

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 837

Representatives Russo, Brownlee

**Cosponsors: Representatives Piccolantonio, Sigrist, Click, Lett, Brennan, White,
E., Upchurch, Grim, Troy**

To amend section 149.43 of the Revised Code to 1
protect from release under Ohio Public Records 2
Law the residential and familial information of 3
mental health professionals and social workers. 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 children and youth or, pursuant to section 3111.69 32
of the Revised Code, the office of child support in the 33
department of job and family services or a child support 34
enforcement agency; 35

(f) Records specified in division (A) of section 3107.52 36
of the Revised Code; 37

(g) Trial preparation records, prior to the conclusion of 38
all direct appeals or, if no appeal is filed, prior to the 39
expiration of the time during which an appeal may be filed, or, 40
if no trial has occurred, until the civil or criminal action or 41
proceeding has ended without the possibility of direct appeal or 42
each agency, office, or official responsible for the matter has 43
made a decision not to proceed with the matter; 44

(h) Confidential law enforcement investigatory records; 45

(i) Records containing information that is confidential 46
under section 2710.03 or 4112.05 of the Revised Code; 47

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	48 49
(k) Inmate records under section 5120.21 of the Revised Code, except for permitted disclosure of the information listed in division (E)(1) of that section;	50 51 52
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	53 54 55 56
(m) Intellectual property records;	57
(n) Donor profile records;	58
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	59 60
(p) Designated public service worker residential and familial information;	61 62
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	63 64 65 66 67
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	68 69
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons	70 71 72 73 74 75

participating in the director's review, and all work products of 76
the board or director, and in the case of a child fatality 77
review board, child fatality review data submitted by the board 78
to the department of health or a national child death review 79
database, other than the report prepared pursuant to division 80
(A) of section 307.626 of the Revised Code; 81

(t) Records provided to and statements made by the 82
executive director of a public children services agency or a 83
prosecuting attorney acting pursuant to section 5153.171 of the 84
Revised Code other than the information released under that 85
section; 86

(u) Test materials, examinations, or evaluation tools used 87
in an examination for licensure as a nursing home administrator 88
that the board of executives of long-term services and supports 89
administers under section 4751.15 of the Revised Code or 90
contracts under that section with a private or government entity 91
to administer; 92

(v) Records the release of which is prohibited by state or 93
federal law; 94

(w) Proprietary information of or relating to any person 95
that is submitted to or compiled by the Ohio venture capital 96
authority created under section 150.01 of the Revised Code; 97

(x) Financial statements and data any person submits for 98
any purpose to the Ohio housing finance agency or the 99
controlling board in connection with applying for, receiving, or 100
accounting for financial assistance from the agency, and 101
information that identifies any individual who benefits directly 102
or indirectly from financial assistance from the agency; 103

(y) Records listed in section 5101.29 of the Revised Code; 104

(z) Discharges recorded with a county recorder under	105
section 317.24 of the Revised Code, as specified in division (B)	106
(2) of that section;	107
(aa) Usage information including names and addresses of	108
specific residential and commercial customers of a municipally	109
owned or operated public utility;	110
(bb) Records described in division (C) of section 187.04	111
of the Revised Code that are not designated to be made available	112
to the public as provided in that division;	113
(cc) Information and records that are made confidential,	114
privileged, and not subject to disclosure under divisions (B)	115
and (C) of section 2949.221 of the Revised Code;	116
(dd) Personal information, as defined in section 149.45 of	117
the Revised Code;	118
(ee) The confidential name, address, and other personally	119
identifiable information of a program participant in the address	120
confidentiality program established under sections 111.41 to	121
111.47 of the Revised Code, including the contents of any	122
application for absent voter's ballots, absent voter's ballot	123
identification envelope statement of voter, or provisional	124
ballot affirmation completed by a program participant who has a	125
confidential voter registration record; records or portions of	126
records pertaining to that program that identify the number of	127
program participants that reside within a precinct, ward,	128
township, municipal corporation, county, or any other geographic	129
area smaller than the state; and any real property	130
confidentiality notice filed under section 111.431 of the	131
Revised Code and the information described in division (C) of	132
that section. As used in this division, "confidential address"	133

and "program participant" have the meaning defined in section 134
111.41 of the Revised Code. 135

(ff) Orders for active military service of an individual 136
serving or with previous service in the armed forces of the 137
United States, including a reserve component, or the Ohio 138
organized militia, except that, such order becomes a public 139
record on the day that is fifteen years after the published date 140
or effective date of the call to order; 141

(gg) The name, address, contact information, or other 142
personal information of an individual who is less than eighteen 143
years of age that is included in any record related to a traffic 144
accident involving a school vehicle in which the individual was 145
an occupant at the time of the accident; 146

(hh) Protected health information, as defined in 45 C.F.R. 147
160.103, that is in a claim for payment for a health care 148
product, service, or procedure, as well as any other health 149
claims data in another document that reveals the identity of an 150
individual who is the subject of the data or could be used to 151
reveal that individual's identity; 152

(ii) Any depiction by photograph, film, videotape, or 153
printed or digital image under either of the following 154
circumstances: 155

(i) The depiction is that of a victim of an offense the 156
release of which would be, to a reasonable person of ordinary 157
sensibilities, an offensive and objectionable intrusion into the 158
victim's expectation of bodily privacy and integrity. 159

(ii) The depiction captures or depicts the victim of a 160
sexually oriented offense, as defined in section 2950.01 of the 161
Revised Code, at the actual occurrence of that offense. 162

(jj) Restricted portions of a body-worn camera or dashboard camera recording;	163 164
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	165 166 167 168 169 170 171 172 173
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 5180.27 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 5180.277 of the Revised Code;	174 175 176 177 178 179 180
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	181 182 183 184
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.	185 186 187 188 189 190 191

(oo) Telephone numbers for a party to a motor vehicle	192
accident subject to the requirements of section 5502.11 of the	193
Revised Code that are listed on any law enforcement record or	194
report, except that the telephone numbers described in this	195
division are not excluded from the definition of "public record"	196
under this division on and after the thirtieth day after the	197
occurrence of the motor vehicle accident.	198
(pp) Records pertaining to individuals who complete	199
training under section 5502.703 of the Revised Code to be	200
permitted by a school district board of education or governing	201
body of a community school established under Chapter 3314. of	202
the Revised Code, a STEM school established under Chapter 3326.	203
of the Revised Code, or a chartered nonpublic school to convey	204
deadly weapons or dangerous ordnance into a school safety zone;	205
(qq) Records, documents, reports, or other information	206
presented to a domestic violence fatality review board	207
established under section 307.651 of the Revised Code,	208
statements made by board members during board meetings, all work	209
products of the board, and data submitted by the board to the	210
department of health, other than a report prepared pursuant to	211
section 307.656 of the Revised Code;	212
(rr) Records, documents, and information the release of	213
which is prohibited under sections 2930.04 and 2930.07 of the	214
Revised Code;	215
(ss) Records of an existing qualified nonprofit	216
corporation that creates a special improvement district under	217
Chapter 1710. of the Revised Code that do not pertain to a	218
purpose for which the district is created;	219
(tt) Educational support services data, as defined in	220

section 3319.325 of the Revised Code;	221
(uu) Records of the past, current, and future work	222
schedule of a designated public service worker. As used in	223
division (A)(1)(uu) of this section, "work schedule" does not	224
include the docket of cases of a court, judge, or magistrate;	225
(vv) A request form or confirmation letter submitted to a	226
public office under section 149.45 of the Revised Code;	227
(ww) An affidavit or confirmation letter submitted under	228
section 319.28 of the Revised Code;	229
(xx) License or certificate application or renewal	230
responses and supporting documentation submitted to the state	231
medical board regarding an applicant's, or a license or	232
certificate holder's, inability to practice according to	233
acceptable and prevailing standards of care by reason of a	234
medical condition;	235
(yy) Images and data captured by an automated license	236
plate recognition system that are maintained in a law	237
enforcement database;	238
(zz) Attorney work product record;	239
(aaa) Any entry on the public calendar of an elected	240
official that is for any date that is after the date the record	241
is requested;	242
(bbb) Records pertaining to burial sites under section	243
149.3010 of the Revised Code.	244
A record that is not a public record under division (A)(1)	245
of this section and that, under law, is permanently retained	246
becomes a public record on the day that is seventy-five years	247
after the day on which the record was created, or in the case of	248

a record that is not a public record under division (A) (1) (uu) 249
of this section that is retained, three years after the day on 250
which the record was created, except for any record protected by 251
the attorney-client privilege, a trial preparation record as 252
defined in this section, a statement prohibiting the release of 253
identifying information signed under section 3107.083 of the 254
Revised Code, a denial of release form filed pursuant to section 255
3107.46 of the Revised Code, records pertaining to burial sites 256
under section 149.3010 of the Revised Code, or any record that 257
is exempt from release or disclosure under section 149.433 of 258
the Revised Code. If the record is a birth certificate and a 259
biological parent's name redaction request form has been 260
accepted under section 3107.391 of the Revised Code, the name of 261
that parent shall be redacted from the birth certificate before 262
it is released under this paragraph. If any other section of the 263
Revised Code establishes a time period for disclosure of a 264
record that conflicts with the time period specified in this 265
section, the time period in the other section prevails. 266

(2) (a) "Confidential law enforcement investigatory record" 267
means any record that pertains to a law enforcement matter of a 268
criminal, quasi-criminal, civil, or administrative nature, but 269
only to the extent that the release of the record would create a 270
high probability of disclosure of any of the following: 271

(i) The identity of a suspect who has not been charged 272
with the offense to which the record pertains, or of an 273
information source or witness to whom confidentiality has been 274
reasonably promised; 275

(ii) Information provided by an information source or 276
witness to whom confidentiality has been reasonably promised, 277
which information would reasonably tend to disclose the source's 278

or witness's identity;	279
(iii) Specific confidential investigatory techniques or	280
procedures or specific investigatory work product;	281
(iv) Information that would endanger the life or physical	282
safety of law enforcement personnel, a crime victim, a witness,	283
or a confidential information source.	284
(b) As used in divisions (A) (2) and (18) of this section,	285
"specific investigatory work product" means information	286
assembled by law enforcement officials in connection with a	287
probable or pending criminal or civil proceeding, with the	288
exception of routine incident reports. "Specific investigatory	289
work product" is not a public record prior to the conclusion of	290
all direct appeals, or, if no appeal is filed, prior to the	291
expiration of the time during which an appeal may be filed, or,	292
if no trial has occurred, until the criminal or civil proceeding	293
has ended without possibility of direct appeal or each agency,	294
office, or official responsible for the matter has made a	295
decision not to proceed with the matter.	296
(3) "Medical record" means any document or combination of	297
documents, except births, deaths, and the fact of admission to	298
or discharge from a hospital, that pertains to the medical	299
history, diagnosis, prognosis, or medical condition of a patient	300
and that is generated and maintained in the process of medical	301
treatment.	302
(4) "Trial preparation record" means any record created by	303
or for another party or by or for that party's representative,	304
in reasonable anticipation of, or in defense of, a civil or	305
criminal action or proceeding, that is not a confidential law	306
enforcement investigatory record or attorney work product record	307

and that contains factual information that is specifically 308
compiled for that civil or criminal action or proceeding. 309

(5) "Intellectual property record" means a record, other 310
than a financial or administrative record, that is produced or 311
collected by or for faculty or staff of a state institution of 312
higher learning in the conduct of or as a result of study or 313
research on an educational, commercial, scientific, artistic, 314
technical, or scholarly issue, regardless of whether the study 315
or research was sponsored by the institution alone or in 316
conjunction with a governmental body or private concern, and 317
that has not been publicly released, published, or patented. 318

(6) "Donor profile record" means all records about donors 319
or potential donors to a public institution of higher education 320
except the names and reported addresses of the actual donors and 321
the date, amount, and conditions of the actual donation. 322

(7) "Designated public service worker" means a peace 323
officer, parole officer, probation officer, bailiff, prosecuting 324
attorney, assistant prosecuting attorney, correctional employee, 325
county or multicounty corrections officer, community-based 326
correctional facility employee, designated Ohio national guard 327
member, protective services worker, youth services employee, 328
firefighter, EMT, medical director or member of a cooperating 329
physician advisory board of an emergency medical service 330
organization, state board of pharmacy employee, investigator of 331
the bureau of criminal identification and investigation, 332
emergency service telecommunicator, ~~forensic mental health~~ 333
~~provider, mental health evaluation provider, regional~~ 334
~~psychiatric hospital employee~~ professional, social worker, judge, 335
magistrate, or federal law enforcement officer. 336

(8) "Designated public service worker residential and 337

familial information" means any information that discloses any	338
of the following about a designated public service worker:	339
(a) The address of the actual personal residence of a	340
designated public service worker, except for the following	341
information:	342
(i) The address of the actual personal residence of a	343
prosecuting attorney or judge; and	344
(ii) The state or political subdivision in which a	345
designated public service worker resides.	346
(b) Information compiled from referral to or participation	347
in an employee assistance program;	348
(c) The social security number, the residential telephone	349
number, any bank account, debit card, charge card, or credit	350
card number, or the emergency telephone number of, or any	351
medical information pertaining to, a designated public service	352
worker;	353
(d) The name of any beneficiary of employment benefits,	354
including, but not limited to, life insurance benefits, provided	355
to a designated public service worker by the designated public	356
service worker's employer;	357
(e) The identity and amount of any charitable or	358
employment benefit deduction made by the designated public	359
service worker's employer from the designated public service	360
worker's compensation, unless the amount of the deduction is	361
required by state or federal law;	362
(f) The name, the residential address, the name of the	363
employer, the address of the employer, the social security	364
number, the residential telephone number, any bank account,	365

debit card, charge card, or credit card number, or the emergency 366
telephone number of the spouse, a former spouse, or any child of 367
a designated public service worker; 368

(g) A photograph of a peace officer who holds a position 369
or has an assignment that may include undercover or plain 370
clothes positions or assignments as determined by the peace 371
officer's appointing authority. 372

(9) As used in divisions (A) (7) and (15) to (17) of this 373
section: 374

"Peace officer" has the meaning defined in section 109.71 375
of the Revised Code and also includes the superintendent and 376
troopers of the state highway patrol; it does not include the 377
sheriff of a county or a supervisory employee who, in the 378
absence of the sheriff, is authorized to stand in for, exercise 379
the authority of, and perform the duties of the sheriff. 380

"Correctional employee" means any employee of the 381
department of rehabilitation and correction who in the course of 382
performing the employee's job duties has or has had contact with 383
inmates and persons under supervision. 384

"County or multicounty corrections officer" means any 385
corrections officer employed by any county or multicounty 386
correctional facility. 387

"Designated Ohio national guard member" means a member of 388
the Ohio national guard who is participating in duties related 389
to remotely piloted aircraft, including, but not limited to, 390
pilots, sensor operators, and mission intelligence personnel, 391
duties related to special forces operations, or duties related 392
to cybersecurity, and is designated by the adjutant general as a 393
designated public service worker for those purposes. 394

"Protective services worker" means any employee of a 395
county agency who is responsible for child protective services, 396
child support services, or adult protective services. 397

"Youth services employee" means any employee of the 398
department of youth services who in the course of performing the 399
employee's job duties has or has had contact with children 400
committed to the custody of the department of youth services. 401

"Firefighter" means any regular, paid or volunteer, member 402
of a lawfully constituted fire department of a municipal 403
corporation, township, fire district, or village. 404

"EMT" means EMTs-basic, EMTs-I, and paramedics that 405
provide emergency medical services for a public emergency 406
medical service organization. "Emergency medical service 407
organization," "EMT-basic," "EMT-I," and "paramedic" have the 408
meanings defined in section 4765.01 of the Revised Code. 409

"Investigator of the bureau of criminal identification and 410
investigation" has the meaning defined in section 2903.11 of the 411
Revised Code. 412

"Emergency service telecommunicator" means an individual 413
employed by an emergency service provider as defined under 414
section 128.01 of the Revised Code, whose primary responsibility 415
is to be an operator for the receipt or processing of calls for 416
emergency services made by telephone, radio, or other electronic 417
means. 418

"Mental health professional" means all of the following: 419

(a) Either of the following advanced practice registered 420
nurses who holds a current, valid license issued under Chapter 421
4723. of the Revised Code that authorizes the practice of 422
nursing as an advanced practice registered nurse: 423

(i) A clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center; 424
425
426

(ii) A certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center. 427
428
429

(b) A physician specializing in psychiatry; 430

(c) A psychologist, school psychologist, or independent school psychologist licensed under Chapter 4732. of the Revised Code or under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code; 431
432
433
434

(d) A forensic mental health provider; 435

(e) A mental health evaluation provider; 436

(f) A regional psychiatric hospital employee. 437

"Forensic mental health provider" means any employee of a 438
community mental health service provider or local alcohol, drug 439
addiction, and mental health services board who, in the course 440
of the employee's duties, has contact with persons committed to 441
a local alcohol, drug addiction, and mental health services 442
board by a court order pursuant to section 2945.38, 2945.39, 443
2945.40, or 2945.402 of the Revised Code. 444

"Mental health evaluation provider" means an individual 445
who, under Chapter 5122. of the Revised Code, examines a 446
respondent who is alleged to be a mentally ill person subject to 447
court order, as defined in section 5122.01 of the Revised Code, 448
and reports to the probate court the respondent's mental 449
condition. 450

"Regional psychiatric hospital employee" means any 451

employee of the department of mental health and addiction 452
services who, in the course of performing the employee's duties, 453
has contact with patients committed to the department of mental 454
health and addiction services by a court order pursuant to 455
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 456
Code. 457

"Social worker" means an individual licensed under Chapter 458
4757. of the Revised Code to practice as an independent social 459
worker, a social worker, a licensed professional clinical 460
counselor, a licensed professional counselor, an independent 461
marriage and family therapist, or a marriage and family 462
therapist. 463

"Federal law enforcement officer" has the meaning defined 464
in section 9.88 of the Revised Code. 465

(10) "Information pertaining to the recreational 466
activities of a person under the age of eighteen" means 467
information that is kept in the ordinary course of business by a 468
public office, that pertains to the recreational activities of a 469
person under the age of eighteen years, and that discloses any 470
of the following: 471

(a) The address or telephone number of a person under the 472
age of eighteen or the address or telephone number of that 473
person's parent, guardian, custodian, or emergency contact 474
person; 475

(b) The social security number, birth date, or 476
photographic image of a person under the age of eighteen; 477

(c) Any medical record, history, or information pertaining 478
to a person under the age of eighteen; 479

(d) Any additional information sought or required about a 480

person under the age of eighteen for the purpose of allowing 481
that person to participate in any recreational activity 482
conducted or sponsored by a public office or to use or obtain 483
admission privileges to any recreational facility owned or 484
operated by a public office. 485

(11) "Community control sanction" has the meaning defined 486
in section 2929.01 of the Revised Code. 487

(12) "Post-release control sanction" has the meaning 488
defined in section 2967.01 of the Revised Code. 489

(13) "Redaction" means obscuring or deleting any 490
information that is exempt from the duty to permit public 491
inspection or copying from an item that otherwise meets the 492
definition of a "record" in section 149.011 of the Revised Code. 493

(14) "Designee," "elected official," and "future official" 494
have the meanings defined in section 109.43 of the Revised Code. 495

(15) "Body-worn camera" means a visual and audio recording 496
device worn on the person of a correctional employee, youth 497
services employee, or peace officer while the correctional 498
employee, youth services employee, or peace officer is engaged 499
in the performance of official duties. 500

(16) "Dashboard camera" means a visual and audio recording 501
device mounted on a peace officer's vehicle or vessel that is 502
used while the peace officer is engaged in the performance of 503
the peace officer's duties. 504

(17) "Restricted portions of a body-worn camera or 505
dashboard camera recording" means any visual or audio portion of 506
a body-worn camera or dashboard camera recording that shows, 507
communicates, or discloses any of the following: 508

(a) The image or identity of a child or information that 509
could lead to the identification of a child who is a primary 510
subject of the recording when the department of rehabilitation 511
and correction, department of youth services, or the law 512
enforcement agency knows or has reason to know the person is a 513
child based on the department's or law enforcement agency's 514
records or the content of the recording; 515

(b) The death of a person or a deceased person's body, 516
unless the death was caused by a correctional employee, youth 517
services employee, or peace officer or, subject to division (H) 518
(1) of this section, the consent of the decedent's executor or 519
administrator has been obtained; 520

(c) The death of a correctional employee, youth services 521
employee, peace officer, firefighter, paramedic, or other first 522
responder, occurring while the decedent was engaged in the 523
performance of official duties, unless, subject to division (H) 524
(1) of this section, the consent of the decedent's executor or 525
administrator has been obtained; 526

(d) Grievous bodily harm, unless the injury was effected 527
by a correctional employee, youth services employee, or peace 528
officer or, subject to division (H) (1) of this section, the 529
consent of the injured person or the injured person's guardian 530
has been obtained; 531

(e) An act of severe violence against a person that 532
results in serious physical harm to the person, unless the act 533
and injury was effected by a correctional employee, youth 534
services employee, or peace officer or, subject to division (H) 535
(1) of this section, the consent of the injured person or the 536
injured person's guardian has been obtained; 537

(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;	538 539 540 541 542 543
(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;	544 545 546 547 548 549 550
(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained;	551 552
(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;	553 554 555 556 557 558
(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	559 560
(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could	561 562 563 564 565 566

reasonably be expected to threaten or endanger the safety or	567
property of the person or another person;	568
(1) Personal information of a person who is not arrested,	569
cited, charged, or issued a written warning by a peace officer;	570
(m) Proprietary correctional, youth services, or police	571
contingency plans or tactics that are intended to prevent crime	572
and maintain public order and safety;	573
(n) A personal conversation unrelated to work between	574
correctional employees, youth services employees, or peace	575
officers or between a correctional employee, youth services	576
employee, or peace officer and an employee of a law enforcement	577
agency;	578
(o) A conversation between a correctional employee, youth	579
services employee, or peace officer and a member of the public	580
that does not concern correctional, youth services, or law	581
enforcement activities;	582
(p) The interior of a residence, unless the interior of a	583
residence is the location of an adversarial encounter with, or a	584
use of force by, a correctional employee, youth services	585
employee, or peace officer;	586
(q) Any portion of the interior of a private business that	587
is not open to the public, unless an adversarial encounter with,	588
or a use of force by, a correctional employee, youth services	589
employee, or peace officer occurs in that location.	590
As used in division (A) (17) of this section:	591
"Grievous bodily harm" has the same meaning as in section	592
5924.120 of the Revised Code.	593
"Health care facility" has the same meaning as in section	594

1337.11 of the Revised Code.	595
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	596 597
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	598 599
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	600 601 602 603
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	604 605
"Firefighter," "paramedic," <u>"Paramedic"</u> and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	606 607 608
(18) "Attorney work product record" means a record that is not specific investigatory work product or a trial preparation record and that is created by an attorney, or by the agent of an attorney, in reasonable anticipation of or for litigation, trial, or administrative proceedings, when acting in an official capacity on behalf of the state, a political subdivision of the state, a state agency, a public official, or a public employee, that documents the independent thought processes, mental impressions, legal theories, strategies, analysis, or reasoning of an attorney or the agent of an attorney.	609 610 611 612 613 614 615 616 617 618
(19) "Elected official" means a person who is elected or appointed to an elective office of the state or a political subdivision.	619 620 621
(20) "Public calendar" means a calendar or appointment	622

book maintained by an elected official to schedule the elected 623
official's activities in relation to the elected official's 624
position as an elected official. "Public calendar" does not 625
include a personal calendar or appointment book maintained 626
solely for an elected official's personal convenience that does 627
not serve to document the elected official's official activities 628
or functions or the official activities or functions of the 629
elected official's public office. 630

(B) (1) Upon request by any person and subject to division 631
(B) (8) of this section, all public records responsive to the 632
request shall be promptly prepared and made available for 633
inspection to the requester at all reasonable times during 634
regular business hours. Subject to division (B) (8) of this 635
section, upon request by any person, a public office or person 636
responsible for public records shall make copies of the 637
requested public record available to the requester at cost and 638
within a reasonable period of time. 639

When considering whether a state or local law enforcement 640
agency or a prosecuting attorney's office promptly prepared a 641
video record for inspection or produced a copy of a video record 642
within a reasonable period of time, in addition to any other 643
factors, a court shall consider the time required for a state or 644
local law enforcement agency or a prosecuting attorney's office 645
to retrieve, download, review, redact, seek legal advice 646
regarding, and produce the video record. Except as specified in 647
division (B) (11) of this section, notwithstanding any other 648
requirement set forth in Chapter 149. of the Revised Code, a 649
state or local law enforcement agency or a prosecuting 650
attorney's office may charge a requester the actual cost 651
associated with preparing a video record for inspection or 652
production, not to exceed seventy-five dollars per hour of video 653

produced, nor seven hundred fifty dollars total. As used in this 654
division, "actual cost," with respect to video records only, 655
means all costs incurred by the state or local law enforcement 656
agency or a prosecuting attorney's office in reviewing, blurring 657
or otherwise obscuring, redacting, uploading, or producing the 658
video records, including but not limited to the storage medium 659
on which the record is produced, staff time, and any other 660
relevant overhead necessary to comply with the request. A state 661
or local law enforcement agency or a prosecuting attorney's 662
office may include in its public records policy the requirement 663
that a requester pay the estimated actual cost before beginning 664
the process of preparing a video record for inspection or 665
production. Where a state or local law enforcement agency or a 666
prosecuting attorney's office imposes such a requirement, its 667
obligation to produce a video or make it available for 668
inspection begins once the estimated actual cost is paid in full 669
by the requester. A state or local law enforcement agency or a 670
prosecuting attorney's office shall provide the requester with 671
the estimated actual cost within five business days of receipt 672
of the public records request. If the actual cost exceeds the 673
estimated actual cost, a state or local law enforcement agency 674
or a prosecuting attorney's office may charge a requester for 675
the difference upon fulfilling a request for video records if 676
the requester is notified in advance that the actual cost may be 677
up to twenty per cent higher than the estimated actual cost. A 678
state or local law enforcement agency or a prosecuting 679
attorney's office shall not charge a requester a difference that 680
exceeds twenty per cent of the estimated actual cost. 681

If a public record contains information that is exempt 682
from the duty to permit public inspection or to copy the public 683
record, the public office or the person responsible for the 684

public record shall make available all of the information within 685
the public record that is not exempt. When making that public 686
record available for public inspection or copying that public 687
record, the public office or the person responsible for the 688
public record shall notify the requester of any redaction or 689
make the redaction plainly visible. A redaction shall be deemed 690
a denial of a request to inspect or copy the redacted 691
information, except if federal or state law authorizes or 692
requires a public office to make the redaction. When the auditor 693
of state receives a request to inspect or to make a copy of a 694
record that was provided to the auditor of state for purposes of 695
an audit, but the original public office has asserted to the 696
auditor of state that the record is not a public record, the 697
auditor of state may handle the requests by directing the 698
requestor to the original public office that provided the record 699
to the auditor of state. 700

(2) To facilitate broader access to public records, a 701
public office or the person responsible for public records shall 702
organize and maintain public records in a manner that they can 703
be made available for inspection or copying in accordance with 704
division (B) of this section. A public office also shall have 705
available a copy of its current records retention schedule at a 706
location readily available to the public. If a requester makes 707
an ambiguous or overly broad request or has difficulty in making 708
a request for copies or inspection of public records under this 709
section such that the public office or the person responsible 710
for the requested public record cannot reasonably identify what 711
public records are being requested, the public office or the 712
person responsible for the requested public record may deny the 713
request but shall provide the requester with an opportunity to 714
revise the request by informing the requester of the manner in 715

which records are maintained by the public office and accessed 716
in the ordinary course of the public office's or person's 717
duties. 718

(3) If a request is ultimately denied, in part or in 719
whole, the public office or the person responsible for the 720
requested public record shall provide the requester with an 721
explanation, including legal authority, setting forth why the 722
request was denied. If the initial request was provided in 723
writing, the explanation also shall be provided to the requester 724
in writing. The explanation shall not preclude the public office 725
or the person responsible for the requested public record from 726
relying upon additional reasons or legal authority in defending 727
an action commenced under division (C) of this section. 728

(4) Unless specifically required or authorized by state or 729
federal law or in accordance with division (B) of this section, 730
no public office or person responsible for public records may 731
limit or condition the availability of public records by 732
requiring disclosure of the requester's identity or the intended 733
use of the requested public record. Any requirement that the 734
requester disclose the requester's identity or the intended use 735
of the requested public record constitutes a denial of the 736
request. 737

(5) A public office or person responsible for public 738
records may ask a requester to make the request in writing, may 739
ask for the requester's identity, and may inquire about the 740
intended use of the information requested, but may do so only 741
after disclosing to the requester that a written request is not 742
mandatory, that the requester may decline to reveal the 743
requester's identity or the intended use, and when a written 744
request or disclosure of the identity or intended use would 745

benefit the requester by enhancing the ability of the public 746
office or person responsible for public records to identify, 747
locate, or deliver the public records sought by the requester. 748

(6) If any person requests a copy of a public record in 749
accordance with division (B) of this section, the public office 750
or person responsible for the public record may require the 751
requester to pay in advance the cost involved in providing the 752
copy of the public record in accordance with the choice made by 753
the requester under this division. The public office or the 754
person responsible for the public record shall permit the 755
requester to choose to have the public record duplicated upon 756
paper, upon the same medium upon which the public office or 757
person responsible for the public record keeps it, or upon any 758
other medium upon which the public office or person responsible 759
for the public record determines that it reasonably can be 760
duplicated as an integral part of the normal operations of the 761
public office or person responsible for the public record. When 762
the requester makes a choice under this division, the public 763
office or person responsible for the public record shall provide 764
a copy of it in accordance with the choice made by the 765
requester. Nothing in this section requires a public office or 766
person responsible for the public record to allow the requester 767
of a copy of the public record to make the copies of the public 768
record. 769

(7) (a) Upon a request made in accordance with division (B) 770
of this section and subject to division (B) (6) of this section, 771
a public office or person responsible for public records shall 772
transmit a copy of a public record to any person by United 773
States mail or by any other means of delivery or transmission 774
within a reasonable period of time after receiving the request 775
for the copy. The public office or person responsible for the 776

public record may require the person making the request to pay 777
in advance the cost of postage if the copy is transmitted by 778
United States mail or the cost of delivery if the copy is 779
transmitted other than by United States mail, and to pay in 780
advance the costs incurred for other supplies used in the 781
mailing, delivery, or transmission. 782

(b) Any public office may adopt a policy and procedures 783
that it will follow in transmitting, within a reasonable period 784
of time after receiving a request, copies of public records by 785
United States mail or by any other means of delivery or 786
transmission pursuant to division (B) (7) of this section. A 787
public office that adopts a policy and procedures under division 788
(B) (7) of this section shall comply with them in performing its 789
duties under that division. 790

(c) In any policy and procedures adopted under division 791
(B) (7) of this section: 792

(i) A public office may limit the number of records 793
requested by a person that the office will physically deliver by 794
United States mail or by another delivery service to ten per 795
month, unless the person certifies to the office in writing that 796
the person does not intend to use or forward the requested 797
records, or the information contained in them, for commercial 798
purposes; 799

(ii) A public office that chooses to provide some or all 800
of its public records on a web site that is fully accessible to 801
and searchable by members of the public at all times, other than 802
during acts of God outside the public office's control or 803
maintenance, and that charges no fee to search, access, 804
download, or otherwise receive records provided on the web site, 805
may limit to ten per month the number of records requested by a 806

person that the office will deliver in a digital format, unless 807
the requested records are not provided on the web site and 808
unless the person certifies to the office in writing that the 809
person does not intend to use or forward the requested records, 810
or the information contained in them, for commercial purposes. 811

(iii) For purposes of division (B)(7) of this section, 812
"commercial" shall be narrowly construed and does not include 813
reporting or gathering news, reporting or gathering information 814
to assist citizen oversight or understanding of the operation or 815
activities of government, or nonprofit educational research. 816

(8) A public office or person responsible for public 817
records is not required to permit a person who is incarcerated 818
pursuant to a criminal conviction or a juvenile adjudication to 819
inspect or to obtain a copy of any public record concerning a 820
criminal investigation or prosecution or concerning what would 821
be a criminal investigation or prosecution if the subject of the 822
investigation or prosecution were an adult, unless the request 823
to inspect or to obtain a copy of the record is for the purpose 824
of acquiring information that is subject to release as a public 825
record under this section and the judge who imposed the sentence 826
or made the adjudication with respect to the person, or the 827
judge's successor in office, finds that the information sought 828
in the public record is necessary to support what appears to be 829
a justiciable claim of the person. As used in this division, 830
"public record concerning a criminal investigation or 831
prosecution or concerning what would be a criminal investigation 832
or prosecution if the subject of the investigation were an 833
adult" includes, but is not limited to, personnel files and 834
payroll and attendance records of designated public service 835
workers. 836

(9) (a) Upon written request made and signed by a 837
journalist, a public office, or person responsible for public 838
records, having custody of the records of the agency employing a 839
specified designated public service worker shall disclose to the 840
journalist the address of the actual personal residence of the 841
designated public service worker and, if the designated public 842
service worker's spouse, former spouse, or child is employed by 843
a public office, the name and address of the employer of the 844
designated public service worker's spouse, former spouse, or 845
child, and any past, current, and future work schedules of the 846
designated public service worker. The request shall include the 847
journalist's name and title and the name and address of the 848
journalist's employer and shall state that disclosure of the 849
information sought would be in the public interest. 850

(b) Division (B) (9) (a) of this section also applies to 851
journalist requests for: 852

(i) Customer information maintained by a municipally owned 853
or operated public utility, other than social security numbers 854
and any private financial information such as credit reports, 855
payment methods, credit card numbers, and bank account 856
information; 857

(ii) Information about minors involved in a school vehicle 858
accident as provided in division (A) (1) (gg) of this section, 859
other than personal information as defined in section 149.45 of 860
the Revised Code; 861

(iii) A request form submitted to a public office under 862
section 149.45 of the Revised Code; 863

(iv) An affidavit submitted under section 319.28 of the 864
Revised Code. 865

(c) As used in division (B) (9) of this section, 866
"journalist" means a person engaged in, connected with, or 867
employed by any news medium, including a newspaper, magazine, 868
press association, news agency, or wire service, a radio or 869
television station, or a similar medium, for the purpose of 870
gathering, processing, transmitting, compiling, editing, or 871
disseminating information for the general public. 872

(10) Upon a request made by a victim, victim's attorney, 873
or victim's representative, as that term is used in section 874
2930.02 of the Revised Code, a public office or person 875
responsible for public records shall transmit a copy of a 876
depiction of the victim as described in division (A) (1) (ii) of 877
this section to the victim, victim's attorney, or victim's 878
representative. 879

(11) A state or local law enforcement agency or a 880
prosecuting attorney's office shall not charge a fee for 881
preparing a video record for inspection, or producing a copy of 882
a video record, when the requester of the video record is a 883
victim, as defined in Ohio Constitution, Article I, Section 10a, 884
or who is a victim who suffered loss and could seek remedy 885
through a tort action as defined by section 2307.011 of the 886
Revised Code, who reasonably asserts that the video recording 887
relates to the act or omission that caused the victim's harm or 888
loss, or who is the legal counsel or insurer of the victim. A 889
fee under this section may only be waived upon the receipt of an 890
affidavit by the victim or the victim's legal counsel 891
identifying that the use of the video is to investigate harm or 892
damages that may have been captured on the video. 893

As used in this division, "legal counsel of the victim" 894
means an attorney who, at the time of making the request, 895

produces to the state or local law enforcement agency or a 896
prosecuting attorney's office a signed retention agreement or 897
letter of representation that establishes that the attorney is 898
representing the victim. 899

(C) (1) If a person allegedly is aggrieved by the failure 900
of a public office or the person responsible for public records 901
to promptly prepare a public record and to make it available to 902
the person for inspection in accordance with division (B) of 903
this section or by any other failure of a public office or the 904
person responsible for public records to comply with an 905
obligation in accordance with division (B) of this section, the 906
person allegedly aggrieved may serve pursuant to Rule 4 of the 907
Ohio Rules of Civil Procedure a complaint, on a form prescribed 908
by the clerk of the court of claims, to the public office or 909
person responsible for public records allegedly responsible for 910
the alleged failure. Upon receipt of the complaint of the person 911
allegedly aggrieved, the public office or person responsible for 912
public records has three business days to cure or otherwise 913
address the failure alleged in the complaint. The person 914
allegedly aggrieved shall not file a complaint with a court or 915
commence a mandamus action under this section within the three- 916
day period. Upon the expiration of the three-day period, the 917
person allegedly aggrieved may, subject to the requirements of 918
division (C) (2) of this section, do only one of the following, 919
and not both: 920

(a) File a complaint with the clerk of the court of claims 921
or the clerk of the court of common pleas under section 2743.75 922
of the Revised Code; 923

(b) Commence a mandamus action to obtain a judgment that 924
orders the public office or the person responsible for the 925

public record to comply with division (B) of this section, that 926
awards court costs and reasonable attorney's fees to the person 927
that instituted the mandamus action, and, if applicable, that 928
includes an order fixing statutory damages under division (C) (3) 929
of this section. The mandamus action may be commenced in the 930
court of common pleas of the county in which division (B) of 931
this section allegedly was not complied with, in the supreme 932
court pursuant to its original jurisdiction under Section 2 of 933
Article IV, Ohio Constitution, or in the court of appeals for 934
the appellate district in which division (B) of this section 935
allegedly was not complied with pursuant to its original 936
jurisdiction under Section 3 of Article IV, Ohio Constitution. 937

(2) Upon filing a complaint or mandamus action with a 938
court under divisions (C) (1) (a) or (b) of this section, a person 939
allegedly aggrieved shall file with the court, in conjunction 940
with the person's complaint or petition, a written affirmation 941
stating that the person properly transmitted a complaint to the 942
public office or person responsible for public records, the 943
failure alleged in the complaint has not been cured or otherwise 944
resolved to the person's satisfaction, and that the complaint 945
was transmitted to the public office or person responsible for 946
public records at least three business days before the filing of 947
the suit. If the person fails to file an affirmation pursuant to 948
this division, the suit shall be dismissed. 949

(3) If a requester transmits a written request by hand 950
delivery, electronic submission, or certified mail to inspect or 951
receive copies of any public record in a manner that fairly 952
describes the public record or class of public records to the 953
public office or person responsible for the requested public 954
records, except as otherwise provided in this section, the 955
requester shall be entitled to recover the amount of statutory 956

damages set forth in this division if a court determines that 957
the public office or the person responsible for public records 958
failed to comply with an obligation in accordance with division 959
(B) of this section. Statutory damages are not available 960
pursuant to this section to a person committed to the custody of 961
the department of rehabilitation and correction or the United 962
States bureau of prisons, or a child committed to the department 963
of youth services as permitted in Chapter 2152. of the Revised 964
Code. 965

The amount of statutory damages shall be fixed at one 966
hundred dollars for each business day during which the public 967
office or person responsible for the requested public records 968
failed to comply with an obligation in accordance with division 969
(B) of this section, beginning with the day on which the 970
requester files a mandamus action to recover statutory damages, 971
up to a maximum of one thousand dollars. The award of statutory 972
damages shall not be construed as a penalty, but as compensation 973
for injury arising from lost use of the requested information. 974
The existence of this injury shall be conclusively presumed. The 975
award of statutory damages shall be in addition to all other 976
remedies authorized by this section. 977

The court may reduce an award of statutory damages or not 978
award statutory damages if the court determines both of the 979
following: 980

(a) That, based on the ordinary application of statutory 981
law and case law as it existed at the time of the conduct or 982
threatened conduct of the public office or person responsible 983
for the requested public records that allegedly constitutes a 984
failure to comply with an obligation in accordance with division 985
(B) of this section and that was the basis of the mandamus 986

action, a well-informed public office or person responsible for 987
the requested public records reasonably would believe that the 988
conduct or threatened conduct of the public office or person 989
responsible for the requested public records did not constitute 990
a failure to comply with an obligation in accordance with 991
division (B) of this section; 992

(b) That a well-informed public office or person 993
responsible for the requested public records reasonably would 994
believe that the conduct or threatened conduct of the public 995
office or person responsible for the requested public records 996
would serve the public policy that underlies the authority that 997
is asserted as permitting that conduct or threatened conduct. 998

(4) In a mandamus action filed under division (C) (1) of 999
this section, the following apply: 1000

(a) (i) If the court orders the public office or the person 1001
responsible for the public record to comply with division (B) of 1002
this section, the court shall determine and award to the relator 1003
all court costs, which shall be construed as remedial and not 1004
punitive. 1005

(ii) If the court makes a determination described in 1006
division (C) (4) (b) (iii) of this section, the court shall 1007
determine and award to the relator all court costs, which shall 1008
be construed as remedial and not punitive. 1009

(b) If the court renders a judgment that orders the public 1010
office or the person responsible for the public record to comply 1011
with division (B) of this section or if the court determines any 1012
of the following, the court may award reasonable attorney's fees 1013
to the relator, subject to division (C) (5) of this section: 1014

(i) The public office or the person responsible for the 1015

public records failed to respond affirmatively or negatively to 1016
the public records request in accordance with the time allowed 1017
under division (B) of this section. 1018

(ii) The public office or the person responsible for the 1019
public records promised to permit the relator to inspect or 1020
receive copies of the public records requested within a 1021
specified period of time but failed to fulfill that promise 1022
within that specified period of time. 1023

(iii) The public office or the person responsible for the 1024
public records acted in bad faith when the office or person 1025
voluntarily made the public records available to the relator for 1026
the first time after the relator commenced the mandamus action, 1027
but before the court issued any order concluding whether or not 1028
the public office or person was required to comply with division 1029
(B) of this section. No discovery may be conducted on the issue 1030
of the alleged bad faith of the public office or person 1031
responsible for the public records. This division shall not be 1032
construed as creating a presumption that the public office or 1033
the person responsible for the public records acted in bad faith 1034
when the office or person voluntarily made the public records 1035
available to the relator for the first time after the relator 1036
commenced the mandamus action, but before the court issued any 1037
order described in this division. 1038

(c) The court shall not award attorney's fees to the 1039
relator if the court determines both of the following: 1040

(i) That, based on the ordinary application of statutory 1041
law and case law as it existed at the time of the conduct or 1042
threatened conduct of the public office or person responsible 1043
for the requested public records that allegedly constitutes a 1044
failure to comply with an obligation in accordance with division 1045

(B) of this section and that was the basis of the mandamus 1046
action, a well-informed public office or person responsible for 1047
the requested public records reasonably would believe that the 1048
conduct or threatened conduct of the public office or person 1049
responsible for the requested public records did not constitute 1050
a failure to comply with an obligation in accordance with 1051
division (B) of this section; 1052

(ii) That a well-informed public office or person 1053
responsible for the requested public records reasonably would 1054
believe that the conduct or threatened conduct of the public 1055
office or person responsible for the requested public records 1056
would serve the public policy that underlies the authority that 1057
is asserted as permitting that conduct or threatened conduct. 1058

(5) All of the following apply to any award of reasonable 1059
attorney's fees awarded under division (C) (4) (b) of this 1060
section: 1061

(a) The fees shall be construed as remedial and not 1062
punitive. 1063

(b) The fees awarded shall not exceed the total of the 1064
reasonable attorney's fees incurred before the public record was 1065
made available to the relator and the fees described in division 1066
(C) (5) (c) of this section. 1067

(c) Reasonable attorney's fees shall include reasonable 1068
fees incurred to produce proof of the reasonableness and amount 1069
of the fees and to otherwise litigate entitlement to the fees. 1070

(d) The court may reduce the amount of fees awarded if the 1071
court determines that, given the factual circumstances involved 1072
with the specific public records request, an alternative means 1073
should have been pursued to more effectively and efficiently 1074

resolve the dispute that was subject to the mandamus action 1075
filed under division (C) (1) of this section. 1076

(6) If the court does not issue a writ of mandamus under 1077
division (C) of this section and the court determines at that 1078
time that the bringing of the mandamus action was frivolous 1079
conduct as defined in division (A) of section 2323.51 of the 1080
Revised Code, the court may award to the public office all court 1081
costs, expenses, and reasonable attorney's fees, as determined 1082
by the court. 1083

(D) Chapter 1347. of the Revised Code does not limit the 1084
provisions of this section. 1085

(E) (1) To ensure that all employees of public offices are 1086
appropriately educated about a public office's obligations under 1087
division (B) of this section, all elected officials or their 1088
appropriate designees shall attend training approved by the 1089
attorney general as provided in section 109.43 of the Revised 1090
Code. A future official may satisfy the requirements of this 1091
division by attending the training before taking office, 1092
provided that the future official may not send a designee in the 1093
future official's place. 1094

(2) All public offices shall adopt a public records policy 1095
in compliance with this section for responding to public records 1096
requests. In adopting a public records policy under this 1097
division, a public office may obtain guidance from the model 1098
public records policy developed and provided to the public 1099
office by the attorney general under section 109.43 of the 1100
Revised Code. Except as otherwise provided in this section, the 1101
policy may not limit the number of public records that the 1102
public office will make available to a single person, may not 1103
limit the number of public records that it will make available 1104

during a fixed period of time, and may not establish a fixed 1105
period of time before it will respond to a request for 1106
inspection or copying of public records, unless that period is 1107
less than eight hours. 1108

The public office shall distribute the public records 1109
policy adopted by the public office under this division to the 1110
employee of the public office who is the records custodian or 1111
records manager or otherwise has custody of the records of that 1112
office. The public office shall require that employee to 1113
acknowledge receipt of the copy of the public records policy. 1114
The public office shall create a poster that describes its 1115
public records policy and shall post the poster in a conspicuous 1116
place in the public office and in all locations where the public 1117
office has branch offices. The public office may post its public 1118
records policy on the internet web site of the public office if 1119
the public office maintains an internet web site. A public 1120
office that has established a manual or handbook of its general 1121
policies and procedures for all employees of the public office 1122
shall include the public records policy of the public office in 1123
the manual or handbook. 1124

(F) (1) The bureau of motor vehicles may adopt rules 1125
pursuant to Chapter 119. of the Revised Code to reasonably limit 1126
the number of bulk commercial special extraction requests made 1127
by a person for the same records or for updated records during a 1128
calendar year. The rules may include provisions for charges to 1129
be made for bulk commercial special extraction requests for the 1130
actual cost of the bureau, plus special extraction costs, plus 1131
ten per cent. The bureau may charge for expenses for redacting 1132
information, the release of which is prohibited by law. 1133

(2) As used in division (F) (1) of this section: 1134

(a) "Actual cost" means the cost of depleted supplies, 1135
records storage media costs, actual mailing and alternative 1136
delivery costs, or other transmitting costs, and any direct 1137
equipment operating and maintenance costs, including actual 1138
costs paid to private contractors for copying services. 1139

(b) "Bulk commercial special extraction request" means a 1140
request for copies of a record for information in a format other 1141
than the format already available, or information that cannot be 1142
extracted without examination of all items in a records series, 1143
class of records, or database by a person who intends to use or 1144
forward the copies for surveys, marketing, solicitation, or 1145
resale for commercial purposes. "Bulk commercial special 1146
extraction request" does not include a request by a person who 1147
gives assurance to the bureau that the person making the request 1148
does not intend to use or forward the requested copies for 1149
surveys, marketing, solicitation, or resale for commercial 1150
purposes. 1151

(c) "Commercial" means profit-seeking production, buying, 1152
or selling of any good, service, or other product. 1153

(d) "Special extraction costs" means the cost of the time 1154
spent by the lowest paid employee competent to perform the task, 1155
the actual amount paid to outside private contractors employed 1156
by the bureau, or the actual cost incurred to create computer 1157
programs to make the special extraction. "Special extraction 1158
costs" include any charges paid to a public agency for computer 1159
or records services. 1160

(3) For purposes of divisions (F) (1) and (2) of this 1161
section, "surveys, marketing, solicitation, or resale for 1162
commercial purposes" shall be narrowly construed and does not 1163
include reporting or gathering news, reporting or gathering 1164

information to assist citizen oversight or understanding of the 1165
operation or activities of government, or nonprofit educational 1166
research. 1167

(G) A request by a defendant, counsel of a defendant, or 1168
any agent of a defendant in a criminal action that public 1169
records related to that action be made available under this 1170
section shall be considered a demand for discovery pursuant to 1171
the Criminal Rules, except to the extent that the Criminal Rules 1172
plainly indicate a contrary intent. The defendant, counsel of 1173
the defendant, or agent of the defendant making a request under 1174
this division shall serve a copy of the request on the 1175
prosecuting attorney, director of law, or other chief legal 1176
officer responsible for prosecuting the action. 1177

(H) (1) Any portion of a body-worn camera or dashboard 1178
camera recording described in divisions (A) (17) (b) to (h) of 1179
this section may be released by consent of the subject of the 1180
recording or a representative of that person, as specified in 1181
those divisions, only if either of the following applies: 1182

(a) The recording will not be used in connection with any 1183
probable or pending criminal proceedings; 1184

(b) The recording has been used in connection with a 1185
criminal proceeding that was dismissed or for which a judgment 1186
has been entered pursuant to Rule 32 of the Rules of Criminal 1187
Procedure, and will not be used again in connection with any 1188
probable or pending criminal proceedings. 1189

(2) If a public office denies a request to release a 1190
restricted portion of a body-worn camera or dashboard camera 1191
recording, as defined in division (A) (17) of this section, any 1192
person may file a mandamus action pursuant to this section or a 1193

complaint with the clerk of the court of claims pursuant to 1194
section 2743.75 of the Revised Code, requesting the court to 1195
order the release of all or portions of the recording. If the 1196
court considering the request determines that the filing 1197
articulates by clear and convincing evidence that the public 1198
interest in the recording substantially outweighs privacy 1199
interests and other interests asserted to deny release, the 1200
court shall order the public office to release the recording. 1201

Section 2. That existing section 149.43 of the Revised 1202
Code is hereby repealed. 1203