

As Reported by the Senate Judiciary Committee

136th General Assembly

Regular Session

2025-2026

Sub. S. B. No. 225

Senator Manchester

To amend sections 111.41, 111.42, 111.99, 149.43, 1
3503.13, and 3503.24 and to enact section 2
3513.053 of the Revised Code to expand the 3
Address Confidentiality Program, to exempt 4
judges' and prosecutors' addresses from 5
disclosure, and to make related changes to the 6
Election Law. 7

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

Section 1. That sections 111.41, 111.42, 111.99, 149.43, 8
3503.13, and 3503.24 be amended and section 3513.053 of the 9
Revised Code be enacted to read as follows: 10

Sec. 111.41. As used in sections 111.41 to 111.99 of the 11
Revised Code: 12

(A) "Application assistant" means an employee or volunteer 13
at an agency or organization that serves victims or household 14
members of victims of domestic violence, menacing by stalking, 15
human trafficking, trafficking in persons, rape, ~~or~~ sexual 16
battery, crimes that cause serious physical harm or death, or 17
crimes in which the victim is threatened with a deadly weapon 18
who has received training and certification from the secretary 19
of state to help individuals complete applications to be program 20

participants. 21

(B) "Confidential address" means the address of a program 22
participant's residence, school, institution of higher 23
education, business, or place of employment, as specified on an 24
application to be a program participant or on a notice of change 25
of address filed under section 111.42 of the Revised Code. A 26
confidential address is not a public record under section 149.43 27
of the Revised Code, and shall be kept confidential. 28

(C) "Governmental entity" means the state, a political 29
subdivision of the state, or any department, agency, board, 30
commission, or other instrumentality of the state or a political 31
subdivision of the state. 32

(D) "Guardian," "incompetent," "parent," and "ward" have 33
the same meanings as in section 2111.01 of the Revised Code. 34

(E) "Human trafficking" has the same meaning as in section 35
2929.01 of the Revised Code. 36

(F) "Process" means judicial process and all orders, 37
demands, notices, or other papers required or permitted by law 38
to be served on a program participant. 39

(G) "Program participant" means a person who is certified 40
by the secretary of state as a program participant under section 41
111.42 of the Revised Code. 42

(H) "Tier I sex offender/child-victim offender," "tier II 43
sex offender/child-victim offender," and "tier III sex 44
offender/child-victim offender" have the same meanings as in 45
section 2950.01 of the Revised Code. 46

Sec. 111.42. (A) A person to whom all of the following 47
applies may apply to the secretary of state with the assistance 48

of an application assistant to become a participant in the 49
address confidentiality program, in which an address designated 50
by the secretary of state serves as the person's address or the 51
address of the minor, incompetent, or ward on whose behalf the 52
person is applying: 53

(1) The applicant is an adult who is applying on behalf of 54
the person's self or is a parent or guardian applying on behalf 55
of a minor, incompetent, or ward. 56

(2) The applicant or the minor, incompetent, or ward, as 57
applicable, resides, works, or attends a school or an 58
institution of higher education in this state. 59

(3) The applicant fears for the safety of the applicant, a 60
member of the applicant's household, or the minor, incompetent, 61
or ward on whose behalf the application is made because the 62
applicant, household member, minor, incompetent, or ward is a 63
victim of domestic violence, menacing by stalking, human 64
trafficking, trafficking in persons, rape, ~~or~~ sexual battery, a 65
crime that caused serious physical harm or death to the victim, 66
or a crime in which the victim was threatened with a deadly 67
weapon. 68

(4) The applicant or the minor, incompetent, or ward, as 69
applicable, is not a tier I sex offender/child-victim offender, 70
a tier II sex offender/child-victim offender, or a tier III sex 71
offender/child-victim offender. 72

(B) An application to become a participant in the address 73
confidentiality program shall be made on a form prescribed by 74
the secretary of state and filed in the office of the secretary 75
of state in the manner prescribed by the secretary of state. The 76
application shall contain all of the following: 77

- (1) A notarized statement by the applicant that the applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, ~~or~~ sexual battery, a crime that caused serious physical harm or death to the victim, or a crime in which the victim was threatened with a deadly weapon;
- (2) A statement that the application assistant recommends that the applicant or the minor, incompetent, or ward, as applicable, participate in the address confidentiality program;
- (3) A knowing and voluntary designation of the secretary of state as the agent for the purposes of receiving service of process and the receipt of mail;
- (4) The mailing address and telephone number or numbers at which the secretary of state may contact the applicant;
- (5) The address or addresses of the applicant's residence, school, institution of higher education, business, or place of employment that the applicant requests not be disclosed for the reason that disclosure will increase the risk that the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made will be threatened or physically harmed by another person;
- (6) The signature of the applicant, the name and signature of the application assistant who assisted the applicant, and the date on which the applicant and the application assistant signed the application;
- (7) Except for a claim based on the performance or

nonperformance of a public duty that was manifestly outside the 107
scope of the officer's or employee's office or employment or in 108
which the officer or employee acted with malicious purpose, in 109
bad faith, or in a wanton or reckless manner, a voluntary 110
release and waiver of all future claims against the state for 111
any claim that may arise from participation in the address 112
confidentiality program. 113

(C) Upon receiving a properly completed application under 114
division (B) of this section, the secretary of state shall, 115
within ten business days, do all of the following: 116

(1) Certify the applicant or the minor, incompetent, or 117
ward on whose behalf the application is filed as a program 118
participant; 119

(2) Designate each eligible address listed in the 120
application as a confidential address; 121

(3) Issue the program participant a unique program 122
participant identification number; 123

(4) Issue the program participant an address 124
confidentiality program authorization card, which shall be valid 125
during the period that the program participant remains certified 126
to participate in the address confidentiality program, and which 127
shall include the address at which the program participant may 128
receive mail through the office of the secretary of state; 129

(5) Provide information to the program participant 130
concerning all of the following: 131

(a) The manner in which the program participant may use 132
the secretary of state as the program participant's agent for 133
the purposes of receiving mail and receiving service of process 134
and the types of mail that the secretary of state will forward 135

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| to the program participant; | 136 |
| (b) The process to register to vote and to vote as a | 137 |
| program participant, if the program participant is eligible to | 138 |
| vote; | 139 |
| (c) The process to file a real property confidentiality | 140 |
| notice with the county recorder concerning any real property in | 141 |
| which the program participant acquires an ownership interest | 142 |
| after being certified a program participant and after the | 143 |
| effective date of this amendment <u>April 29, 2022</u> ; | 144 |
| (d) The process to authorize the secretary of state to | 145 |
| disclose confidential information concerning the program | 146 |
| participant under certain circumstances, as described in | 147 |
| division (E) of section 111.43 of the Revised Code. | 148 |
| (D) A program participant shall update the person's | 149 |
| application information, within thirty days after any change has | 150 |
| occurred, by submitting a notice of change to the office of the | 151 |
| secretary of state on a form prescribed by the secretary of | 152 |
| state. The secretary of state may, with proper notice, cancel a | 153 |
| program participant's certification if the participant is found | 154 |
| to be unreachable for a period of sixty days or more. | 155 |
| (E) The certification of a program participant shall be | 156 |
| valid for four years after the date of the filing of the | 157 |
| application for the program participant unless the certification | 158 |
| is withdrawn or invalidated before the end of that four-year | 159 |
| period. | 160 |
| (F) (1) A program participant who continues to be eligible | 161 |
| to participate in the address confidentiality program may renew | 162 |
| the program participant's certification by submitting a renewal | 163 |
| application to the secretary of state with the assistance of an | 164 |

application assistant. The renewal application shall be on a 165
form prescribed by the secretary of state and shall contain all 166
of the information described in division (B) of this section. 167

(2) The secretary of state may prescribe by rule a grace 168
period during which a program participant whose certification 169
has expired may renew the program participant's certification 170
without being considered to have ceased being a program 171
participant during that period. 172

(3) When a program participant renews the program 173
participant's certification, the program participant shall 174
continue to use the program participant's original program 175
participant identification number. 176

(G) A tier I sex offender/child-victim offender, a tier II 177
sex offender/child-victim offender, or a tier III sex 178
offender/child-victim offender is not eligible to participate in 179
the address confidentiality program described in sections 111.41 180
to 111.99 of the Revised Code. 181

Sec. 111.99. (A) No person who submits an application 182
under section 111.42 of the Revised Code shall knowingly make a 183
false attestation in the application that the applicant fears 184
for the applicant's safety, the safety of a member of the 185
applicant's household, or the safety of the minor, incompetent, 186
or ward on whose behalf the application is made because the 187
applicant, household member, minor, incompetent, or ward is a 188
victim of domestic violence, menacing by stalking, human 189
trafficking, trafficking in persons, rape, ~~or~~ sexual battery, a 190
crime that caused serious physical harm or death to the victim, 191
or a crime in which the victim was threatened with a deadly 192
weapon. 193

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| (B) (1) As used in division (B) of this section: | 194 |
| (a) "Public official" means any officer, employee, or duly authorized representative or agent of a public office. | 195 196 |
| (b) "Public office" means any state agency, public institution, political subdivision, other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. | 197 198 199 200 |
| (2) No public official who has access to a confidential address or telephone number or to information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code because of the person's status as a public official shall knowingly disclose that confidential information to any person, except as required or permitted by law. | 201 202 203 204 205 206 |
| (C) No person who obtains a confidential address or telephone number from the Ohio law enforcement gateway shall knowingly disclose that confidential address or telephone number to any person, except as is necessary for a law enforcement purpose when related to the performance of official duties, or for another legitimate governmental purpose. | 207 208 209 210 211 212 |
| (D) No person who obtains a confidential address or telephone number from the secretary of state under division (E) of section 111.43 of the Revised Code shall knowingly disclose that information to any person, except for the purpose for which the disclosure was authorized under that division. | 213 214 215 216 217 |
| (E) No person who obtains information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code for the purpose of conducting a title examination under division (E) of that section shall knowingly disclose that confidential information to any person, except for | 218 219 220 221 222 |

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| the purpose identified in the application submitted under that | 223 |
| division. | 224 |
| (F) Whoever violates this section is guilty of a | 225 |
| misdemeanor of the first degree. | 226 |
| Sec. 149.43. (A) As used in this section: | 227 |
| (1) "Public record" means records kept by any public | 228 |
| office, including, but not limited to, state, county, city, | 229 |
| village, township, and school district units, and records | 230 |
| pertaining to the delivery of educational services by an | 231 |
| alternative school in this state kept by the nonprofit or for- | 232 |
| profit entity operating the alternative school pursuant to | 233 |
| section 3313.533 of the Revised Code. "Public record" does not | 234 |
| mean any of the following: | 235 |
| (a) Medical records; | 236 |
| (b) Records pertaining to probation and parole | 237 |
| proceedings, to proceedings related to the imposition of | 238 |
| community control sanctions and post-release control sanctions, | 239 |
| or to proceedings related to determinations under section | 240 |
| 2967.271 of the Revised Code regarding the release or maintained | 241 |
| incarceration of an offender to whom that section applies; | 242 |
| (c) Records pertaining to actions under section 2151.85 | 243 |
| and division (C) of section 2919.121 of the Revised Code and to | 244 |
| appeals of actions arising under those sections; | 245 |
| (d) Records pertaining to adoption proceedings, including | 246 |
| the contents of an adoption file maintained by the department of | 247 |
| health under sections 3705.12 to 3705.124 of the Revised Code; | 248 |
| (e) Information in a record contained in the putative | 249 |
| father registry established by section 3107.062 of the Revised | 250 |

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| Code, regardless of whether the information is held by the | 251 |
| department of children and youth or, pursuant to section 3111.69 | 252 |
| of the Revised Code, the office of child support in the | 253 |
| department of job and family services or a child support | 254 |
| enforcement agency; | 255 |
| (f) Records specified in division (A) of section 3107.52 | 256 |
| of the Revised Code; | 257 |
| (g) Trial preparation records, prior to the conclusion of | 258 |
| all direct appeals or, if no appeal is filed, prior to the | 259 |
| expiration of the time during which an appeal may be filed, or, | 260 |
| if no trial has occurred, until the civil or criminal action or | 261 |
| proceeding has ended without the possibility of direct appeal or | 262 |
| each agency, office, or official responsible for the matter has | 263 |
| made a decision not to proceed with the matter; | 264 |
| (h) Confidential law enforcement investigatory records; | 265 |
| (i) Records containing information that is confidential | 266 |
| under section 2710.03 or 4112.05 of the Revised Code; | 267 |
| (j) DNA records stored in the DNA database pursuant to | 268 |
| section 109.573 of the Revised Code; | 269 |
| (k) Inmate records under section 5120.21 of the Revised | 270 |
| Code, except for permitted disclosure of the information listed | 271 |
| in division (E) (1) of that section; | 272 |
| (l) Records maintained by the department of youth services | 273 |
| pertaining to children in its custody released by the department | 274 |
| of youth services to the department of rehabilitation and | 275 |
| correction pursuant to section 5139.05 of the Revised Code; | 276 |
| (m) Intellectual property records; | 277 |
| (n) Donor profile records; | 278 |

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| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code; | 279 280 |
| (p) Designated public service worker residential and familial information; | 281 282 |
| (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; | 283 284 285 286 287 |
| (r) Information pertaining to the recreational activities of a person under the age of eighteen; | 288 289 |
| (s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code; | 290 291 292 293 294 295 296 297 298 299 300 301 |
| (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section; | 302 303 304 305 306 |
| (u) Test materials, examinations, or evaluation tools used | 307 |

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| in an examination for licensure as a nursing home administrator | 308 |
| that the board of executives of long-term services and supports | 309 |
| administers under section 4751.15 of the Revised Code or | 310 |
| contracts under that section with a private or government entity | 311 |
| to administer; | 312 |
| (v) Records the release of which is prohibited by state or | 313 |
| federal law; | 314 |
| (w) Proprietary information of or relating to any person | 315 |
| that is submitted to or compiled by the Ohio venture capital | 316 |
| authority created under section 150.01 of the Revised Code; | 317 |
| (x) Financial statements and data any person submits for | 318 |
| any purpose to the Ohio housing finance agency or the | 319 |
| controlling board in connection with applying for, receiving, or | 320 |
| accounting for financial assistance from the agency, and | 321 |
| information that identifies any individual who benefits directly | 322 |
| or indirectly from financial assistance from the agency; | 323 |
| (y) Records listed in section 5101.29 of the Revised Code; | 324 |
| (z) Discharges recorded with a county recorder under | 325 |
| section 317.24 of the Revised Code, as specified in division (B) | 326 |
| (2) of that section; | 327 |
| (aa) Usage information including names and addresses of | 328 |
| specific residential and commercial customers of a municipally | 329 |
| owned or operated public utility; | 330 |
| (bb) Records described in division (C) of section 187.04 | 331 |
| of the Revised Code that are not designated to be made available | 332 |
| to the public as provided in that division; | 333 |
| (cc) Information and records that are made confidential, | 334 |
| privileged, and not subject to disclosure under divisions (B) | 335 |

and (C) of section 2949.221 of the Revised Code; 336

(dd) Personal information, as defined in section 149.45 of 337
the Revised Code; 338

(ee) The confidential name, address, and other personally 339
identifiable information of a program participant in the address 340
confidentiality program established under sections 111.41 to 341
111.47 of the Revised Code, including the contents of any 342
application for absent voter's ballots, absent voter's ballot 343
identification envelope statement of voter, or provisional 344
ballot affirmation completed by a program participant who has a 345
confidential voter registration record; records or portions of 346
records pertaining to that program that identify the number of 347
program participants that reside within a precinct, ward, 348
township, municipal corporation, county, or any other geographic 349
area smaller than the state; and any real property 350
confidentiality notice filed under section 111.431 of the 351
Revised Code and the information described in division (C) of 352
that section. As used in this division, "confidential address" 353
and "program participant" have the meaning defined in section 354
111.41 of the Revised Code. 355

(ff) Orders for active military service of an individual 356
serving or with previous service in the armed forces of the 357
United States, including a reserve component, or the Ohio 358
organized militia, except that, such order becomes a public 359
record on the day that is fifteen years after the published date 360
or effective date of the call to order; 361

(gg) The name, address, contact information, or other 362
personal information of an individual who is less than eighteen 363
years of age that is included in any record related to a traffic 364
accident involving a school vehicle in which the individual was 365

an occupant at the time of the accident; 366

(hh) Protected health information, as defined in 45 C.F.R. 367
160.103, that is in a claim for payment for a health care 368
product, service, or procedure, as well as any other health 369
claims data in another document that reveals the identity of an 370
individual who is the subject of the data or could be used to 371
reveal that individual's identity; 372

(ii) Any depiction by photograph, film, videotape, or 373
printed or digital image under either of the following 374
circumstances: 375

(i) The depiction is that of a victim of an offense the 376
release of which would be, to a reasonable person of ordinary 377
sensibilities, an offensive and objectionable intrusion into the 378
victim's expectation of bodily privacy and integrity. 379

(ii) The depiction captures or depicts the victim of a 380
sexually oriented offense, as defined in section 2950.01 of the 381
Revised Code, at the actual occurrence of that offense. 382

(jj) Restricted portions of a body-worn camera or 383
dashboard camera recording; 384

(kk) In the case of a fetal-infant mortality review board 385
acting under sections 3707.70 to 3707.77 of the Revised Code, 386
records, documents, reports, or other information presented to 387
the board or a person abstracting such materials on the board's 388
behalf, statements made by review board members during board 389
meetings, all work products of the board, and data submitted by 390
the board to the department of health or a national infant death 391
review database, other than the report prepared pursuant to 392
section 3707.77 of the Revised Code. 393

(ll) Records, documents, reports, or other information 394

presented to the pregnancy-associated mortality review board 395
established under section 5180.27 of the Revised Code, 396
statements made by board members during board meetings, all work 397
products of the board, and data submitted by the board to the 398
department of health, other than the biennial reports prepared 399
under section 5180.277 of the Revised Code; 400

(mm) Except as otherwise provided in division (A) (1) (oo) 401
of this section, telephone numbers for a victim, as defined in 402
section 2930.01 of the Revised Code or a witness to a crime that 403
are listed on any law enforcement record or report. 404

(nn) A preneed funeral contract, as defined in section 405
4717.01 of the Revised Code, and contract terms and personally 406
identifying information of a preneed funeral contract, that is 407
contained in a report submitted by or for a funeral home to the 408
board of embalmers and funeral directors under division (C) of 409
section 4717.13, division (J) of section 4717.31, or section 410
4717.41 of the Revised Code. 411

(oo) Telephone numbers for a party to a motor vehicle 412
accident subject to the requirements of section 5502.11 of the 413
Revised Code that are listed on any law enforcement record or 414
report, except that the telephone numbers described in this 415
division are not excluded from the definition of "public record" 416
under this division on and after the thirtieth day after the 417
occurrence of the motor vehicle accident. 418

(pp) Records pertaining to individuals who complete 419
training under section 5502.703 of the Revised Code to be 420
permitted by a school district board of education or governing 421
body of a community school established under Chapter 3314. of 422
the Revised Code, a STEM school established under Chapter 3326. 423
of the Revised Code, or a chartered nonpublic school to convey 424

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| deadly weapons or dangerous ordnance into a school safety zone; | 425 |
| (qq) Records, documents, reports, or other information | 426 |
| presented to a domestic violence fatality review board | 427 |
| established under section 307.651 of the Revised Code, | 428 |
| statements made by board members during board meetings, all work | 429 |
| products of the board, and data submitted by the board to the | 430 |
| department of health, other than a report prepared pursuant to | 431 |
| section 307.656 of the Revised Code; | 432 |
| (rr) Records, documents, and information the release of | 433 |
| which is prohibited under sections 2930.04 and 2930.07 of the | 434 |
| Revised Code; | 435 |
| (ss) Records of an existing qualified nonprofit | 436 |
| corporation that creates a special improvement district under | 437 |
| Chapter 1710. of the Revised Code that do not pertain to a | 438 |
| purpose for which the district is created; | 439 |
| (tt) Educational support services data, as defined in | 440 |
| section 3319.325 of the Revised Code; | 441 |
| (uu) Records of the past, current, and future work | 442 |
| schedule of a designated public service worker. As used in | 443 |
| division (A)(1)(uu) of this section, "work schedule" does not | 444 |
| include the docket of cases of a court, judge, or magistrate; | 445 |
| (vv) A request form or confirmation letter submitted to a | 446 |
| public office under section 149.45 of the Revised Code; | 447 |
| (ww) An affidavit or confirmation letter submitted under | 448 |
| section 319.28 of the Revised Code; | 449 |
| (xx) License or certificate application or renewal | 450 |
| responses and supporting documentation submitted to the state | 451 |
| medical board regarding an applicant's, or a license or | 452 |

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| certificate holder's, inability to practice according to | 453 |
| acceptable and prevailing standards of care by reason of a | 454 |
| medical condition; | 455 |
| (yy) Images and data captured by an automated license | 456 |
| plate recognition system that are maintained in a law | 457 |
| enforcement database; | 458 |
| (zz) Attorney work product record; | 459 |
| (aaa) Any entry on the public calendar of an elected | 460 |
| official that is for any date that is after the date the record | 461 |
| is requested; | 462 |
| (bbb) Records pertaining to burial sites under section | 463 |
| 149.3010 of the Revised Code. | 464 |
| A record that is not a public record under division (A) (1) | 465 |
| of this section and that, under law, is permanently retained | 466 |
| becomes a public record on the day that is seventy-five years | 467 |
| after the day on which the record was created, or in the case of | 468 |
| a record that is not a public record under division (A) (1) (uu) | 469 |
| of this section that is retained, three years after the day on | 470 |
| which the record was created, except for any record protected by | 471 |
| the attorney-client privilege, a trial preparation record as | 472 |
| defined in this section, a statement prohibiting the release of | 473 |
| identifying information signed under section 3107.083 of the | 474 |
| Revised Code, a denial of release form filed pursuant to section | 475 |
| 3107.46 of the Revised Code, records pertaining to burial sites | 476 |
| under section 149.3010 of the Revised Code, or any record that | 477 |
| is exempt from release or disclosure under section 149.433 of | 478 |
| the Revised Code. If the record is a birth certificate and a | 479 |
| biological parent's name redaction request form has been | 480 |
| accepted under section 3107.391 of the Revised Code, the name of | 481 |

that parent shall be redacted from the birth certificate before 482
it is released under this paragraph. If any other section of the 483
Revised Code establishes a time period for disclosure of a 484
record that conflicts with the time period specified in this 485
section, the time period in the other section prevails. 486

(2) (a) "Confidential law enforcement investigatory record" 487
means any record that pertains to a law enforcement matter of a 488
criminal, quasi-criminal, civil, or administrative nature, but 489
only to the extent that the release of the record would create a 490
high probability of disclosure of any of the following: 491

(i) The identity of a suspect who has not been charged 492
with the offense to which the record pertains, or of an 493
information source or witness to whom confidentiality has been 494
reasonably promised; 495

(ii) Information provided by an information source or 496
witness to whom confidentiality has been reasonably promised, 497
which information would reasonably tend to disclose the source's 498
or witness's identity; 499

(iii) Specific confidential investigatory techniques or 500
procedures or specific investigatory work product; 501

(iv) Information that would endanger the life or physical 502
safety of law enforcement personnel, a crime victim, a witness, 503
or a confidential information source. 504

(b) As used in divisions (A) (2) and (18) of this section, 505
"specific investigatory work product" means information 506
assembled by law enforcement officials in connection with a 507
probable or pending criminal or civil proceeding, with the 508
exception of routine incident reports. "Specific investigatory 509
work product" is not a public record prior to the conclusion of 510

all direct appeals, or, if no appeal is filed, prior to the 511
expiration of the time during which an appeal may be filed, or, 512
if no trial has occurred, until the criminal or civil proceeding 513
has ended without possibility of direct appeal or each agency, 514
office, or official responsible for the matter has made a 515
decision not to proceed with the matter. 516

(3) "Medical record" means any document or combination of 517
documents, except births, deaths, and the fact of admission to 518
or discharge from a hospital, that pertains to the medical 519
history, diagnosis, prognosis, or medical condition of a patient 520
and that is generated and maintained in the process of medical 521
treatment. 522

(4) "Trial preparation record" means any record created by 523
or for another party or by or for that party's representative, 524
in reasonable anticipation of, or in defense of, a civil or 525
criminal action or proceeding, that is not a confidential law 526
enforcement investigatory record or attorney work product record 527
and that contains factual information that is specifically 528
compiled for that civil or criminal action or proceeding. 529

(5) "Intellectual property record" means a record, other 530
than a financial or administrative record, that is produced or 531
collected by or for faculty or staff of a state institution of 532
higher learning in the conduct of or as a result of study or 533
research on an educational, commercial, scientific, artistic, 534
technical, or scholarly issue, regardless of whether the study 535
or research was sponsored by the institution alone or in 536
conjunction with a governmental body or private concern, and 537
that has not been publicly released, published, or patented. 538

(6) "Donor profile record" means all records about donors 539
or potential donors to a public institution of higher education 540

except the names and reported addresses of the actual donors and 541
the date, amount, and conditions of the actual donation. 542

(7) "Designated public service worker" means a peace 543
officer, parole officer, probation officer, bailiff, prosecuting 544
attorney, assistant prosecuting attorney, correctional employee, 545
county or multicounty corrections officer, community-based 546
correctional facility employee, designated Ohio national guard 547
member, protective services worker, youth services employee, 548
firefighter, EMT, medical director or member of a cooperating 549
physician advisory board of an emergency medical service 550
organization, state board of pharmacy employee, investigator of 551
the bureau of criminal identification and investigation, 552
emergency service telecommunicator, forensic mental health 553
provider, mental health evaluation provider, regional 554
psychiatric hospital employee, judge, magistrate, or federal law 555
enforcement officer. 556

(8) "Designated public service worker residential and 557
familial information" means any information that discloses any 558
of the following about a designated public service worker: 559

(a) The address of the actual personal residence of a 560
designated public service worker, except for the ~~following~~ 561
~~information:~~ 562

~~(i) The address of the actual personal residence of a~~ 563
~~prosecuting attorney or judge; and~~ 564

~~(ii) The state or political subdivision in which a~~ 565
~~designated public service worker resides;~~ 566

(b) Information compiled from referral to or participation 567
in an employee assistance program; 568

(c) The social security number, the residential telephone 569

number, any bank account, debit card, charge card, or credit
card number, or the emergency telephone number of, or any
medical information pertaining to, a designated public service
worker;

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

(e) The identity and amount of any charitable or
employment benefit deduction made by the designated public
service worker's employer from the designated public service
worker's compensation, unless the amount of the deduction is
required by state or federal law;

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

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

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

"Peace officer" has the meaning defined in section 109.71
of the Revised Code and also includes the superintendent and
troopers of the state highway patrol; it does not include the
sheriff of a county or a supervisory employee who, in the

absence of the sheriff, is authorized to stand in for, exercise 599
the authority of, and perform the duties of the sheriff. 600

"Correctional employee" means any employee of the 601
department of rehabilitation and correction who in the course of 602
performing the employee's job duties has or has had contact with 603
inmates and persons under supervision. 604

"County or multicounty corrections officer" means any 605
corrections officer employed by any county or multicounty 606
correctional facility. 607

"Designated Ohio national guard member" means a member of 608
the Ohio national guard who is participating in duties related 609
to remotely piloted aircraft, including, but not limited to, 610
pilots, sensor operators, and mission intelligence personnel, 611
duties related to special forces operations, or duties related 612
to cybersecurity, and is designated by the adjutant general as a 613
designated public service worker for those purposes. 614

"Protective services worker" means any employee of a 615
county agency who is responsible for child protective services, 616
child support services, or adult protective services. 617

"Youth services employee" means any employee of the 618
department of youth services who in the course of performing the 619
employee's job duties has or has had contact with children 620
committed to the custody of the department of youth services. 621

"Firefighter" means any regular, paid or volunteer, member 622
of a lawfully constituted fire department of a municipal 623
corporation, township, fire district, or village. 624

"EMT" means EMTs-basic, EMTs-I, and paramedics that 625
provide emergency medical services for a public emergency 626
medical service organization. "Emergency medical service 627

organization," "EMT-basic," "EMT-I," and "paramedic" have the 628
meanings defined in section 4765.01 of the Revised Code. 629

"Investigator of the bureau of criminal identification and 630
investigation" has the meaning defined in section 2903.11 of the 631
Revised Code. 632

"Emergency service telecommunicator" means an individual 633
employed by an emergency service provider as defined under 634
section 128.01 of the Revised Code, whose primary responsibility 635
is to be an operator for the receipt or processing of calls for 636
emergency services made by telephone, radio, or other electronic 637
means. 638

"Forensic mental health provider" means any employee of a 639
community mental health service provider or local alcohol, drug 640
addiction, and mental health services board who, in the course 641
of the employee's duties, has contact with persons committed to 642
a local alcohol, drug addiction, and mental health services 643
board by a court order pursuant to section 2945.38, 2945.39, 644
2945.40, or 2945.402 of the Revised Code. 645

"Mental health evaluation provider" means an individual 646
who, under Chapter 5122. of the Revised Code, examines a 647
respondent who is alleged to be a mentally ill person subject to 648
court order, as defined in section 5122.01 of the Revised Code, 649
and reports to the probate court the respondent's mental 650
condition. 651

"Regional psychiatric hospital employee" means any 652
employee of the department of ~~mental health and addiction~~ 653
~~services behavioral health~~ who, in the course of performing the 654
employee's duties, has contact with patients committed to the 655
department of ~~mental health and addiction services behavioral~~ 656

health by a court order pursuant to section 2945.38, 2945.39, 657
2945.40, or 2945.402 of the Revised Code. 658

"Federal law enforcement officer" has the meaning defined 659
in section 9.88 of the Revised Code. 660

(10) "Information pertaining to the recreational 661
activities of a person under the age of eighteen" means 662
information that is kept in the ordinary course of business by a 663
public office, that pertains to the recreational activities of a 664
person under the age of eighteen years, and that discloses any 665
of the following: 666

(a) The address or telephone number of a person under the 667
age of eighteen or the address or telephone number of that 668
person's parent, guardian, custodian, or emergency contact 669
person; 670

(b) The social security number, birth date, or 671
photographic image of a person under the age of eighteen; 672

(c) Any medical record, history, or information pertaining 673
to a person under the age of eighteen; 674

(d) Any additional information sought or required about a 675
person under the age of eighteen for the purpose of allowing 676
that person to participate in any recreational activity 677
conducted or sponsored by a public office or to use or obtain 678
admission privileges to any recreational facility owned or 679
operated by a public office. 680

(11) "Community control sanction" has the meaning defined 681
in section 2929.01 of the Revised Code. 682

(12) "Post-release control sanction" has the meaning 683
defined in section 2967.01 of the Revised Code. 684

(13) "Redaction" means obscuring or deleting any 685
information that is exempt from the duty to permit public 686
inspection or copying from an item that otherwise meets the 687
definition of a "record" in section 149.011 of the Revised Code. 688

(14) "Designee," "elected official," and "future official" 689
have the meanings defined in section 109.43 of the Revised Code. 690

(15) "Body-worn camera" means a visual and audio recording 691
device worn on the person of a correctional employee, youth 692
services employee, or peace officer while the correctional 693
employee, youth services employee, or peace officer is engaged 694
in the performance of official duties. 695

(16) "Dashboard camera" means a visual and audio recording 696
device mounted on a peace officer's vehicle or vessel that is 697
used while the peace officer is engaged in the performance of 698
the peace officer's duties. 699

(17) "Restricted portions of a body-worn camera or 700
dashboard camera recording" means any visual or audio portion of 701
a body-worn camera or dashboard camera recording that shows, 702
communicates, or discloses any of the following: 703

(a) The image or identity of a child or information that 704
could lead to the identification of a child who is a primary 705
subject of the recording when the department of rehabilitation 706
and correction, department of youth services, or the law 707
enforcement agency knows or has reason to know the person is a 708
child based on the department's or law enforcement agency's 709
records or the content of the recording; 710

(b) The death of a person or a deceased person's body, 711
unless the death was caused by a correctional employee, youth 712
services employee, or peace officer or, subject to division (H) 713

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| (1) of this section, the consent of the decedent's executor or administrator has been obtained; | 714 715 |
| (c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained; | 716 717 718 719 720 721 |
| (d) Grievous bodily harm, unless the 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; | 722 723 724 725 726 |
| (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; | 727 728 729 730 731 732 |
| (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; | 733 734 735 736 737 738 |
| (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 | 739 740 741 742 |

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| performance of official duties, unless, subject to division (H) | 743 |
| (l) of this section, the consent of the injured person or the | 744 |
| injured person's guardian has been obtained; | 745 |
| (h) A person's nude body, unless, subject to division (H) | 746 |
| (l) of this section, the person's consent has been obtained; | 747 |
| (i) Protected health information, the identity of a person | 748 |
| in a health care facility who is not the subject of a | 749 |
| correctional, youth services, or law enforcement encounter, or | 750 |
| any other information in a health care facility that could | 751 |
| identify a person who is not the subject of a correctional, | 752 |
| youth services, or law enforcement encounter; | 753 |
| (j) Information that could identify the alleged victim of | 754 |
| a sex offense, menacing by stalking, or domestic violence; | 755 |
| (k) Information, that does not constitute a confidential | 756 |
| law enforcement investigatory record, that could identify a | 757 |
| person who provides sensitive or confidential information to the | 758 |
| department of rehabilitation and correction, the department of | 759 |
| youth services, or a law enforcement agency when the disclosure | 760 |
| of the person's identity or the information provided could | 761 |
| reasonably be expected to threaten or endanger the safety or | 762 |
| property of the person or another person; | 763 |
| (l) Personal information of a person who is not arrested, | 764 |
| cited, charged, or issued a written warning by a peace officer; | 765 |
| (m) Proprietary correctional, youth services, or police | 766 |
| contingency plans or tactics that are intended to prevent crime | 767 |
| and maintain public order and safety; | 768 |
| (n) A personal conversation unrelated to work between | 769 |
| correctional employees, youth services employees, or peace | 770 |
| officers or between a correctional employee, youth services | 771 |

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| employee, or peace officer and an employee of a law enforcement agency; | 772 773 |
| (o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities; | 774 775 776 777 |
| (p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer; | 778 779 780 781 |
| (q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location. | 782 783 784 785 |
| As used in division (A) (17) of this section: | 786 |
| "Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. | 787 788 |
| "Health care facility" has the same meaning as in section 1337.11 of the Revised Code. | 789 790 |
| "Protected health information" has the same meaning as in 45 C.F.R. 160.103. | 791 792 |
| "Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties. | 793 794 |
| "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. | 795 796 797 798 |

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| "Sex offense" has the same meaning as in section 2907.10 | 799 |
| of the Revised Code. | 800 |
| "Firefighter," "paramedic," and "first responder" have the | 801 |
| same meanings as in section 4765.01 of the Revised Code. | 802 |
| (18) "Attorney work product record" means a record that is | 803 |
| not specific investigatory work product or a trial preparation | 804 |
| record and that is created by an attorney, or by the agent of an | 805 |
| attorney, in reasonable anticipation of or for litigation, | 806 |
| trial, or administrative proceedings, when acting in an official | 807 |
| capacity on behalf of the state, a political subdivision of the | 808 |
| state, a state agency, a public official, or a public employee, | 809 |
| that documents the independent thought processes, mental | 810 |
| impressions, legal theories, strategies, analysis, or reasoning | 811 |
| of an attorney or the agent of an attorney. | 812 |
| (19) "Elected official" means a person who is elected or | 813 |
| appointed to an elective office of the state or a political | 814 |
| subdivision. | 815 |
| (20) "Public calendar" means a calendar or appointment | 816 |
| book maintained by an elected official to schedule the elected | 817 |
| official's activities in relation to the elected official's | 818 |
| position as an elected official. "Public calendar" does not | 819 |
| include a personal calendar or appointment book maintained | 820 |
| solely for an elected official's personal convenience that does | 821 |
| not serve to document the elected official's official activities | 822 |
| or functions or the official activities or functions of the | 823 |
| elected official's public office. | 824 |
| (B) (1) Upon request by any person and subject to division | 825 |
| (B) (8) of this section, all public records responsive to the | 826 |
| request shall be promptly prepared and made available for | 827 |

inspection to the requester at all reasonable times during 828
regular business hours. Subject to division (B)(8) of this 829
section, upon request by any person, a public office or person 830
responsible for public records shall make copies of the 831
requested public record available to the requester at cost and 832
within a reasonable period of time. 833

When considering whether a state or local law enforcement 834
agency or a prosecuting attorney's office promptly prepared a 835
video record for inspection or produced a copy of a video record 836
within a reasonable period of time, in addition to any other 837
factors, a court shall consider the time required for a state or 838
local law enforcement agency or a prosecuting attorney's office 839
to retrieve, download, review, redact, seek legal advice 840
regarding, and produce the video record. Except as specified in 841
division (B)(11) of this section, notwithstanding any other 842
requirement set forth in Chapter 149. of the Revised Code, a 843
state or local law enforcement agency or a prosecuting 844
attorney's office may charge a requester the actual cost 845
associated with preparing a video record for inspection or 846
production, not to exceed seventy-five dollars per hour of video 847
produced, nor seven hundred fifty dollars total. As used in this 848
division, "actual cost," with respect to video records only, 849
means all costs incurred by the state or local law enforcement 850
agency or a prosecuting attorney's office in reviewing, blurring 851
or otherwise obscuring, redacting, uploading, or producing the 852
video records, including but not limited to the storage medium 853
on which the record is produced, staff time, and any other 854
relevant overhead necessary to comply with the request. A state 855
or local law enforcement agency or a prosecuting attorney's 856
office may include in its public records policy the requirement 857
that a requester pay the estimated actual cost before beginning 858

the process of preparing a video record for inspection or 859
production. Where a state or local law enforcement agency or a 860
prosecuting attorney's office imposes such a requirement, its 861
obligation to produce a video or make it available for 862
inspection begins once the estimated actual cost is paid in full 863
by the requester. A state or local law enforcement agency or a 864
prosecuting attorney's office shall provide the requester with 865
the estimated actual cost within five business days of receipt 866
of the public records request. If the actual cost exceeds the 867
estimated actual cost, a state or local law enforcement agency 868
or a prosecuting attorney's office may charge a requester for 869
the difference upon fulfilling a request for video records if 870
the requester is notified in advance that the actual cost may be 871
up to twenty per cent higher than the estimated actual cost. A 872
state or local law enforcement agency or a prosecuting 873
attorney's office shall not charge a requester a difference that 874
exceeds twenty per cent of the estimated actual cost. 875

If a public record contains information that is exempt 876
from the duty to permit public inspection or to copy the public 877
record, the public office or the person responsible for the 878
public record shall make available all of the information within 879
the public record that is not exempt. When making that public 880
record available for public inspection or copying that public 881
record, the public office or the person responsible for the 882
public record shall notify the requester of any redaction or 883
make the redaction plainly visible. A redaction shall be deemed 884
a denial of a request to inspect or copy the redacted 885
information, except if federal or state law authorizes or 886
requires a public office to make the redaction. When the auditor 887
of state receives a request to inspect or to make a copy of a 888
record that was provided to the auditor of state for purposes of 889

an audit, but the original public office has asserted to the auditor of state that the record is not a public record, the auditor of state may handle the requests by directing the requestor to the original public office that provided the record to the auditor of state.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from

relying upon additional reasons or legal authority in defending 921
an action commenced under division (C) of this section. 922

(4) Unless specifically required or authorized by state or 923
federal law or in accordance with division (B) of this section, 924
no public office or person responsible for public records may 925
limit or condition the availability of public records by 926
requiring disclosure of the requester's identity or the intended 927
use of the requested public record. Any requirement that the 928
requester disclose the requester's identity or the intended use 929
of the requested public record constitutes a denial of the 930
request. 931

(5) A public office or person responsible for public 932
records may ask a requester to make the request in writing, may 933
ask for the requester's identity, and may inquire about the 934
intended use of the information requested, but may do so only 935
after disclosing to the requester that a written request is not 936
mandatory, that the requester may decline to reveal the 937
requester's identity or the intended use, and when a written 938
request or disclosure of the identity or intended use would 939
benefit the requester by enhancing the ability of the public 940
office or person responsible for public records to identify, 941
locate, or deliver the public records sought by the requester. 942

(6) If any person requests a copy of a public record in 943
accordance with division (B) of this section, the public office 944
or person responsible for the public record may require the 945
requester to pay in advance the cost involved in providing the 946
copy of the public record in accordance with the choice made by 947
the requester under this division. The public office or the 948
person responsible for the public record shall permit the 949
requester to choose to have the public record duplicated upon 950

paper, upon the same medium upon which the public office or 951
person responsible for the public record keeps it, or upon any 952
other medium upon which the public office or person responsible 953
for the public record determines that it reasonably can be 954
duplicated as an integral part of the normal operations of the 955
public office or person responsible for the public record. When 956
the requester makes a choice under this division, the public 957
office or person responsible for the public record shall provide 958
a copy of it in accordance with the choice made by the 959
requester. Nothing in this section requires a public office or 960
person responsible for the public record to allow the requester 961
of a copy of the public record to make the copies of the public 962
record. 963

(7) (a) Upon a request made in accordance with division (B) 964
of this section and subject to division (B) (6) of this section, 965
a public office or person responsible for public records shall 966
transmit a copy of a public record to any person by United 967
States mail or by any other means of delivery or transmission 968
within a reasonable period of time after receiving the request 969
for the copy. The public office or person responsible for the 970
public record may require the person making the request to pay 971
in advance the cost of postage if the copy is transmitted by 972
United States mail or the cost of delivery if the copy is 973
transmitted other than by United States mail, and to pay in 974
advance the costs incurred for other supplies used in the 975
mailing, delivery, or transmission. 976

(b) Any public office may adopt a policy and procedures 977
that it will follow in transmitting, within a reasonable period 978
of time after receiving a request, copies of public records by 979
United States mail or by any other means of delivery or 980
transmission pursuant to division (B) (7) of this section. A 981

public office that adopts a policy and procedures under division 982
(B) (7) of this section shall comply with them in performing its 983
duties under that division. 984

(c) In any policy and procedures adopted under division 985
(B) (7) of this section: 986

(i) A public office may limit the number of records 987
requested by a person that the office will physically deliver by 988
United States mail or by another delivery service to ten per 989
month, unless the person certifies to the office in writing that 990
the person does not intend to use or forward the requested 991
records, or the information contained in them, for commercial 992
purposes; 993

(ii) A public office that chooses to provide some or all 994
of its public records on a web site that is fully accessible to 995
and searchable by members of the public at all times, other than 996
during acts of God outside the public office's control or 997
maintenance, and that charges no fee to search, access, 998
download, or otherwise receive records provided on the web site, 999
may limit to ten per month the number of records requested by a 1000
person that the office will deliver in a digital format, unless 1001
the requested records are not provided on the web site and 1002
unless the person certifies to the office in writing that the 1003
person does not intend to use or forward the requested records, 1004
or the information contained in them, for commercial purposes. 1005

(iii) For purposes of division (B) (7) of this section, 1006
"commercial" shall be narrowly construed and does not include 1007
reporting or gathering news, reporting or gathering information 1008
to assist citizen oversight or understanding of the operation or 1009
activities of government, or nonprofit educational research. 1010

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

(9) (a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child, and any past, current, and future work schedules of the designated public service worker. The request shall include the

journalist's name and title and the name and address of the 1042
journalist's employer and shall state that disclosure of the 1043
information sought would be in the public interest. 1044

(b) Division (B) (9) (a) of this section also applies to 1045
journalist requests for: 1046

(i) Customer information maintained by a municipally owned 1047
or operated public utility, other than social security numbers 1048
and any private financial information such as credit reports, 1049
payment methods, credit card numbers, and bank account 1050
information; 1051

(ii) Information about minors involved in a school vehicle 1052
accident as provided in division (A) (1) (gg) of this section, 1053
other than personal information as defined in section 149.45 of 1054
the Revised Code; 1055

(iii) A request form submitted to a public office under 1056
section 149.45 of the Revised Code; 1057

(iv) An affidavit submitted under section 319.28 of the 1058
Revised Code. 1059

(c) As used in division (B) (9) of this section, 1060
"journalist" means a person engaged in, connected with, or 1061
employed by any news medium, including a newspaper, magazine, 1062
press association, news agency, or wire service, a radio or 1063
television station, or a similar medium, for the purpose of 1064
gathering, processing, transmitting, compiling, editing, or 1065
disseminating information for the general public. 1066

(10) Upon a request made by a victim, victim's attorney, 1067
or victim's representative, as that term is used in section 1068
2930.02 of the Revised Code, a public office or person 1069
responsible for public records shall transmit a copy of a 1070

depiction of the victim as described in division (A) (1) (ii) of 1071
this section to the victim, victim's attorney, or victim's 1072
representative. 1073

(11) A state or local law enforcement agency or a 1074
prosecuting attorney's office shall not charge a fee for 1075
preparing a video record for inspection, or producing a copy of 1076
a video record, when the requester of the video record is a 1077
victim, as defined in Ohio Constitution, Article I, Section 10a, 1078
or who is a victim who suffered loss and could seek remedy 1079
through a tort action as defined by section 2307.011 of the 1080
Revised Code, who reasonably asserts that the video recording 1081
relates to the act or omission that caused the victim's harm or 1082
loss, or who is the legal counsel or insurer of the victim. A 1083
fee under this section may only be waived upon the receipt of an 1084
affidavit by the victim or the victim's legal counsel 1085
identifying that the use of the video is to investigate harm or 1086
damages that may have been captured on the video. 1087

As used in this division, "legal counsel of the victim" 1088
means an attorney who, at the time of making the request, 1089
produces to the state or local law enforcement agency or a 1090
prosecuting attorney's office a signed retention agreement or 1091
letter of representation that establishes that the attorney is 1092
representing the victim. 1093

(C) (1) If a person allegedly is aggrieved by the failure 1094
of a public office or the person responsible for public records 1095
to promptly prepare a public record and to make it available to 1096
the person for inspection in accordance with division (B) of 1097
this section or by any other failure of a public office or the 1098
person responsible for public records to comply with an 1099
obligation in accordance with division (B) of this section, the 1100

person allegedly aggrieved may serve pursuant to Rule 4 of the 1101
Ohio Rules of Civil Procedure a complaint, on a form prescribed 1102
by the clerk of the court of claims, to the public office or 1103
person responsible for public records allegedly responsible for 1104
the alleged failure. Upon receipt of the complaint of the person 1105
allegedly aggrieved, the public office or person responsible for 1106
public records has three business days to cure or otherwise 1107
address the failure alleged in the complaint. The person 1108
allegedly aggrieved shall not file a complaint with a court or 1109
commence a mandamus action under this section within the three- 1110
day period. Upon the expiration of the three-day period, the 1111
person allegedly aggrieved may, subject to the requirements of 1112
division (C) (2) of this section, do only one of the following, 1113
and not both: 1114

(a) File a complaint with the clerk of the court of claims 1115
or the clerk of the court of common pleas under section 2743.75 1116
of the Revised Code; 1117

(b) Commence a mandamus action to obtain a judgment that 1118
orders the public office or the person responsible for the 1119
public record to comply with division (B) of this section, that 1120
awards court costs and reasonable attorney's fees to the person 1121
that instituted the mandamus action, and, if applicable, that 1122
includes an order fixing statutory damages under division (C) (3) 1123
of this section. The mandamus action may be commenced in the 1124
court of common pleas of the county in which division (B) of 1125
this section allegedly was not complied with, in the supreme 1126
court pursuant to its original jurisdiction under Section 2 of 1127
Article IV, Ohio Constitution, or in the court of appeals for 1128
the appellate district in which division (B) of this section 1129
allegedly was not complied with pursuant to its original 1130
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1131

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

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

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

failed to comply with an obligation in accordance with division 1163
(B) of this section, beginning with the day on which the 1164
requester files a mandamus action to recover statutory damages, 1165
up to a maximum of one thousand dollars. The award of statutory 1166
damages shall not be construed as a penalty, but as compensation 1167
for injury arising from lost use of the requested information. 1168
The existence of this injury shall be conclusively presumed. The 1169
award of statutory damages shall be in addition to all other 1170
remedies authorized by this section. 1171

The court may reduce an award of statutory damages or not 1172
award statutory damages if the court determines both of the 1173
following: 1174

(a) That, based on the ordinary application of statutory 1175
law and case law as it existed at the time of the conduct or 1176
threatened conduct of the public office or person responsible 1177
for the requested public records that allegedly constitutes a 1178
failure to comply with an obligation in accordance with division 1179
(B) of this section and that was the basis of the mandamus 1180
action, a well-informed public office or person responsible for 1181
the requested public records reasonably would believe that the 1182
conduct or threatened conduct of the public office or person 1183
responsible for the requested public records did not constitute 1184
a failure to comply with an obligation in accordance with 1185
division (B) of this section; 1186

(b) That a well-informed public office or person 1187
responsible for the requested public records reasonably would 1188
believe that the conduct or threatened conduct of the public 1189
office or person responsible for the requested public records 1190
would serve the public policy that underlies the authority that 1191
is asserted as permitting that conduct or threatened conduct. 1192

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| (4) In a mandamus action filed under division (C) (1) of this section, the following apply: | 1193 1194 |
| (a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. | 1195 1196 1197 1198 1199 |
| (ii) If the court makes a determination described in division (C) (4) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. | 1200 1201 1202 1203 |
| (b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (5) of this section: | 1204 1205 1206 1207 1208 |
| (i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section. | 1209 1210 1211 1212 |
| (ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time. | 1213 1214 1215 1216 1217 |
| (iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, | 1218 1219 1220 1221 |

but before the court issued any order concluding whether or not 1222
the public office or person was required to comply with division 1223
(B) of this section. No discovery may be conducted on the issue 1224
of the alleged bad faith of the public office or person 1225
responsible for the public records. This division shall not be 1226
construed as creating a presumption that the public office or 1227
the person responsible for the public records acted in bad faith 1228
when the office or person voluntarily made the public records 1229
available to the relator for the first time after the relator 1230
commenced the mandamus action, but before the court issued any 1231
order described in this division. 1232

(c) The court shall not award attorney's fees to the 1233
relator if the court determines both of the following: 1234

(i) That, based on the ordinary application of statutory 1235
law and case law as it existed at the time of the conduct or 1236
threatened conduct of the public office or person responsible 1237
for the requested public records that allegedly constitutes a 1238
failure to comply with an obligation in accordance with division 1239
(B) of this section and that was the basis of the mandamus 1240
action, a well-informed public office or person responsible for 1241
the requested public records reasonably would believe that the 1242
conduct or threatened conduct of the public office or person 1243
responsible for the requested public records did not constitute 1244
a failure to comply with an obligation in accordance with 1245
division (B) of this section; 1246

(ii) That a well-informed public office or person 1247
responsible for the requested public records reasonably would 1248
believe that the conduct or threatened conduct of the public 1249
office or person responsible for the requested public records 1250
would serve the public policy that underlies the authority that 1251

| | |
|---|------|
| is asserted as permitting that conduct or threatened conduct. | 1252 |
| (5) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (4) (b) of this section: | 1253 |
| (a) The fees shall be construed as remedial and not punitive. | 1254 |
| (b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (5) (c) of this section. | 1255 |
| (c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. | 1256 |
| (d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section. | 1257 |
| (6) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. | 1258 |
| (D) Chapter 1347. of the Revised Code does not limit the provisions of this section. | 1259 |
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(E) (1) To ensure that all employees of public offices are 1280
appropriately educated about a public office's obligations under 1281
division (B) of this section, all elected officials or their 1282
appropriate designees shall attend training approved by the 1283
attorney general as provided in section 109.43 of the Revised 1284
Code. A future official may satisfy the requirements of this 1285
division by attending the training before taking office, 1286
provided that the future official may not send a designee in the 1287
future official's place. 1288

(2) All public offices shall adopt a public records policy 1289
in compliance with this section for responding to public records 1290
requests. In adopting a public records policy under this 1291
division, a public office may obtain guidance from the model 1292
public records policy developed and provided to the public 1293
office by the attorney general under section 109.43 of the 1294
Revised Code. Except as otherwise provided in this section, the 1295
policy may not limit the number of public records that the 1296
public office will make available to a single person, may not 1297
limit the number of public records that it will make available 1298
during a fixed period of time, and may not establish a fixed 1299
period of time before it will respond to a request for 1300
inspection or copying of public records, unless that period is 1301
less than eight hours. 1302

The public office shall distribute the public records 1303
policy adopted by the public office under this division to the 1304
employee of the public office who is the records custodian or 1305
records manager or otherwise has custody of the records of that 1306
office. The public office shall require that employee to 1307
acknowledge receipt of the copy of the public records policy. 1308
The public office shall create a poster that describes its 1309
public records policy and shall post the poster in a conspicuous 1310

place in the public office and in all locations where the public 1311
office has branch offices. The public office may post its public 1312
records policy on the internet web site of the public office if 1313
the public office maintains an internet web site. A public 1314
office that has established a manual or handbook of its general 1315
policies and procedures for all employees of the public office 1316
shall include the public records policy of the public office in 1317
the manual or handbook. 1318

(F) (1) The bureau of motor vehicles may adopt rules 1319
pursuant to Chapter 119. of the Revised Code to reasonably limit 1320
the number of bulk commercial special extraction requests made 1321
by a person for the same records or for updated records during a 1322
calendar year. The rules may include provisions for charges to 1323
be made for bulk commercial special extraction requests for the 1324
actual cost of the bureau, plus special extraction costs, plus 1325
ten per cent. The bureau may charge for expenses for redacting 1326
information, the release of which is prohibited by law. 1327

(2) As used in division (F) (1) of this section: 1328

(a) "Actual cost" means the cost of depleted supplies, 1329
records storage media costs, actual mailing and alternative 1330
delivery costs, or other transmitting costs, and any direct 1331
equipment operating and maintenance costs, including actual 1332
costs paid to private contractors for copying services. 1333

(b) "Bulk commercial special extraction request" means a 1334
request for copies of a record for information in a format other 1335
than the format already available, or information that cannot be 1336
extracted without examination of all items in a records series, 1337
class of records, or database by a person who intends to use or 1338
forward the copies for surveys, marketing, solicitation, or 1339
resale for commercial purposes. "Bulk commercial special 1340

extraction request" does not include a request by a person who 1341
gives assurance to the bureau that the person making the request 1342
does not intend to use or forward the requested copies for 1343
surveys, marketing, solicitation, or resale for commercial 1344
purposes. 1345

(c) "Commercial" means profit-seeking production, buying, 1346
or selling of any good, service, or other product. 1347

(d) "Special extraction costs" means the cost of the time 1348
spent by the lowest paid employee competent to perform the task, 1349
the actual amount paid to outside private contractors employed 1350
by the bureau, or the actual cost incurred to create computer 1351
programs to make the special extraction. "Special extraction 1352
costs" include any charges paid to a public agency for computer 1353
or records services. 1354

(3) For purposes of divisions (F) (1) and (2) of this 1355
section, "surveys, marketing, solicitation, or resale for 1356
commercial purposes" shall be narrowly construed and does not 1357
include reporting or gathering news, reporting or gathering 1358
information to assist citizen oversight or understanding of the 1359
operation or activities of government, or nonprofit educational 1360
research. 1361

(G) A request by a defendant, counsel of a defendant, or 1362
any agent of a defendant in a criminal action that public 1363
records related to that action be made available under this 1364
section shall be considered a demand for discovery pursuant to 1365
the Criminal Rules, except to the extent that the Criminal Rules 1366
plainly indicate a contrary intent. The defendant, counsel of 1367
the defendant, or agent of the defendant making a request under 1368
this division shall serve a copy of the request on the 1369
prosecuting attorney, director of law, or other chief legal 1370

officer responsible for prosecuting the action. 1371

(H) (1) Any portion of a body-worn camera or dashboard 1372
camera recording described in divisions (A) (17) (b) to (h) of 1373
this section may be released by consent of the subject of the 1374
recording or a representative of that person, as specified in 1375
those divisions, only if either of the following applies: 1376

(a) The recording will not be used in connection with any 1377
probable or pending criminal proceedings; 1378

(b) The recording has been used in connection with a 1379
criminal proceeding that was dismissed or for which a judgment 1380
has been entered pursuant to Rule 32 of the Rules of Criminal 1381
Procedure, and will not be used again in connection with any 1382
probable or pending criminal proceedings. 1383

(2) If a public office denies a request to release a 1384
restricted portion of a body-worn camera or dashboard camera 1385
recording, as defined in division (A) (17) of this section, any 1386
person may file a mandamus action pursuant to this section or a 1387
complaint with the clerk of the court of claims pursuant to 1388
section 2743.75 of the Revised Code, requesting the court to 1389
order the release of all or portions of the recording. If the 1390
court considering the request determines that the filing 1391
articulates by clear and convincing evidence that the public 1392
interest in the recording substantially outweighs privacy 1393
interests and other interests asserted to deny release, the 1394
court shall order the public office to release the recording. 1395

Sec. 3503.13. (A) (1) Except as otherwise provided in 1396
division (A) (2) of this section, voter registration forms 1397
submitted by applicants and the statewide voter registration 1398
database established under section 3503.15 of the Revised Code 1399

are public records subject to disclosure under section 149.43 of the Revised Code. 1400
1401

(2) None of the following are subject to disclosure under division (A)(1) of this section: 1402
1403

(a) An elector's full or partial social security number, driver's license or state identification card number, telephone number, or electronic mail address; 1404
1405
1406

(b) A confidential voter registration record, as described in section 111.44 of the Revised Code; 1407
1408

(c) The address of a designated public service worker or a qualifying former designated public service worker, if the designated public service worker person has submitted a redaction request to the board of elections under section 149.45 of the Revised Code;— . As used in this division, "designated public service worker" and "qualifying former designated public service worker" have the same meanings as in section 149.45 of the Revised Code. 1409
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(d) An elector's proof of citizenship; 1417

(e) Any other information that is prohibited from being disclosed by state or federal law. 1418
1419

(B) A board of elections may use a legible digitized signature list of voter signatures, copied from the signatures on the registration forms in a form and manner prescribed by the secretary of state, provided that the board includes the required voter registration information in the statewide voter registration database established under section 3503.15 of the Revised Code, and provided that the precinct election officials have computer printouts at the polls prepared in the manner required under section 3503.23 of the Revised Code. 1420
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Sec. 3503.24. (A) Application for the correction of any 1429
precinct registration list or a challenge of the right to vote 1430
of any registered elector may be made by any qualified elector 1431
at the office of the board of elections not later than the 1432
thirtieth day before the day of the election. The applications 1433
or challenges, with the reasons for the application or 1434
challenge, shall be filed with the board in person or by mail on 1435
a form prescribed by the secretary of state and shall be signed 1436
under penalty of election falsification. 1437

(B) On receiving an application or challenge filed under 1438
this section, the board of elections promptly shall review the 1439
board's records. If the board is able to determine that an 1440
application or challenge should be granted or denied solely on 1441
the basis of the records maintained by the board, the board 1442
immediately shall vote to grant or deny that application or 1443
challenge. 1444

If the board is not able to determine whether an 1445
application or challenge should be granted or denied solely on 1446
the basis of the records maintained by the board, the director 1447
shall promptly set a time and date for a hearing before the 1448
board. The hearing shall be held, and the application or 1449
challenge shall be decided, no later than ten days after the 1450
board receives the application or challenge. The director shall 1451
send written notice to any elector whose right to vote is 1452
challenged and to any person whose name is alleged to have been 1453
omitted from a registration list. The notice shall inform the 1454
person of the time and date of the hearing, and of the person's 1455
right to appear and testify, call witnesses, and be represented 1456
by counsel. The notice shall be sent by first class mail no 1457
later than three days before the day of any scheduled hearing. 1458
Except as otherwise provided in division (D) of this section, 1459

the director shall also provide the person who filed the 1460
application or challenge with such written notice of the date 1461
and time of the hearing. 1462

At the request of either party or any member of the board, 1463
the board shall issue subpoenas to witnesses to appear and 1464
testify before the board at a hearing held under this section. 1465
All witnesses shall testify under oath. The board shall reach a 1466
decision on all applications and challenges immediately after 1467
hearing. 1468

(C) If the board decides that any such person is not 1469
entitled to have the person's name on the registration list, the 1470
person's name shall be removed from the list and the person's 1471
registration forms canceled. If the board decides that the name 1472
of any such person should appear on the registration list, it 1473
shall be added to the list, and the person's registration forms 1474
placed in the proper registration files. All such corrections 1475
and additions shall be made on a copy of the precinct lists, 1476
which shall constitute the poll lists, to be furnished to the 1477
respective precincts with other election supplies on the day 1478
preceding the election, to be used by the election officials in 1479
receiving the signatures of voters and in checking against the 1480
registration forms. 1481

(D) If an elector who is the subject of an application or 1482
challenge hearing has a confidential voter registration record, 1483
as described in section 111.44 of the Revised Code, all of the 1484
following apply: 1485

(1) If the elector's right to vote has been challenged, 1486
the person who filed the challenge shall not receive notice of 1487
the date and time of any hearing held concerning the challenge, 1488
shall not be permitted to attend the hearing, and shall not 1489

receive notice of the disposition of the challenge. 1490

(2) If the elector is the subject of an application for 1491
the correction of the precinct registration list and the elector 1492
is not the person who filed the application, the person who 1493
filed the application shall not receive notice of the date and 1494
time of any hearing held concerning the application, shall not 1495
be permitted to attend the hearing, and shall not receive notice 1496
of the disposition of the application. 1497

(3) Notwithstanding section 121.22 of the Revised Code, 1498
any hearing held concerning the application or challenge shall 1499
not be open to the public. 1500

(4) Any records created as a result of the application or 1501
challenge that include the elector's residence address or 1502
precinct shall not be open to public inspection. 1503

(E) (1) As used in division (E) of this section, 1504
"designated public service worker" and "qualifying former 1505
designated public service worker" have the same meanings as in 1506
section 149.45 of the Revised Code. 1507

(2) If an elector who is the subject of an application or 1508
challenge hearing is a designated public service worker or a 1509
qualifying former designated public service worker and the 1510
elector has submitted a redaction request to the board of 1511
elections under section 149.45 of the Revised Code, both of the 1512
following apply: 1513

(a) Notwithstanding section 121.22 of the Revised Code, 1514
any hearing held concerning the application or challenge shall 1515
not be open to the public. 1516

(b) The person's residence address shall be redacted from 1517
the publicly available version of any records created as a 1518

result of the application or challenge. 1519

Sec. 3513.053. (A) As used in this section, "designated 1520
public service worker" and "qualifying former designated public 1521
service worker" have the same meanings as in section 149.45 of 1522
the Revised Code. 1523

(B) If a person whose candidacy is the subject of a 1524
protest under this chapter is a designated public service worker 1525
or a qualifying former designated public service worker who has 1526
submitted a redaction request to the board of elections under 1527
section 149.45 of the Revised Code, or the person has a 1528
confidential voter registration record, as described in section 1529
111.44 of the Revised Code, both of the following apply: 1530

(1) Notwithstanding section 121.22 of the Revised Code, 1531
any hearing held concerning the protest shall not be open to the 1532
public. 1533

(2) The person's residence address shall be redacted from 1534
the publicly available version of any records created as a 1535
result of the protest. 1536

Section 2. That existing sections 111.41, 111.42, 111.99, 1537
149.43, 3503.13, and 3503.24 of the Revised Code are hereby 1538
repealed. 1539