen; 460

(d) Any additional information sought or required about a 461
person under the age of eighteen for the purpose of allowing 462
that person to participate in any recreational activity 463
conducted or sponsored by a public office or to use or obtain 464
admission privileges to any recreational facility owned or 465
operated by a public office. 466

(11) "Community control sanction" has the meaning defined 467
in section 2929.01 of the Revised Code. 468

(12) "Post-release control sanction" has the meaning 469
defined in section 2967.01 of the Revised Code. 470

(13) "Redaction" means obscuring or deleting any 471
information that is exempt from the duty to permit public 472
inspection or copying from an item that otherwise meets the 473
definition of a "record" in section 149.011 of the Revised Code. 474

(14) "Designee," "elected official," and "future official" 475
have the meanings defined in section 109.43 of the Revised Code. 476

(15) "Body-worn camera" means a visual and audio recording 477
device worn on the person of a correctional employee, youth 478
services employee, or peace officer while the correctional 479

employee, youth services employee, or peace officer is engaged 480
in the performance of official duties. 481

(16) "Dashboard camera" means a visual and audio recording 482
device mounted on a peace officer's vehicle or vessel that is 483
used while the peace officer is engaged in the performance of 484
the peace officer's duties. 485

(17) "Restricted portions of a body-worn camera or 486
dashboard camera recording" means any visual or audio portion of 487
a body-worn camera or dashboard camera recording that shows, 488
communicates, or discloses any of the following: 489

(a) The image or identity of a child or information that 490
could lead to the identification of a child who is a primary 491
subject of the recording when the department of rehabilitation 492
and correction, department of youth services, or the law 493
enforcement agency knows or has reason to know the person is a 494
child based on the department's or law enforcement agency's 495
records or the content of the recording; 496

(b) The death of a person or a deceased person's body, 497
unless the death was caused by a correctional employee, youth 498
services employee, or peace officer or, subject to division (H) 499
(1) of this section, the consent of the decedent's executor or 500
administrator has been obtained; 501

(c) The death of a correctional employee, youth services 502
employee, peace officer, firefighter, paramedic, or other first 503
responder, occurring while the decedent was engaged in the 504
performance of official duties, unless, subject to division (H) 505
(1) of this section, the consent of the decedent's executor or 506
administrator has been obtained; 507

(d) Grievous bodily harm, unless the injury was effected 508

by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

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

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

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

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

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

identify a person who is not the subject of a correctional, 538
youth services, or law enforcement encounter; 539

(j) Information that could identify the alleged victim of 540
a sex offense, menacing by stalking, or domestic violence; 541

(k) Information, that does not constitute a confidential 542
law enforcement investigatory record, that could identify a 543
person who provides sensitive or confidential information to the 544
department of rehabilitation and correction, the department of 545
youth services, or a law enforcement agency when the disclosure 546
of the person's identity or the information provided could 547
reasonably be expected to threaten or endanger the safety or 548
property of the person or another person; 549

(l) Personal information of a person who is not arrested, 550
cited, charged, or issued a written warning by a peace officer; 551

(m) Proprietary correctional, youth services, or police 552
contingency plans or tactics that are intended to prevent crime 553
and maintain public order and safety; 554

(n) A personal conversation unrelated to work between 555
correctional employees, youth services employees, or peace 556
officers or between a correctional employee, youth services 557
employee, or peace officer and an employee of a law enforcement 558
agency; 559

(o) A conversation between a correctional employee, youth 560
services employee, or peace officer and a member of the public 561
that does not concern correctional, youth services, or law 562
enforcement activities; 563

(p) The interior of a residence, unless the interior of a 564
residence is the location of an adversarial encounter with, or a 565
use of force by, a correctional employee, youth services 566

employee, or peace officer; 567

(q) Any portion of the interior of a private business that 568
is not open to the public, unless an adversarial encounter with, 569
or a use of force by, a correctional employee, youth services 570
employee, or peace officer occurs in that location. 571

As used in division (A) (17) of this section: 572

"Grievous bodily harm" has the same meaning as in section 573
5924.120 of the Revised Code. 574

"Health care facility" has the same meaning as in section 575
1337.11 of the Revised Code. 576

"Protected health information" has the same meaning as in 577
45 C.F.R. 160.103. 578

"Law enforcement agency" means a government entity that 579
employs peace officers to perform law enforcement duties. 580

"Personal information" means any government-issued 581
identification number, date of birth, address, financial 582
information, or criminal justice information from the law 583
enforcement automated data system or similar databases. 584

"Sex offense" has the same meaning as in section 2907.10 585
of the Revised Code. 586

"Firefighter," "paramedic," and "first responder" have the 587
same meanings as in section 4765.01 of the Revised Code. 588

(18) "Attorney work product record" means a record that is 589
not specific investigatory work product or a trial preparation 590
record and that is created by an attorney, or by the agent of an 591
attorney, in reasonable anticipation of or for litigation, 592
trial, or administrative proceedings, when acting in an official 593

capacity on behalf of the state, a political subdivision of the 594
state, a state agency, a public official, or a public employee, 595
that documents the independent thought processes, mental 596
impressions, legal theories, strategies, analysis, or reasoning 597
of an attorney or the agent of an attorney. 598

(19) "Elected official" means a person who is elected or 599
appointed to an elective office of the state or a political 600
subdivision. 601

(20) "Public calendar" means a calendar or appointment 602
book maintained by an elected official to schedule the elected 603
official's activities in relation to the elected official's 604
position as an elected official. "Public calendar" does not 605
include a personal calendar or appointment book maintained 606
solely for an elected official's personal convenience that does 607
not serve to document the elected official's official activities 608
or functions or the official activities or functions of the 609
elected official's public office. 610

(B) (1) Upon request by any person and subject to division 611
(B) (8) of this section, all public records responsive to the 612
request shall be promptly prepared and made available for 613
inspection to the requester at all reasonable times during 614
regular business hours. Subject to division (B) (8) of this 615
section, upon request by any person, a public office or person 616
responsible for public records shall make copies of the 617
requested public record available to the requester at cost and 618
within a reasonable period of time. 619

When considering whether a state or local law enforcement 620
agency or a prosecuting attorney's office promptly prepared a 621
video record for inspection or produced a copy of a video record 622
within a reasonable period of time, in addition to any other 623

factors, a court shall consider the time required for a state or 624
local law enforcement agency or a prosecuting attorney's office 625
to retrieve, download, review, redact, seek legal advice 626
regarding, and produce the video record. Except as specified in 627
division (B)(11) of this section, notwithstanding any other 628
requirement set forth in Chapter 149. of the Revised Code, a 629
state or local law enforcement agency or a prosecuting 630
attorney's office may charge a requester the actual cost 631
associated with preparing a video record for inspection or 632
production, not to exceed seventy-five dollars per hour of video 633
produced, nor seven hundred fifty dollars total. As used in this 634
division, "actual cost," with respect to video records only, 635
means all costs incurred by the state or local law enforcement 636
agency or a prosecuting attorney's office in reviewing, blurring 637
or otherwise obscuring, redacting, uploading, or producing the 638
video records, including but not limited to the storage medium 639
on which the record is produced, staff time, and any other 640
relevant overhead necessary to comply with the request. A state 641
or local law enforcement agency or a prosecuting attorney's 642
office may include in its public records policy the requirement 643
that a requester pay the estimated actual cost before beginning 644
the process of preparing a video record for inspection or 645
production. Where a state or local law enforcement agency or a 646
prosecuting attorney's office imposes such a requirement, its 647
obligation to produce a video or make it available for 648
inspection begins once the estimated actual cost is paid in full 649
by the requester. A state or local law enforcement agency or a 650
prosecuting attorney's office shall provide the requester with 651
the estimated actual cost within five business days of receipt 652
of the public records request. If the actual cost exceeds the 653
estimated actual cost, a state or local law enforcement agency 654
or a prosecuting attorney's office may charge a requester for 655

the difference upon fulfilling a request for video records if 656
the requester is notified in advance that the actual cost may be 657
up to twenty per cent higher than the estimated actual cost. A 658
state or local law enforcement agency or a prosecuting 659
attorney's office shall not charge a requester a difference that 660
exceeds twenty per cent of the estimated actual cost. 661

If a public record contains information that is exempt 662
from the duty to permit public inspection or to copy the public 663
record, the public office or the person responsible for the 664
public record shall make available all of the information within 665
the public record that is not exempt. When making that public 666
record available for public inspection or copying that public 667
record, the public office or the person responsible for the 668
public record shall notify the requester of any redaction or 669
make the redaction plainly visible. A redaction shall be deemed 670
a denial of a request to inspect or copy the redacted 671
information, except if federal or state law authorizes or 672
requires a public office to make the redaction. When the auditor 673
of state receives a request to inspect or to make a copy of a 674
record that was provided to the auditor of state for purposes of 675
an audit, but the original public office has asserted to the 676
auditor of state that the record is not a public record, the 677
auditor of state may handle the requests by directing the 678
requestor to the original public office that provided the record 679
to the auditor of state. 680

(2) To facilitate broader access to public records, a 681
public office or the person responsible for public records shall 682
organize and maintain public records in a manner that they can 683
be made available for inspection or copying in accordance with 684
division (B) of this section. A public office also shall have 685
available a copy of its current records retention schedule at a 686

location readily available to the public. If a requester makes 687
an ambiguous or overly broad request or has difficulty in making 688
a request for copies or inspection of public records under this 689
section such that the public office or the person responsible 690
for the requested public record cannot reasonably identify what 691
public records are being requested, the public office or the 692
person responsible for the requested public record may deny the 693
request but shall provide the requester with an opportunity to 694
revise the request by informing the requester of the manner in 695
which records are maintained by the public office and accessed 696
in the ordinary course of the public office's or person's 697
duties. 698

(3) If a request is ultimately denied, in part or in 699
whole, the public office or the person responsible for the 700
requested public record shall provide the requester with an 701
explanation, including legal authority, setting forth why the 702
request was denied. If the initial request was provided in 703
writing, the explanation also shall be provided to the requester 704
in writing. The explanation shall not preclude the public office 705
or the person responsible for the requested public record from 706
relying upon additional reasons or legal authority in defending 707
an action commenced under division (C) of this section. 708

(4) Unless specifically required or authorized by state or 709
federal law or in accordance with division (B) of this section, 710
no public office or person responsible for public records may 711
limit or condition the availability of public records by 712
requiring disclosure of the requester's identity or the intended 713
use of the requested public record. Any requirement that the 714
requester disclose the requester's identity or the intended use 715
of the requested public record constitutes a denial of the 716
request. 717

(5) A public office or person responsible for public 718
records may ask a requester to make the request in writing, may 719
ask for the requester's identity, and may inquire about the 720
intended use of the information requested, but may do so only 721
after disclosing to the requester that a written request is not 722
mandatory, that the requester may decline to reveal the 723
requester's identity or the intended use, and when a written 724
request or disclosure of the identity or intended use would 725
benefit the requester by enhancing the ability of the public 726
office or person responsible for public records to identify, 727
locate, or deliver the public records sought by the requester. 728

(6) If any person requests a copy of a public record in 729
accordance with division (B) of this section, the public office 730
or person responsible for the public record may require the 731
requester to pay in advance the cost involved in providing the 732
copy of the public record in accordance with the choice made by 733
the requester under this division. The public office or the 734
person responsible for the public record shall permit the 735
requester to choose to have the public record duplicated upon 736
paper, upon the same medium upon which the public office or 737
person responsible for the public record keeps it, or upon any 738
other medium upon which the public office or person responsible 739
for the public record determines that it reasonably can be 740
duplicated as an integral part of the normal operations of the 741
public office or person responsible for the public record. When 742
the requester makes a choice under this division, the public 743
office or person responsible for the public record shall provide 744
a copy of it in accordance with the choice made by the 745
requester. Nothing in this section requires a public office or 746
person responsible for the public record to allow the requester 747
of a copy of the public record to make the copies of the public 748

record. 749

(7) (a) Upon a request made in accordance with division (B) 750
of this section and subject to division (B) (6) of this section, 751
a public office or person responsible for public records shall 752
transmit a copy of a public record to any person by United 753
States mail or by any other means of delivery or transmission 754
within a reasonable period of time after receiving the request 755
for the copy. The public office or person responsible for the 756
public record may require the person making the request to pay 757
in advance the cost of postage if the copy is transmitted by 758
United States mail or the cost of delivery if the copy is 759
transmitted other than by United States mail, and to pay in 760
advance the costs incurred for other supplies used in the 761
mailing, delivery, or transmission. 762

(b) Any public office may adopt a policy and procedures 763
that it will follow in transmitting, within a reasonable period 764
of time after receiving a request, copies of public records by 765
United States mail or by any other means of delivery or 766
transmission pursuant to division (B) (7) of this section. A 767
public office that adopts a policy and procedures under division 768
(B) (7) of this section shall comply with them in performing its 769
duties under that division. 770

(c) In any policy and procedures adopted under division 771
(B) (7) of this section: 772

(i) A public office may limit the number of records 773
requested by a person that the office will physically deliver by 774
United States mail or by another delivery service to ten per 775
month, unless the person certifies to the office in writing that 776
the person does not intend to use or forward the requested 777
records, or the information contained in them, for commercial 778

purposes; 779

(ii) A public office that chooses to provide some or all 780
of its public records on a web site that is fully accessible to 781
and searchable by members of the public at all times, other than 782
during acts of God outside the public office's control or 783
maintenance, and that charges no fee to search, access, 784
download, or otherwise receive records provided on the web site, 785
may limit to ten per month the number of records requested by a 786
person that the office will deliver in a digital format, unless 787
the requested records are not provided on the web site and 788
unless the person certifies to the office in writing that the 789
person does not intend to use or forward the requested records, 790
or the information contained in them, for commercial purposes. 791

(iii) For purposes of division (B)(7) of this section, 792
"commercial" shall be narrowly construed and does not include 793
reporting or gathering news, reporting or gathering information 794
to assist citizen oversight or understanding of the operation or 795
activities of government, or nonprofit educational research. 796

(8) A public office or person responsible for public 797
records is not required to permit a person who is incarcerated 798
pursuant to a criminal conviction or a juvenile adjudication to 799
inspect or to obtain a copy of any public record concerning a 800
criminal investigation or prosecution or concerning what would 801
be a criminal investigation or prosecution if the subject of the 802
investigation or prosecution were an adult, unless the request 803
to inspect or to obtain a copy of the record is for the purpose 804
of acquiring information that is subject to release as a public 805
record under this section and the judge who imposed the sentence 806
or made the adjudication with respect to the person, or the 807
judge's successor in office, finds that the information sought 808

in the public record is necessary to support what appears to be 809
a justiciable claim of the person. As used in this division, 810
"public record concerning a criminal investigation or 811
prosecution or concerning what would be a criminal investigation 812
or prosecution if the subject of the investigation were an 813
adult" includes, but is not limited to, personnel files and 814
payroll and attendance records of designated public service 815
workers. 816

(9) (a) Upon written request made and signed by a 817
journalist, a public office, or person responsible for public 818
records, having custody of the records of the agency employing a 819
specified designated public service worker shall disclose to the 820
journalist the address of the actual personal residence of the 821
designated public service worker and, if the designated public 822
service worker's spouse, former spouse, or child is employed by 823
a public office, the name and address of the employer of the 824
designated public service worker's spouse, former spouse, or 825
child, and any past, current, and future work schedules of the 826
designated public service worker. The request shall include the 827
journalist's name and title and the name and address of the 828
journalist's employer and shall state that disclosure of the 829
information sought would be in the public interest. 830

(b) Division (B) (9) (a) of this section also applies to 831
journalist requests for: 832

(i) Customer information maintained by a municipally owned 833
or operated public utility, other than social security numbers 834
and any private financial information such as credit reports, 835
payment methods, credit card numbers, and bank account 836
information; 837

(ii) Information about minors involved in a school vehicle 838

accident as provided in division (A)(1)(gg) of this section, 839
other than personal information as defined in section 149.45 of 840
the Revised Code; 841

(iii) A request form submitted to a public office under 842
section 149.45 of the Revised Code; 843

(iv) An affidavit submitted under section 319.28 of the 844
Revised Code. 845

(c) As used in division (B)(9) of this section, 846
"journalist" means a person engaged in, connected with, or 847
employed by any news medium, including a newspaper, magazine, 848
press association, news agency, or wire service, a radio or 849
television station, or a similar medium, for the purpose of 850
gathering, processing, transmitting, compiling, editing, or 851
disseminating information for the general public. 852

(10) Upon a request made by a victim, victim's attorney, 853
or victim's representative, as that term is used in section 854
2930.02 of the Revised Code, a public office or person 855
responsible for public records shall transmit a copy of a 856
depiction of the victim as described in division (A)(1)(ii) of 857
this section to the victim, victim's attorney, or victim's 858
representative. 859

(11) A state or local law enforcement agency or a 860
prosecuting attorney's office shall not charge a fee for 861
preparing a video record for inspection, or producing a copy of 862
a video record, when the requester of the video record is a 863
victim, as defined in Ohio Constitution, Article I, Section 10a, 864
or who is a victim who suffered loss and could seek remedy 865
through a tort action as defined by section 2307.011 of the 866
Revised Code, who reasonably asserts that the video recording 867

relates to the act or omission that caused the victim's harm or 868
loss, or who is the legal counsel or insurer of the victim. A 869
fee under this section may only be waived upon the receipt of an 870
affidavit by the victim or the victim's legal counsel 871
identifying that the use of the video is to investigate harm or 872
damages that may have been captured on the video. 873

As used in this division, "legal counsel of the victim" 874
means an attorney who, at the time of making the request, 875
produces to the state or local law enforcement agency or a 876
prosecuting attorney's office a signed retention agreement or 877
letter of representation that establishes that the attorney is 878
representing the victim. 879

(C) (1) If a person allegedly is aggrieved by the failure 880
of a public office or the person responsible for public records 881
to promptly prepare a public record and to make it available to 882
the person for inspection in accordance with division (B) of 883
this section or by any other failure of a public office or the 884
person responsible for public records to comply with an 885
obligation in accordance with division (B) of this section, the 886
person allegedly aggrieved may serve pursuant to Rule 4 of the 887
Ohio Rules of Civil Procedure a complaint, on a form prescribed 888
by the clerk of the court of claims, to the public office or 889
person responsible for public records allegedly responsible for 890
the alleged failure. Upon receipt of the complaint of the person 891
allegedly aggrieved, the public office or person responsible for 892
public records has three business days to cure or otherwise 893
address the failure alleged in the complaint. The person 894
allegedly aggrieved shall not file a complaint with a court or 895
commence a mandamus action under this section within the three- 896
day period. Upon the expiration of the three-day period, the 897
person allegedly aggrieved may, subject to the requirements of 898

division (C) (2) of this section, do only one of the following, 899
and not both: 900

(a) File a complaint with the clerk of the court of claims 901
or the clerk of the court of common pleas under section 2743.75 902
of the Revised Code; 903

(b) Commence a mandamus action to obtain a judgment that 904
orders the public office or the person responsible for the 905
public record to comply with division (B) of this section, that 906
awards court costs and reasonable attorney's fees to the person 907
that instituted the mandamus action, and, if applicable, that 908
includes an order fixing statutory damages under division (C) (3) 909
of this section. The mandamus action may be commenced in the 910
court of common pleas of the county in which division (B) of 911
this section allegedly was not complied with, in the supreme 912
court pursuant to its original jurisdiction under Section 2 of 913
Article IV, Ohio Constitution, or in the court of appeals for 914
the appellate district in which division (B) of this section 915
allegedly was not complied with pursuant to its original 916
jurisdiction under Section 3 of Article IV, Ohio Constitution. 917

(2) Upon filing a complaint or mandamus action with a 918
court under divisions (C) (1) (a) or (b) of this section, a person 919
allegedly aggrieved shall file with the court, in conjunction 920
with the person's complaint or petition, a written affirmation 921
stating that the person properly transmitted a complaint to the 922
public office or person responsible for public records, the 923
failure alleged in the complaint has not been cured or otherwise 924
resolved to the person's satisfaction, and that the complaint 925
was transmitted to the public office or person responsible for 926
public records at least three business days before the filing of 927
the suit. If the person fails to file an affirmation pursuant to 928

this division, the suit shall be dismissed. 929

(3) If a requester transmits a written request by hand 930
delivery, electronic submission, or certified mail to inspect or 931
receive copies of any public record in a manner that fairly 932
describes the public record or class of public records to the 933
public office or person responsible for the requested public 934
records, except as otherwise provided in this section, the 935
requester shall be entitled to recover the amount of statutory 936
damages set forth in this division if a court determines that 937
the public office or the person responsible for public records 938
failed to comply with an obligation in accordance with division 939
(B) of this section. Statutory damages are not available 940
pursuant to this section to a person committed to the custody of 941
the department of rehabilitation and correction or the United 942
States bureau of prisons, or a child committed to the department 943
of youth services as permitted in Chapter 2152. of the Revised 944
Code. 945

The amount of statutory damages shall be fixed at one 946
hundred dollars for each business day during which the public 947
office or person responsible for the requested public records 948
failed to comply with an obligation in accordance with division 949
(B) of this section, beginning with the day on which the 950
requester files a mandamus action to recover statutory damages, 951
up to a maximum of one thousand dollars. The award of statutory 952
damages shall not be construed as a penalty, but as compensation 953
for injury arising from lost use of the requested information. 954
The existence of this injury shall be conclusively presumed. The 955
award of statutory damages shall be in addition to all other 956
remedies authorized by this section. 957

The court may reduce an award of statutory damages or not 958

award statutory damages if the court determines both of the 959
following: 960

(a) That, based on the ordinary application of statutory 961
law and case law as it existed at the time of the conduct or 962
threatened conduct of the public office or person responsible 963
for the requested public records that allegedly constitutes a 964
failure to comply with an obligation in accordance with division 965
(B) of this section and that was the basis of the mandamus 966
action, a well-informed public office or person responsible for 967
the requested public records reasonably would believe that the 968
conduct or threatened conduct of the public office or person 969
responsible for the requested public records did not constitute 970
a failure to comply with an obligation in accordance with 971
division (B) of this section; 972

(b) That a well-informed public office or person 973
responsible for the requested public records reasonably would 974
believe that the conduct or threatened conduct of the public 975
office or person responsible for the requested public records 976
would serve the public policy that underlies the authority that 977
is asserted as permitting that conduct or threatened conduct. 978

(4) In a mandamus action filed under division (C) (1) of 979
this section, the following apply: 980

(a) (i) If the court orders the public office or the person 981
responsible for the public record to comply with division (B) of 982
this section, the court shall determine and award to the relator 983
all court costs, which shall be construed as remedial and not 984
punitive. 985

(ii) If the court makes a determination described in 986
division (C) (4) (b) (iii) of this section, the court shall 987

determine and award to the relator all court costs, which shall 988
be construed as remedial and not punitive. 989

(b) If the court renders a judgment that orders the public 990
office or the person responsible for the public record to comply 991
with division (B) of this section or if the court determines any 992
of the following, the court may award reasonable attorney's fees 993
to the relator, subject to division (C) (5) of this section: 994

(i) The public office or the person responsible for the 995
public records failed to respond affirmatively or negatively to 996
the public records request in accordance with the time allowed 997
under division (B) of this section. 998

(ii) The public office or the person responsible for the 999
public records promised to permit the relator to inspect or 1000
receive copies of the public records requested within a 1001
specified period of time but failed to fulfill that promise 1002
within that specified period of time. 1003

(iii) The public office or the person responsible for the 1004
public records acted in bad faith when the office or person 1005
voluntarily made the public records available to the relator for 1006
the first time after the relator commenced the mandamus action, 1007
but before the court issued any order concluding whether or not 1008
the public office or person was required to comply with division 1009
(B) of this section. No discovery may be conducted on the issue 1010
of the alleged bad faith of the public office or person 1011
responsible for the public records. This division shall not be 1012
construed as creating a presumption that the public office or 1013
the person responsible for the public records acted in bad faith 1014
when the office or person voluntarily made the public records 1015
available to the relator for the first time after the relator 1016
commenced the mandamus action, but before the court issued any 1017

order described in this division. 1018

(c) The court shall not award attorney's fees to the 1019
relator if the court determines both of the following: 1020

(i) That, based on the ordinary application of statutory 1021
law and case law as it existed at the time of the conduct or 1022
threatened conduct of the public office or person responsible 1023
for the requested public records that allegedly constitutes a 1024
failure to comply with an obligation in accordance with division 1025
(B) of this section and that was the basis of the mandamus 1026
action, a well-informed public office or person responsible for 1027
the requested public records reasonably would believe that the 1028
conduct or threatened conduct of the public office or person 1029
responsible for the requested public records did not constitute 1030
a failure to comply with an obligation in accordance with 1031
division (B) of this section; 1032

(ii) That a well-informed public office or person 1033
responsible for the requested public records reasonably would 1034
believe that the conduct or threatened conduct of the public 1035
office or person responsible for the requested public records 1036
would serve the public policy that underlies the authority that 1037
is asserted as permitting that conduct or threatened conduct. 1038

(5) All of the following apply to any award of reasonable 1039
attorney's fees awarded under division (C) (4) (b) of this 1040
section: 1041

(a) The fees shall be construed as remedial and not 1042
punitive. 1043

(b) The fees awarded shall not exceed the total of the 1044
reasonable attorney's fees incurred before the public record was 1045
made available to the relator and the fees described in division 1046

(C) (5) (c) of this section. 1047

(c) Reasonable attorney's fees shall include reasonable 1048
fees incurred to produce proof of the reasonableness and amount 1049
of the fees and to otherwise litigate entitlement to the fees. 1050

(d) The court may reduce the amount of fees awarded if the 1051
court determines that, given the factual circumstances involved 1052
with the specific public records request, an alternative means 1053
should have been pursued to more effectively and efficiently 1054
resolve the dispute that was subject to the mandamus action 1055
filed under division (C) (1) of this section. 1056

(6) If the court does not issue a writ of mandamus under 1057
division (C) of this section and the court determines at that 1058
time that the bringing of the mandamus action was frivolous 1059
conduct as defined in division (A) of section 2323.51 of the 1060
Revised Code, the court may award to the public office all court 1061
costs, expenses, and reasonable attorney's fees, as determined 1062
by the court. 1063

(D) Chapter 1347. of the Revised Code does not limit the 1064
provisions of this section. 1065

(E) (1) To ensure that all employees of public offices are 1066
appropriately educated about a public office's obligations under 1067
division (B) of this section, all elected officials or their 1068
appropriate designees shall attend training approved by the 1069
attorney general as provided in section 109.43 of the Revised 1070
Code. A future official may satisfy the requirements of this 1071
division by attending the training before taking office, 1072
provided that the future official may not send a designee in the 1073
future official's place. 1074

(2) All public offices shall adopt a public records policy 1075

in compliance with this section for responding to public records 1076
requests. In adopting a public records policy under this 1077
division, a public office may obtain guidance from the model 1078
public records policy developed and provided to the public 1079
office by the attorney general under section 109.43 of the 1080
Revised Code. Except as otherwise provided in this section, the 1081
policy may not limit the number of public records that the 1082
public office will make available to a single person, may not 1083
limit the number of public records that it will make available 1084
during a fixed period of time, and may not establish a fixed 1085
period of time before it will respond to a request for 1086
inspection or copying of public records, unless that period is 1087
less than eight hours. 1088

The public office shall distribute the public records 1089
policy adopted by the public office under this division to the 1090
employee of the public office who is the records custodian or 1091
records manager or otherwise has custody of the records of that 1092
office. The public office shall require that employee to 1093
acknowledge receipt of the copy of the public records policy. 1094
The public office shall create a poster that describes its 1095
public records policy and shall post the poster in a conspicuous 1096
place in the public office and in all locations where the public 1097
office has branch offices. The public office may post its public 1098
records policy on the internet web site of the public office if 1099
the public office maintains an internet web site. A public 1100
office that has established a manual or handbook of its general 1101
policies and procedures for all employees of the public office 1102
shall include the public records policy of the public office in 1103
the manual or handbook. 1104

(F) (1) The bureau of motor vehicles may adopt rules 1105
pursuant to Chapter 119. of the Revised Code to reasonably limit 1106

the number of bulk commercial special extraction requests made 1107
by a person for the same records or for updated records during a 1108
calendar year. The rules may include provisions for charges to 1109
be made for bulk commercial special extraction requests for the 1110
actual cost of the bureau, plus special extraction costs, plus 1111
ten per cent. The bureau may charge for expenses for redacting 1112
information, the release of which is prohibited by law. 1113

(2) As used in division (F)(1) of this section: 1114

(a) "Actual cost" means the cost of depleted supplies, 1115
records storage media costs, actual mailing and alternative 1116
delivery costs, or other transmitting costs, and any direct 1117
equipment operating and maintenance costs, including actual 1118
costs paid to private contractors for copying services. 1119

(b) "Bulk commercial special extraction request" means a 1120
request for copies of a record for information in a format other 1121
than the format already available, or information that cannot be 1122
extracted without examination of all items in a records series, 1123
class of records, or database by a person who intends to use or 1124
forward the copies for surveys, marketing, solicitation, or 1125
resale for commercial purposes. "Bulk commercial special 1126
extraction request" does not include a request by a person who 1127
gives assurance to the bureau that the person making the request 1128
does not intend to use or forward the requested copies for 1129
surveys, marketing, solicitation, or resale for commercial 1130
purposes. 1131

(c) "Commercial" means profit-seeking production, buying, 1132
or selling of any good, service, or other product. 1133

(d) "Special extraction costs" means the cost of the time 1134
spent by the lowest paid employee competent to perform the task, 1135

the actual amount paid to outside private contractors employed 1136
by the bureau, or the actual cost incurred to create computer 1137
programs to make the special extraction. "Special extraction 1138
costs" include any charges paid to a public agency for computer 1139
or records services. 1140

(3) For purposes of divisions (F) (1) and (2) of this 1141
section, "surveys, marketing, solicitation, or resale for 1142
commercial purposes" shall be narrowly construed and does not 1143
include reporting or gathering news, reporting or gathering 1144
information to assist citizen oversight or understanding of the 1145
operation or activities of government, or nonprofit educational 1146
research. 1147

(G) A request by a defendant, counsel of a defendant, or 1148
any agent of a defendant in a criminal action that public 1149
records related to that action be made available under this 1150
section shall be considered a demand for discovery pursuant to 1151
the Criminal Rules, except to the extent that the Criminal Rules 1152
plainly indicate a contrary intent. The defendant, counsel of 1153
the defendant, or agent of the defendant making a request under 1154
this division shall serve a copy of the request on the 1155
prosecuting attorney, director of law, or other chief legal 1156
officer responsible for prosecuting the action. 1157

(H) (1) Any portion of a body-worn camera or dashboard 1158
camera recording described in divisions (A) (17) (b) to (h) of 1159
this section may be released by consent of the subject of the 1160
recording or a representative of that person, as specified in 1161
those divisions, only if either of the following applies: 1162

(a) The recording will not be used in connection with any 1163
probable or pending criminal proceedings; 1164

(b) The recording has been used in connection with a 1165
criminal proceeding that was dismissed or for which a judgment 1166
has been entered pursuant to Rule 32 of the Rules of Criminal 1167
Procedure, and will not be used again in connection with any 1168
probable or pending criminal proceedings. 1169

(2) If a public office denies a request to release a 1170
restricted portion of a body-worn camera or dashboard camera 1171
recording, as defined in division (A)(17) of this section, any 1172
person may file a mandamus action pursuant to this section or a 1173
complaint with the clerk of the court of claims pursuant to 1174
section 2743.75 of the Revised Code, requesting the court to 1175
order the release of all or portions of the recording. If the 1176
court considering the request determines that the filing 1177
articulates by clear and convincing evidence that the public 1178
interest in the recording substantially outweighs privacy 1179
interests and other interests asserted to deny release, the 1180
court shall order the public office to release the recording. 1181

Section 2. That existing section 149.43 of the Revised 1182
Code is hereby repealed. 1183

Section 3. This act shall be known as the Grand Jury 1184
Privacy and Protection Act. 1185