

As Introduced

**136th General Assembly
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S. B. No. 420

Senator O'Brien

To amend sections 117.46, 121.01, 121.22, 149.011, 149.43, 187.01, 187.03, and 187.04 of the Revised Code to establish that records created by JobsOhio are public records under Ohio Public Records Law, to require JobsOhio to comply with the Open Meetings Law, and to require the Auditor of State to conduct a performance audit of JobsOhio.

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

Section 1. That sections 117.46, 121.01, 121.22, 149.011, 149.43, 187.01, 187.03, and 187.04 of the Revised Code be amended to read as follows:

Sec. 117.46. (A) Each biennium the auditor of state shall conduct a minimum of four performance audits under this section. Except as otherwise provided in this section, at least two of the audits shall be of state agencies selected from a list comprised of the administrative departments listed in section 121.02 of the Revised Code and the department of education and workforce and at least two of the audits shall be of other state agencies. At the auditor of state's discretion, the auditor of state may also conduct performance audits of state institutions of higher education. The offices of the attorney general,

auditor of state, governor, secretary of state, and treasurer of 22
state and agencies of the legislative and judicial branches are 23
not subject to an audit under this section. 24

The auditor shall select each agency or institution to be 25
audited and shall determine whether to audit the entire agency 26
or institution or a portion of the agency or institution by 27
auditing one or more programs, offices, boards, councils, or 28
other entities within that agency or institution. The auditor 29
shall make the selection and determination in consultation with 30
the governor and the speaker and minority leader of the house of 31
representatives and president and minority leader of the senate. 32

An audit of a portion of an agency or institution shall be 33
considered an audit of one agency or institution. The authority 34
to audit a portion of an agency or institution in no way limits 35
the auditor's ability to audit an entire agency or institution 36
if it is in the best interest of the state. 37

(B) The auditor of state annually shall conduct a 38
performance audit of the nonprofit corporation formed under 39
section 187.01 of the Revised Code as if it was a state agency 40
under sections 117.01 and 117.13 of the Revised Code. 41

(C) The performance audits under this section shall be 42
conducted pursuant to sections 117.01 and 117.13 of the Revised 43
Code. In conducting a performance audit, the auditor of state 44
shall determine the scope of the audit, but shall consider, if 45
appropriate, supervisory and subordinate level operations in the 46
agency or institution. A performance audit under this section 47
shall not include review or evaluation of an institution's 48
academic performance. 49

As used in this section and in sections 117.461, 117.462, 50

117.463, and 117.47 of the Revised Code, "state institution of higher education" has the meaning defined in section 3345.011 of the Revised Code. 51
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Sec. 121.01. As used in sections 121.01 to 121.20 of the Revised Code: 54
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(A) "Department" means the several departments of state administration enumerated in section 121.02 of the Revised Code. 56
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(B) "Division" means a part of a department established as provided in section 121.07 of the Revised Code for the convenient performance of one or more of the functions committed to a department. 58
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(C) "Departments, offices, and institutions" include every organized body, office, and agency established by the constitution and laws of the state for the exercise of any function of the state government, and every institution or organization which receives any support from the state. 62
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~~"Departments, offices, and institutions" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.~~ 67
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Sec. 121.22. (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law. 70
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(B) As used in this section: 75

(1) "Public body" means any of the following: 76

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or 77
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authority, and any legislative authority or board, commission, 79
committee, council, agency, authority, or similar decision- 80
making body of any county, township, municipal corporation, 81
school district, or other political subdivision or local public 82
institution; 83

(b) Any committee or subcommittee of a body described in 84
division (B) (1) (a) of this section; 85

(c) A court of jurisdiction of a sanitary district 86
organized wholly for the purpose of providing a water supply for 87
domestic, municipal, and public use when meeting for the purpose 88
of the appointment, removal, or reappointment of a member of the 89
board of directors of such a district pursuant to section 90
6115.10 of the Revised Code, if applicable, or for any other 91
matter related to such a district other than litigation 92
involving the district. As used in division (B) (1) (c) of this 93
section, "court of jurisdiction" has the same meaning as "court" 94
in section 6115.01 of the Revised Code. 95

(2) "Meeting" means any prearranged discussion of the 96
public business of the public body by a majority of its members. 97

(3) "Regulated individual" means either of the following: 98

(a) A student in a state or local public educational 99
institution; 100

(b) A person who is, voluntarily or involuntarily, an 101
inmate, patient, or resident of a state or local institution 102
because of criminal behavior, mental illness, an intellectual 103
disability, disease, disability, age, or other condition 104
requiring custodial care. 105

(4) "Public office" has the same meaning as in section 106
149.011 of the Revised Code. 107

(C) All meetings of any public body are declared to be 108
public meetings open to the public at all times. A member of a 109
public body shall be present in person at a meeting open to the 110
public to be considered present or to vote at the meeting and 111
for purposes of determining whether a quorum is present at the 112
meeting. 113

The minutes of a regular or special meeting of any public 114
body shall be promptly prepared, filed, and maintained and shall 115
be open to public inspection. The minutes need only reflect the 116
general subject matter of discussions in executive sessions 117
authorized under division (G) or (J) of this section. 118

(D) This section does not apply to any of the following: 119

(1) A grand jury; 120

(2) An audit conference conducted by the auditor of state 121
or independent certified public accountants with officials of 122
the public office that is the subject of the audit; 123

(3) The adult parole authority when its hearings are 124
conducted at a correctional institution for the sole purpose of 125
interviewing inmates to determine parole or pardon and the 126
department of rehabilitation and correction when its hearings 127
are conducted at a correctional institution for the sole purpose 128
of making determinations under section 2967.271 of the Revised 129
Code regarding the release or maintained incarceration of an 130
offender to whom that section applies; 131

(4) The organized crime investigations commission 132
established under section 177.01 of the Revised Code; 133

(5) Meetings of a child fatality review board established 134
under section 307.621 of the Revised Code, meetings related to a 135
review conducted pursuant to guidelines established by the 136

director of health under section 3701.70 of the Revised Code,	137
and meetings conducted pursuant to sections 5153.171 to 5153.173	138
of the Revised Code;	139
(6) The state medical board when determining whether to	140
suspend a license or certificate without a prior hearing	141
pursuant to division (G) of either section 4730.25 or 4731.22 of	142
the Revised Code;	143
(7) The board of nursing when determining whether to	144
suspend a license or certificate without a prior hearing	145
pursuant to division (B) of section 4723.281 of the Revised	146
Code;	147
(8) The state board of pharmacy when determining whether	148
to do either of the following:	149
(a) Suspend a license, certification, or registration	150
without a prior hearing, including during meetings conducted by	151
telephone conference, pursuant to Chapters 3719., 3796., 4729.,	152
and 4752. of the Revised Code and rules adopted thereunder; or	153
(b) Restrict a person from obtaining further information	154
from the drug database established in section 4729.75 of the	155
Revised Code without a prior hearing pursuant to division (C) of	156
section 4729.86 of the Revised Code.	157
(9) The state chiropractic board when determining whether	158
to suspend a license without a hearing pursuant to section	159
4734.37 of the Revised Code;	160
(10) The executive committee of the emergency response	161
commission when determining whether to issue an enforcement	162
order or request that a civil action, civil penalty action, or	163
criminal action be brought to enforce Chapter 3750. of the	164
Revised Code;	165

(11) The board of directors of the nonprofit corporation—	166
formed under section 187.01 of the Revised Code or any committee	167
thereof, and the board of directors of any subsidiary of that—	168
corporation or a committee thereof;—	169
(12) An audit conference conducted by the audit staff of	170
the department of job and family services with officials of the	171
public office that is the subject of that audit under section	172
5101.37 of the Revised Code;	173
(13) <u>(12)</u> The occupational therapy section of the	174
occupational therapy, physical therapy, and athletic trainers	175
board when determining whether to suspend a license without a	176
hearing pursuant to division (E) of section 4755.11 of the	177
Revised Code;	178
(14) <u>(13)</u> The physical therapy section of the occupational	179
therapy, physical therapy, and athletic trainers board when	180
determining whether to suspend a license without a hearing	181
pursuant to division (F) of section 4755.47 of the Revised Code;	182
(15) <u>(14)</u> The athletic trainers section of the occupational	183
therapy, physical therapy, and athletic trainers board when	184
determining whether to suspend a license without a hearing	185
pursuant to division (E) of section 4755.64 of the Revised Code;	186
(16) <u>(15)</u> Meetings of the pregnancy-associated mortality	187
review board established under section 5180.27 of the Revised	188
Code;	189
(17) <u>(16)</u> Meetings of a fetal-infant mortality review board	190
established under section 3707.71 of the Revised Code;	191
(18) <u>(17)</u> Meetings of a drug overdose fatality review	192
committee described in section 307.631 of the Revised Code;	193

(19) <u>(18)</u> Meetings of a suicide fatality review committee	194
described in section 307.641 of the Revised Code;	195
(20) <u>(19)</u> Meetings of the officers, members, or directors	196
of an existing qualified nonprofit corporation that creates a	197
special improvement district under Chapter 1710. of the Revised	198
Code, at which the public business of the corporation pertaining	199
to a purpose for which the district is created is not discussed;	200
(21) <u>(20)</u> Meetings of a domestic violence fatality review	201
board established under section 307.651 of the Revised Code;	202
(22) <u>(21)</u> Any nonprofit agency that has received an	203
endorsement under section 5101.315 of the Revised Code.	204
(E) The controlling board, the tax credit authority, or	205
the minority development financing advisory board, when meeting	206
to consider granting assistance pursuant to Chapter 122. or 166.	207
of the Revised Code, in order to protect the interest of the	208
applicant or the possible investment of public funds, by	209
unanimous vote of all board or authority members present, may	210
close the meeting during consideration of the following	211
information confidentially received by the authority or board	212
from the applicant:	213
(1) Marketing plans;	214
(2) Specific business strategy;	215
(3) Production techniques and trade secrets;	216
(4) Financial projections;	217
(5) Personal financial statements of the applicant or	218
members of the applicant's immediate family, including, but not	219
limited to, tax records or other similar information not open to	220
public inspection.	221

The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in divisions (G)(8) and (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal,

discipline, promotion, demotion, or compensation of a public 252
employee or official, or the investigation of charges or 253
complaints against a public employee, official, licensee, or 254
regulated individual, unless the public employee, official, 255
licensee, or regulated individual requests a public hearing. 256
Except as otherwise provided by law, no public body shall hold 257
an executive session for the discipline of an elected official 258
for conduct related to the performance of the elected official's 259
official duties or for the elected official's removal from 260
office. If a public body holds an executive session pursuant to 261
division (G) (1) of this section, the motion and vote to hold 262
that executive session shall state which one or more of the 263
approved purposes listed in division (G) (1) of this section are 264
the purposes for which the executive session is to be held, but 265
need not include the name of any person to be considered at the 266
meeting. 267

(2) To consider the purchase of property for public 268
purposes, the sale of property at competitive bidding, or the 269
sale or other disposition of unneeded, obsolete, or unfit-for- 270
use property in accordance with section 505.10 of the Revised 271
Code, if premature disclosure of information would give an 272
unfair competitive or bargaining advantage to a person whose 273
personal, private interest is adverse to the general public 274
interest. No member of a public body shall use division (G) (2) 275
of this section as a subterfuge for providing covert information 276
to prospective buyers or sellers. A purchase or sale of public 277
property is void if the seller or buyer of the public property 278
has received covert information from a member of a public body 279
that has not been disclosed to the general public in sufficient 280
time for other prospective buyers and sellers to prepare and 281
submit offers. 282

If the minutes of the public body show that all meetings	283
and deliberations of the public body have been conducted in	284
compliance with this section, any instrument executed by the	285
public body purporting to convey, lease, or otherwise dispose of	286
any right, title, or interest in any public property shall be	287
conclusively presumed to have been executed in compliance with	288
this section insofar as title or other interest of any bona fide	289
purchasers, lessees, or transferees of the property is	290
concerned.	291
(3) Conferences with an attorney for the public body	292
concerning disputes involving the public body that are the	293
subject of pending or imminent court action;	294
(4) Preparing for, conducting, or reviewing negotiations	295
or bargaining sessions with public employees concerning their	296
compensation or other terms and conditions of their employment;	297
(5) Matters required to be kept confidential by federal	298
law or regulations or state statutes;	299
(6) Details relative to the security arrangements and	300
emergency response protocols for a public body or a public	301
office, if disclosure of the matters discussed could reasonably	302
be expected to jeopardize the security of the public body or	303
public office;	304
(7) In the case of a county hospital operated pursuant to	305
Chapter 339. of the Revised Code, a joint township hospital	306
operated pursuant to Chapter 513. of the Revised Code, or a	307
municipal hospital operated pursuant to Chapter 749. of the	308
Revised Code, to consider trade secrets, as defined in section	309
1333.61 of the Revised Code;	310
(8) To consider confidential information related to the	311

marketing plans, specific business strategy, production 312
techniques, trade secrets, or personal financial statements of 313
an applicant for economic development assistance, or to 314
negotiations with other political subdivisions respecting 315
requests for economic development assistance, provided that both 316
of the following conditions apply: 317

(a) The information is directly related to a request for 318
economic development assistance that is to be provided or 319
administered under any provision of Chapter 715., 725., 1724., 320
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 321
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 322
5709.81 of the Revised Code, or that involves public 323
infrastructure improvements or the extension of utility services 324
that are directly related to an economic development project. 325

(b) A unanimous quorum of the public body determines, by a 326
roll call vote, that the executive session is necessary to 327
protect the interests of the applicant or the possible 328
investment or expenditure of public funds to be made in 329
connection with the economic development project. 330

If a public body holds an executive session to consider 331
any of the matters listed in divisions (G) (2) to (8) of this 332
section, the motion and vote to hold that executive session 333
shall state which one or more of the approved matters listed in 334
those divisions are to be considered at the executive session. 335

A public body specified in division (B) (1) (c) of this 336
section shall not hold an executive session when meeting for the 337
purposes specified in that division. 338

(H) A resolution, rule, or formal action of any kind is 339
invalid unless adopted in an open meeting of the public body. A 340

resolution, rule, or formal action adopted in an open meeting 341
that results from deliberations in a meeting not open to the 342
public is invalid unless the deliberations were for a purpose 343
specifically authorized in division (G) or (J) of this section 344
and conducted at an executive session held in compliance with 345
this section. A resolution, rule, or formal action adopted in an 346
open meeting is invalid if the public body that adopted the 347
resolution, rule, or formal action violated division (F) of this 348
section. 349

(I) (1) Any person may bring an action to enforce this 350
section. An action under division (I) (1) of this section shall 351
be brought within two years after the date of the alleged 352
violation or threatened violation. Upon proof of a violation or 353
threatened violation of this section in an action brought by any 354
person, the court of common pleas shall issue an injunction to 355
compel the members of the public body to comply with its 356
provisions. 357

(2) (a) If the court of common pleas issues an injunction 358
pursuant to division (I) (1) of this section, the court shall 359
order the public body that it enjoins to pay a civil forfeiture 360
of five hundred dollars to the party that sought the injunction 361
and shall award to that party all court costs and, subject to 362
reduction as described in division (I) (2) of this section, 363
reasonable attorney's fees. The court, in its discretion, may 364
reduce an award of attorney's fees to the party that sought the 365
injunction or not award attorney's fees to that party if the 366
court determines both of the following: 367

(i) That, based on the ordinary application of statutory 368
law and case law as it existed at the time of violation or 369
threatened violation that was the basis of the injunction, a 370

well-informed public body reasonably would believe that the 371
public body was not violating or threatening to violate this 372
section; 373

(ii) That a well-informed public body reasonably would 374
believe that the conduct or threatened conduct that was the 375
basis of the injunction would serve the public policy that 376
underlies the authority that is asserted as permitting that 377
conduct or threatened conduct. 378

(b) If the court of common pleas does not issue an 379
injunction pursuant to division (I)(1) of this section and the 380
court determines at that time that the bringing of the action 381
was frivolous conduct, as defined in division (A) of section 382
2323.51 of the Revised Code, the court shall award to the public 383
body all court costs and reasonable attorney's fees, as 384
determined by the court. 385

(3) Irreparable harm and prejudice to the party that 386
sought the injunction shall be conclusively and irrebuttably 387
presumed upon proof of a violation or threatened violation of 388
this section. 389

(4) A member of a public body who knowingly violates an 390
injunction issued pursuant to division (I)(1) of this section 391
may be removed from office by an action brought in the court of 392
common pleas for that purpose by the prosecuting attorney or the 393
attorney general. 394

(J)(1) Pursuant to division (C) of section 5901.09 of the 395
Revised Code, a veterans service commission shall hold an 396
executive session for one or more of the following purposes 397
unless an applicant requests a public hearing: 398

(a) Interviewing an applicant for financial assistance 399

under sections 5901.01 to 5901.15 of the Revised Code;	400
(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	401 402 403
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	404 405 406
(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.	407 408 409 410 411 412 413 414
(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.	415 416 417 418 419 420 421 422
Sec. 149.011. As used in this chapter, except as otherwise provided:	423 424
(A) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government.	425 426 427 428

"Public office" ~~does not include~~ includes the nonprofit 429
corporation formed under section 187.01 of the Revised Code. 430

(B) "State agency" includes every department, bureau, 431
board, commission, office, or other organized body established 432
by the constitution and laws of this state for the exercise of 433
any function of state government, including any state-supported 434
institution of higher education, the general assembly, any 435
legislative agency, any court or judicial agency, or any 436
political subdivision or agency of a political subdivision. 437

"State agency" ~~does not include~~ includes the nonprofit 438
corporation formed under section 187.01 of the Revised Code. 439

(C) "Public money" includes all money received or 440
collected by or due a public official, whether in accordance 441
with or under authority of any law, ordinance, resolution, or 442
order, under color of office, or otherwise. It also includes any 443
money collected by any individual on behalf of a public office 444
or as a purported representative or agent of the public office. 445

(D) "Public official" includes all officers, employees, or 446
duly authorized representatives or agents of a public office. 447

(E) "Color of office" includes any act purported or 448
alleged to be done under any law, ordinance, resolution, order, 449
or other pretension to official right, power, or authority. 450

(F) "Archive" includes any public record that is 451
transferred to the state archives or other designated archival 452
institutions because of the historical information contained on 453
it. 454

(G) "Records" includes any document, device, or item, 455
regardless of physical form or characteristic, including an 456
electronic record as defined in section 1306.01 of the Revised 457

Code, created or received by or coming under the jurisdiction of 458
any public office of the state or its political subdivisions, 459
which serves to document the organization, functions, policies, 460
decisions, procedures, operations, or other activities of the 461
office. "Records" does not include personal notes or any 462
document, device, or item, regardless of physical form or 463
whether an assistive device or application was used, of a public 464
official, or of the official's attorney, employee, or agent, 465
that is used, maintained, and accessed solely by the individual 466
who creates it or causes its creation. 467

Sec. 149.43. (A) As used in this section: 468

(1) "Public record" means records kept by any public 469
office, including, but not limited to, state, county, city, 470
village, township, and school district units, and records 471
pertaining to the delivery of educational services by an 472
alternative school in this state kept by the nonprofit or for- 473
profit entity operating the alternative school pursuant to 474
section 3313.533 of the Revised Code. "Public record" does not 475
mean any of the following: 476

(a) Medical records; 477

(b) Records pertaining to probation and parole 478
proceedings, to proceedings related to the imposition of 479
community control sanctions and post-release control sanctions, 480
or to proceedings related to determinations under section 481
2967.271 of the Revised Code regarding the release or maintained 482
incarceration of an offender to whom that section applies; 483

(c) Records pertaining to actions under section 2151.85 484
and division (C) of section 2919.121 of the Revised Code and to 485
appeals of actions arising under those sections; 486

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	487 488 489
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of children and youth or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department of job and family services or a child support enforcement agency;	490 491 492 493 494 495 496
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	497 498
(g) Trial preparation records, prior to the conclusion of all direct appeals or, if no appeal is filed, prior to the expiration of the time during which an appeal may be filed, or, if no trial has occurred, until the civil or criminal action or proceeding has ended without the possibility of direct appeal or each agency, office, or official responsible for the matter has made a decision not to proceed with the matter;	499 500 501 502 503 504 505
(h) Confidential law enforcement investigatory records;	506
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	507 508
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	509 510
(k) Inmate records under section 5120.21 of the Revised Code, except for permitted disclosure of the information listed in division (E) (1) of that section;	511 512 513
(l) Records maintained by the department of youth services	514

pertaining to children in its custody released by the department	515
of youth services to the department of rehabilitation and	516
correction pursuant to section 5139.05 of the Revised Code;	517
(m) Intellectual property records;	518
(n) Donor profile records;	519
(o) Records maintained by the department of job and family	520
services pursuant to section 3121.894 of the Revised Code;	521
(p) Designated public service worker residential and	522
familial information;	523
(q) In the case of a county hospital operated pursuant to	524
Chapter 339. of the Revised Code or a municipal hospital	525
operated pursuant to Chapter 749. of the Revised Code,	526
information that constitutes a trade secret, as defined in	527
section 1333.61 of the Revised Code;	528
(r) Information pertaining to the recreational activities	529
of a person under the age of eighteen;	530
(s) In the case of a child fatality review board acting	531
under sections 307.621 to 307.629 of the Revised Code or a	532
review conducted pursuant to guidelines established by the	533
director of health under section 3701.70 of the Revised Code,	534
records provided to the board or director, statements made by	535
board members during meetings of the board or by persons	536
participating in the director's review, and all work products of	537
the board or director, and in the case of a child fatality	538
review board, child fatality review data submitted by the board	539
to the department of health or a national child death review	540
database, other than the report prepared pursuant to division	541
(A) of section 307.626 of the Revised Code;	542

(t) Records provided to and statements made by the	543
executive director of a public children services agency or a	544
prosecuting attorney acting pursuant to section 5153.171 of the	545
Revised Code other than the information released under that	546
section;	547
(u) Test materials, examinations, or evaluation tools used	548
in an examination for licensure as a nursing home administrator	549
that the board of executives of long-term services and supports	550
administers under section 4751.15 of the Revised Code or	551
contracts under that section with a private or government entity	552
to administer;	553
(v) Records the release of which is prohibited by state or	554
federal law;	555
(w) Proprietary information of or relating to any person	556
that is submitted to or compiled by the Ohio venture capital	557
authority created under section 150.01 of the Revised Code;	558
(x) Financial statements and data any person submits for	559
any purpose to the Ohio housing finance agency or the	560
controlling board in connection with applying for, receiving, or	561
accounting for financial assistance from the agency, and	562
information that identifies any individual who benefits directly	563
or indirectly from financial assistance from the agency;	564
(y) Records listed in section 5101.29 of the Revised Code;	565
(z) Discharges recorded with a county recorder under	566
section 317.24 of the Revised Code, as specified in division (B)	567
(2) of that section;	568
(aa) Usage information including names and addresses of	569
specific residential and commercial customers of a municipally	570
owned or operated public utility;	571

(bb) Records described in division ~~(C)~~(3) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;

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

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

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

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

or effective date of the call to order; 602

(gg) The name, address, contact information, or other 603
personal information of an individual who is less than eighteen 604
years of age that is included in any record related to a traffic 605
accident involving a school vehicle in which the individual was 606
an occupant at the time of the accident; 607

(hh) Protected health information, as defined in 45 C.F.R. 608
160.103, that is in a claim for payment for a health care 609
product, service, or procedure, as well as any other health 610
claims data in another document that reveals the identity of an 611
individual who is the subject of the data or could be used to 612
reveal that individual's identity; 613

(ii) Any depiction by photograph, film, videotape, or 614
printed or digital image under either of the following 615
circumstances: 616

(i) The depiction is that of a victim of an offense the 617
release of which would be, to a reasonable person of ordinary 618
sensibilities, an offensive and objectionable intrusion into the 619
victim's expectation of bodily privacy and integrity. 620

(ii) The depiction captures or depicts the victim of a 621
sexually oriented offense, as defined in section 2950.01 of the 622
Revised Code, at the actual occurrence of that offense. 623

(jj) Restricted portions of a body-worn camera or 624
dashboard camera recording; 625

(kk) In the case of a fetal-infant mortality review board 626
acting under sections 3707.70 to 3707.77 of the Revised Code, 627
records, documents, reports, or other information presented to 628
the board or a person abstracting such materials on the board's 629
behalf, statements made by review board members during board 630

meetings, all work products of the board, and data submitted by 631
the board to the department of health or a national infant death 632
review database, other than the report prepared pursuant to 633
section 3707.77 of the Revised Code. 634

(ll) Records, documents, reports, or other information 635
presented to the pregnancy-associated mortality review board 636
established under section 5180.27 of the Revised Code, 637
statements made by board members during board meetings, all work 638
products of the board, and data submitted by the board to the 639
department of health, other than the biennial reports prepared 640
under section 5180.277 of the Revised Code; 641

(mm) Except as otherwise provided in division (A) (1) (oo) 642
of this section, telephone numbers for a victim, as defined in 643
section 2930.01 of the Revised Code or a witness to a crime that 644
are listed on any law enforcement record or report. 645

(nn) A preneed funeral contract, as defined in section 646
4717.01 of the Revised Code, and contract terms and personally 647
identifying information of a preneed funeral contract, that is 648
contained in a report submitted by or for a funeral home to the 649
board of embalmers and funeral directors under division (C) of 650
section 4717.13, division (J) of section 4717.31, or section 651
4717.41 of the Revised Code. 652

(oo) Telephone numbers for a party to a motor vehicle 653
accident subject to the requirements of section 5502.11 of the 654
Revised Code that are listed on any law enforcement record or 655
report, except that the telephone numbers described in this 656
division are not excluded from the definition of "public record" 657
under this division on and after the thirtieth day after the 658
occurrence of the motor vehicle accident. 659

(pp) Records pertaining to individuals who complete 660
training under section 5502.703 of the Revised Code to be 661
permitted by a school district board of education or governing 662
body of a community school established under Chapter 3314. of 663
the Revised Code, a STEM school established under Chapter 3326. 664
of the Revised Code, or a chartered nonpublic school to convey 665
deadly weapons or dangerous ordnance into a school safety zone; 666

(qq) Records, documents, reports, or other information 667
presented to a domestic violence fatality review board 668
established under section 307.651 of the Revised Code, 669
statements made by board members during board meetings, all work 670
products of the board, and data submitted by the board to the 671
department of health, other than a report prepared pursuant to 672
section 307.656 of the Revised Code; 673

(rr) Records, documents, and information the release of 674
which is prohibited under sections 2930.04 and 2930.07 of the 675
Revised Code; 676

(ss) Records of an existing qualified nonprofit 677
corporation that creates a special improvement district under 678
Chapter 1710. of the Revised Code that do not pertain to a 679
purpose for which the district is created; 680

(tt) Educational support services data, as defined in 681
section 3319.325 of the Revised Code; 682

(uu) Records of the past, current, and future work 683
schedule of a designated public service worker. As used in 684
division (A)(1)(uu) of this section, "work schedule" does not 685
include the docket of cases of a court, judge, or magistrate; 686

(vv) A request form or confirmation letter submitted to a 687
public office under section 149.45 of the Revised Code; 688

(ww) An affidavit or confirmation letter submitted under section 319.28 of the Revised Code;	689 690
(xx) License or certificate application or renewal responses and supporting documentation submitted to the state medical board regarding an applicant's, or a license or certificate holder's, inability to practice according to acceptable and prevailing standards of care by reason of a medical condition;	691 692 693 694 695 696
(yy) Images and data captured by an automated license plate recognition system that are maintained in a law enforcement database;	697 698 699
(zz) Attorney work product record;	700
(aaa) Any entry on the public calendar of an elected official that is for any date that is after the date the record is requested;	701 702 703
(bbb) Records pertaining to burial sites under section 149.3010 of the Revised Code.	704 705
A record that is not a public record under division (A) (1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, or in the case of a record that is not a public record under division (A) (1) (uu) of this section that is retained, three years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, records pertaining to burial sites	706 707 708 709 710 711 712 713 714 715 716 717

under section 149.3010 of the Revised Code, or any record that 718
is exempt from release or disclosure under section 149.433 of 719
the Revised Code. If the record is a birth certificate and a 720
biological parent's name redaction request form has been 721
accepted under section 3107.391 of the Revised Code, the name of 722
that parent shall be redacted from the birth certificate before 723
it is released under this paragraph. If any other section of the 724
Revised Code establishes a time period for disclosure of a 725
record that conflicts with the time period specified in this 726
section, the time period in the other section prevails. 727

(2) (a) "Confidential law enforcement investigatory record" 728
means any record that pertains to a law enforcement matter of a 729
criminal, quasi-criminal, civil, or administrative nature, but 730
only to the extent that the release of the record would create a 731
high probability of disclosure of any of the following: 732

(i) The identity of a suspect who has not been charged 733
with the offense to which the record pertains, or of an 734
information source or witness to whom confidentiality has been 735
reasonably promised; 736

(ii) Information provided by an information source or 737
witness to whom confidentiality has been reasonably promised, 738
which information would reasonably tend to disclose the source's 739
or witness's identity; 740

(iii) Specific confidential investigatory techniques or 741
procedures or specific investigatory work product; 742

(iv) Information that would endanger the life or physical 743
safety of law enforcement personnel, a crime victim, a witness, 744
or a confidential information source. 745

(b) As used in divisions (A) (2) and (18) of this section, 746

"specific investigatory work product" means information 747
assembled by law enforcement officials in connection with a 748
probable or pending criminal or civil proceeding, with the 749
exception of routine incident reports. "Specific investigatory 750
work product" is not a public record prior to the conclusion of 751
all direct appeals, or, if no appeal is filed, prior to the 752
expiration of the time during which an appeal may be filed, or, 753
if no trial has occurred, until the criminal or civil proceeding 754
has ended without possibility of direct appeal or each agency, 755
office, or official responsible for the matter has made a 756
decision not to proceed with the matter. 757

(3) "Medical record" means any document or combination of 758
documents, except births, deaths, and the fact of admission to 759
or discharge from a hospital, that pertains to the medical 760
history, diagnosis, prognosis, or medical condition of a patient 761
and that is generated and maintained in the process of medical 762
treatment. 763

(4) "Trial preparation record" means any record created by 764
or for another party or by or for that party's representative, 765
in reasonable anticipation of, or in defense of, a civil or 766
criminal action or proceeding, that is not a confidential law 767
enforcement investigatory record or attorney work product record 768
and that contains factual information that is specifically 769
compiled for that civil or criminal action or proceeding. 770

(5) "Intellectual property record" means a record, other 771
than a financial or administrative record, that is produced or 772
collected by or for faculty or staff of a state institution of 773
higher learning in the conduct of or as a result of study or 774
research on an educational, commercial, scientific, artistic, 775
technical, or scholarly issue, regardless of whether the study 776

or research was sponsored by the institution alone or in 777
conjunction with a governmental body or private concern, and 778
that has not been publicly released, published, or patented. 779

(6) "Donor profile record" means all records about donors 780
or potential donors to a public institution of higher education 781
except the names and reported addresses of the actual donors and 782
the date, amount, and conditions of the actual donation. 783

(7) "Designated public service worker" means a peace 784
officer, parole officer, probation officer, bailiff, prosecuting 785
attorney, assistant prosecuting attorney, correctional employee, 786
county or multicounty corrections officer, community-based 787
correctional facility employee, designated Ohio national guard 788
member, protective services worker, youth services employee, 789
firefighter, EMT, medical director or member of a cooperating 790
physician advisory board of an emergency medical service 791
organization, state board of pharmacy employee, investigator of 792
the bureau of criminal identification and investigation, 793
emergency service telecommunicator, forensic mental health 794
provider, mental health evaluation provider, regional 795
psychiatric hospital employee, judge, magistrate, or federal law 796
enforcement officer. 797

(8) "Designated public service worker residential and 798
familial information" means any information that discloses any 799
of the following about a designated public service worker: 800

(a) The address of the actual personal residence of a 801
designated public service worker, except for the following 802
information: 803

(i) The address of the actual personal residence of a 804
prosecuting attorney or judge; and 805

(ii) The state or political subdivision in which a designated public service worker resides.	806 807
(b) Information compiled from referral to or participation in an employee assistance program;	808 809
(c) 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, or any medical information pertaining to, a designated public service worker;	810 811 812 813 814
(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;	815 816 817 818
(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;	819 820 821 822 823
(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;	824 825 826 827 828 829
(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.	830 831 832 833
(9) As used in divisions (A) (7) and (15) to (17) of this	834

section: 835

"Peace officer" has the meaning defined in section 109.71 836
of the Revised Code and also includes the superintendent and 837
troopers of the state highway patrol; it does not include the 838
sheriff of a county or a supervisory employee who, in the 839
absence of the sheriff, is authorized to stand in for, exercise 840
the authority of, and perform the duties of the sheriff. 841

"Correctional employee" means any employee of the 842
department of rehabilitation and correction who in the course of 843
performing the employee's job duties has or has had contact with 844
inmates and persons under supervision. 845

"County or multicounty corrections officer" means any 846
corrections officer employed by any county or multicounty 847
correctional facility. 848

"Designated Ohio national guard member" means a member of 849
the Ohio national guard who is participating in duties related 850
to remotely piloted aircraft, including, but not limited to, 851
pilots, sensor operators, and mission intelligence personnel, 852
duties related to special forces operations, or duties related 853
to cybersecurity, and is designated by the adjutant general as a 854
designated public service worker for those purposes. 855

"Protective services worker" means any employee of a 856
county agency who is responsible for child protective services, 857
child support services, or adult protective services. 858

"Youth services employee" means any employee of the 859
department of youth services who in the course of performing the 860
employee's job duties has or has had contact with children 861
committed to the custody of the department of youth services. 862

"Firefighter" means any regular, paid or volunteer, member 863

of a lawfully constituted fire department of a municipal 864
corporation, township, fire district, or village. 865

"EMT" means EMTs-basic, EMTs-I, and paramedics that 866
provide emergency medical services for a public emergency 867
medical service organization. "Emergency medical service 868
organization," "EMT-basic," "EMT-I," and "paramedic" have the 869
meanings defined in section 4765.01 of the Revised Code. 870

"Investigator of the bureau of criminal identification and 871
investigation" has the meaning defined in section 2903.11 of the 872
Revised Code. 873

"Emergency service telecommunicator" means an individual 874
employed by an emergency service provider as defined under 875
section 128.01 of the Revised Code, whose primary responsibility 876
is to be an operator for the receipt or processing of calls for 877
emergency services made by telephone, radio, or other electronic 878
means. 879

"Forensic mental health provider" means any employee of a 880
community mental health service provider or local alcohol, drug 881
addiction, and mental health services board who, in the course 882
of the employee's duties, has contact with persons committed to 883
a local alcohol, drug addiction, and mental health services 884
board by a court order pursuant to section 2945.38, 2945.39, 885
2945.40, or 2945.402 of the Revised Code. 886

"Mental health evaluation provider" means an individual 887
who, under Chapter 5122. of the Revised Code, examines a 888
respondent who is alleged to be a mentally ill person subject to 889
court order, as defined in section 5122.01 of the Revised Code, 890
and reports to the probate court the respondent's mental 891
condition. 892

"Regional psychiatric hospital employee" means any 893
employee of the department of ~~mental health and addiction~~ 894
~~services~~ behavioral health who, in the course of performing the 895
employee's duties, has contact with patients committed to the 896
department of ~~mental health and addiction services~~ behavioral 897
health by a court order pursuant to section 2945.38, 2945.39, 898
2945.40, or 2945.402 of the Revised Code. 899

"Federal law enforcement officer" has the meaning defined 900
in section 9.88 of the Revised Code. 901

(10) "Information pertaining to the recreational 902
activities of a person under the age of eighteen" means 903
information that is kept in the ordinary course of business by a 904
public office, that pertains to the recreational activities of a 905
person under the age of eighteen years, and that discloses any 906
of the following: 907

(a) The address or telephone number of a person under the 908
age of eighteen or the address or telephone number of that 909
person's parent, guardian, custodian, or emergency contact 910
person; 911

(b) The social security number, birth date, or 912
photographic image of a person under the age of eighteen; 913

(c) Any medical record, history, or information pertaining 914
to a person under the age of eighteen; 915

(d) Any additional information sought or required about a 916
person under the age of eighteen for the purpose of allowing 917
that person to participate in any recreational activity 918
conducted or sponsored by a public office or to use or obtain 919
admission privileges to any recreational facility owned or 920
operated by a public office. 921

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	922 923
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	924 925
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	926 927 928 929
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	930 931
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.	932 933 934 935 936
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	937 938 939 940
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	941 942 943 944
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's	945 946 947 948 949 950

records or the content of the recording; 951

(b) The death of a person or a deceased person's body, 952
unless the death was caused by a correctional employee, youth 953
services employee, or peace officer or, subject to division (H) 954
(1) of this section, the consent of the decedent's executor or 955
administrator has been obtained; 956

(c) The death of a correctional employee, youth services 957
employee, peace officer, firefighter, paramedic, or other first 958
responder, occurring while the decedent was engaged in the 959
performance of official duties, unless, subject to division (H) 960
(1) of this section, the consent of the decedent's executor or 961
administrator has been obtained; 962

(d) Grievous bodily harm, unless the injury was effected 963
by a correctional employee, youth services employee, or peace 964
officer or, subject to division (H) (1) of this section, the 965
consent of the injured person or the injured person's guardian 966
has been obtained; 967

(e) An act of severe violence against a person that 968
results in serious physical harm to the person, unless the act 969
and injury was effected by a correctional employee, youth 970
services employee, or peace officer or, subject to division (H) 971
(1) of this section, the consent of the injured person or the 972
injured person's guardian has been obtained; 973

(f) Grievous bodily harm to a correctional employee, youth 974
services employee, peace officer, firefighter, paramedic, or 975
other first responder, occurring while the injured person was 976
engaged in the performance of official duties, unless, subject 977
to division (H) (1) of this section, the consent of the injured 978
person or the injured person's guardian has been obtained; 979

(g) An act of severe violence resulting in serious	980
physical harm against a correctional employee, youth services	981
employee, peace officer, firefighter, paramedic, or other first	982
responder, occurring while the injured person was engaged in the	983
performance of official duties, unless, subject to division (H)	984
(1) of this section, the consent of the injured person or the	985
injured person's guardian has been obtained;	986
(h) A person's nude body, unless, subject to division (H)	987
(1) of this section, the person's consent has been obtained;	988
(i) Protected health information, the identity of a person	989
in a health care facility who is not the subject of a	990
correctional, youth services, or law enforcement encounter, or	991
any other information in a health care facility that could	992
identify a person who is not the subject of a correctional,	993
youth services, or law enforcement encounter;	994
(j) Information that could identify the alleged victim of	995
a sex offense, menacing by stalking, or domestic violence;	996
(k) Information, that does not constitute a confidential	997
law enforcement investigatory record, that could identify a	998
person who provides sensitive or confidential information to the	999
department of rehabilitation and correction, the department of	1000
youth services, or a law enforcement agency when the disclosure	1001
of the person's identity or the information provided could	1002
reasonably be expected to threaten or endanger the safety or	1003
property of the person or another person;	1004
(l) Personal information of a person who is not arrested,	1005
cited, charged, or issued a written warning by a peace officer;	1006
(m) Proprietary correctional, youth services, or police	1007
contingency plans or tactics that are intended to prevent crime	1008

and maintain public order and safety; 1009

(n) A personal conversation unrelated to work between 1010
correctional employees, youth services employees, or peace 1011
officers or between a correctional employee, youth services 1012
employee, or peace officer and an employee of a law enforcement 1013
agency; 1014

(o) A conversation between a correctional employee, youth 1015
services employee, or peace officer and a member of the public 1016
that does not concern correctional, youth services, or law 1017
enforcement activities; 1018

(p) The interior of a residence, unless the interior of a 1019
residence is the location of an adversarial encounter with, or a 1020
use of force by, a correctional employee, youth services 1021
employee, or peace officer; 1022

(q) Any portion of the interior of a private business that 1023
is not open to the public, unless an adversarial encounter with, 1024
or a use of force by, a correctional employee, youth services 1025
employee, or peace officer occurs in that location. 1026

As used in division (A) (17) of this section: 1027

"Grievous bodily harm" has the same meaning as in section 1028
5924.120 of the Revised Code. 1029

"Health care facility" has the same meaning as in section 1030
1337.11 of the Revised Code. 1031

"Protected health information" has the same meaning as in 1032
45 C.F.R. 160.103. 1033

"Law enforcement agency" means a government entity that 1034
employs peace officers to perform law enforcement duties. 1035

"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.

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

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

(18) "Attorney work product record" means a record that is not specific investigatory work product or a trial preparation record and that is created by an attorney, or by the agent of an attorney, in reasonable anticipation of or for litigation, trial, or administrative proceedings, when acting in an official capacity on behalf of the state, a political subdivision of the state, a state agency, a public official, or a public employee, that documents the independent thought processes, mental impressions, legal theories, strategies, analysis, or reasoning of an attorney or the agent of an attorney.

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

(20) "Public calendar" means a calendar or appointment book maintained by an elected official to schedule the elected official's activities in relation to the elected official's position as an elected official. "Public calendar" does not include a personal calendar or appointment book maintained solely for an elected official's personal convenience that does not serve to document the elected official's official activities or functions or the official activities or functions of the

elected official's public office. 1065

(B) (1) Upon request by any person and subject to division 1066
(B) (8) of this section, all public records responsive to the 1067
request shall be promptly prepared and made available for 1068
inspection to the requester at all reasonable times during 1069
regular business hours. Subject to division (B) (8) of this 1070
section, upon request by any person, a public office or person 1071
responsible for public records shall make copies of the 1072
requested public record available to the requester at cost and 1073
within a reasonable period of time. 1074

When considering whether a state or local law enforcement 1075
agency or a prosecuting attorney's office promptly prepared a 1076
video record for inspection or produced a copy of a video record 1077
within a reasonable period of time, in addition to any other 1078
factors, a court shall consider the time required for a state or 1079
local law enforcement agency or a prosecuting attorney's office 1080
to retrieve, download, review, redact, seek legal advice 1081
regarding, and produce the video record. Except as specified in 1082
division (B) (11) of this section, notwithstanding any other 1083
requirement set forth in Chapter 149. of the Revised Code, a 1084
state or local law enforcement agency or a prosecuting 1085
attorney's office may charge a requester the actual cost 1086
associated with preparing a video record for inspection or 1087
production, not to exceed seventy-five dollars per hour of video 1088
produced, nor seven hundred fifty dollars total. As used in this 1089
division, "actual cost," with respect to video records only, 1090
means all costs incurred by the state or local law enforcement 1091
agency or a prosecuting attorney's office in reviewing, blurring 1092
or otherwise obscuring, redacting, uploading, or producing the 1093
video records, including but not limited to the storage medium 1094
on which the record is produced, staff time, and any other 1095

relevant overhead necessary to comply with the request. A state 1096
or local law enforcement agency or a prosecuting attorney's 1097
office may include in its public records policy the requirement 1098
that a requester pay the estimated actual cost before beginning 1099
the process of preparing a video record for inspection or 1100
production. Where a state or local law enforcement agency or a 1101
prosecuting attorney's office imposes such a requirement, its 1102
obligation to produce a video or make it available for 1103
inspection begins once the estimated actual cost is paid in full 1104
by the requester. A state or local law enforcement agency or a 1105
prosecuting attorney's office shall provide the requester with 1106
the estimated actual cost within five business days of receipt 1107
of the public records request. If the actual cost exceeds the 1108
estimated actual cost, a state or local law enforcement agency 1109
or a prosecuting attorney's office may charge a requester for 1110
the difference upon fulfilling a request for video records if 1111
the requester is notified in advance that the actual cost may be 1112
up to twenty per cent higher than the estimated actual cost. A 1113
state or local law enforcement agency or a prosecuting 1114
attorney's office shall not charge a requester a difference that 1115
exceeds twenty per cent of the estimated actual cost. 1116

If a public record contains information that is exempt 1117
from the duty to permit public inspection or to copy the public 1118
record, the public office or the person responsible for the 1119
public record shall make available all of the information within 1120
the public record that is not exempt. When making that public 1121
record available for public inspection or copying that public 1122
record, the public office or the person responsible for the 1123
public record shall notify the requester of any redaction or 1124
make the redaction plainly visible. A redaction shall be deemed 1125
a denial of a request to inspect or copy the redacted 1126

information, except if federal or state law authorizes or 1127
requires a public office to make the redaction. When the auditor 1128
of state receives a request to inspect or to make a copy of a 1129
record that was provided to the auditor of state for purposes of 1130
an audit, but the original public office has asserted to the 1131
auditor of state that the record is not a public record, the 1132
auditor of state may handle the requests by directing the 1133
requestor to the original public office that provided the record 1134
to the auditor of state. 1135

(2) To facilitate broader access to public records, a 1136
public office or the person responsible for public records shall 1137
organize and maintain public records in a manner that they can 1138
be made available for inspection or copying in accordance with 1139
division (B) of this section. A public office also shall have 1140
available a copy of its current records retention schedule at a 1141
location readily available to the public. If a requester makes 1142
an ambiguous or overly broad request or has difficulty in making 1143
a request for copies or inspection of public records under this 1144
section such that the public office or the person responsible 1145
for the requested public record cannot reasonably identify what 1146
public records are being requested, the public office or the 1147
person responsible for the requested public record may deny the 1148
request but shall provide the requester with an opportunity to 1149
revise the request by informing the requester of the manner in 1150
which records are maintained by the public office and accessed 1151
in the ordinary course of the public office's or person's 1152
duties. 1153

(3) If a request is ultimately denied, in part or in 1154
whole, the public office or the person responsible for the 1155
requested public record shall provide the requester with an 1156
explanation, including legal authority, setting forth why the 1157

request was denied. If the initial request was provided in 1158
writing, the explanation also shall be provided to the requester 1159
in writing. The explanation shall not preclude the public office 1160
or the person responsible for the requested public record from 1161
relying upon additional reasons or legal authority in defending 1162
an action commenced under division (C) of this section. 1163

(4) Unless specifically required or authorized by state or 1164
federal law or in accordance with division (B) of this section, 1165
no public office or person responsible for public records may 1166
limit or condition the availability of public records by 1167
requiring disclosure of the requester's identity or the intended 1168
use of the requested public record. Any requirement that the 1169
requester disclose the requester's identity or the intended use 1170
of the requested public record constitutes a denial of the 1171
request. 1172

(5) A public office or person responsible for public 1173
records may ask a requester to make the request in writing, may 1174
ask for the requester's identity, and may inquire about the 1175
intended use of the information requested, but may do so only 1176
after disclosing to the requester that a written request is not 1177
mandatory, that the requester may decline to reveal the 1178
requester's identity or the intended use, and when a written 1179
request or disclosure of the identity or intended use would 1180
benefit the requester by enhancing the ability of the public 1181
office or person responsible for public records to identify, 1182
locate, or deliver the public records sought by the requester. 1183

(6) If any person requests a copy of a public record in 1184
accordance with division (B) of this section, the public office 1185
or person responsible for the public record may require the 1186
requester to pay in advance the cost involved in providing the 1187

copy of the public record in accordance with the choice made by 1188
the requester under this division. The public office or the 1189
person responsible for the public record shall permit the 1190
requester to choose to have the public record duplicated upon 1191
paper, upon the same medium upon which the public office or 1192
person responsible for the public record keeps it, or upon any 1193
other medium upon which the public office or person responsible 1194
for the public record determines that it reasonably can be 1195
duplicated as an integral part of the normal operations of the 1196
public office or person responsible for the public record. When 1197
the requester makes a choice under this division, the public 1198
office or person responsible for the public record shall provide 1199
a copy of it in accordance with the choice made by the 1200
requester. Nothing in this section requires a public office or 1201
person responsible for the public record to allow the requester 1202
of a copy of the public record to make the copies of the public 1203
record. 1204

(7) (a) Upon a request made in accordance with division (B) 1205
of this section and subject to division (B) (6) of this section, 1206
a public office or person responsible for public records shall 1207
transmit a copy of a public record to any person by United 1208
States mail or by any other means of delivery or transmission 1209
within a reasonable period of time after receiving the request 1210
for the copy. The public office or person responsible for the 1211
public record may require the person making the request to pay 1212
in advance the cost of postage if the copy is transmitted by 1213
United States mail or the cost of delivery if the copy is 1214
transmitted other than by United States mail, and to pay in 1215
advance the costs incurred for other supplies used in the 1216
mailing, delivery, or transmission. 1217

(b) Any public office may adopt a policy and procedures 1218

that it will follow in transmitting, within a reasonable period 1219
of time after receiving a request, copies of public records by 1220
United States mail or by any other means of delivery or 1221
transmission pursuant to division (B) (7) of this section. A 1222
public office that adopts a policy and procedures under division 1223
(B) (7) of this section shall comply with them in performing its 1224
duties under that division. 1225

(c) In any policy and procedures adopted under division 1226
(B) (7) of this section: 1227

(i) A public office may limit the number of records 1228
requested by a person that the office will physically deliver by 1229
United States mail or by another delivery service to ten per 1230
month, unless the person certifies to the office in writing that 1231
the person does not intend to use or forward the requested 1232
records, or the information contained in them, for commercial 1233
purposes; 1234

(ii) A public office that chooses to provide some or all 1235
of its public records on a web site that is fully accessible to 1236
and searchable by members of the public at all times, other than 1237
during acts of God outside the public office's control or 1238
maintenance, and that charges no fee to search, access, 1239
download, or otherwise receive records provided on the web site, 1240
may limit to ten per month the number of records requested by a 1241
person that the office will deliver in a digital format, unless 1242
the requested records are not provided on the web site and 1243
unless the person certifies to the office in writing that the 1244
person does not intend to use or forward the requested records, 1245
or the information contained in them, for commercial purposes. 1246

(iii) For purposes of division (B) (7) of this section, 1247
"commercial" shall be narrowly construed and does not include 1248

reporting or gathering news, reporting or gathering information 1249
to assist citizen oversight or understanding of the operation or 1250
activities of government, or nonprofit educational research. 1251

(8) A public office or person responsible for public 1252
records is not required to permit a person who is incarcerated 1253
pursuant to a criminal conviction or a juvenile adjudication to 1254
inspect or to obtain a copy of any public record concerning a 1255
criminal investigation or prosecution or concerning what would 1256
be a criminal investigation or prosecution if the subject of the 1257
investigation or prosecution were an adult, unless the request 1258
to inspect or to obtain a copy of the record is for the purpose 1259
of acquiring information that is subject to release as a public 1260
record under this section and the judge who imposed the sentence 1261
or made the adjudication with respect to the person, or the 1262
judge's successor in office, finds that the information sought 1263
in the public record is necessary to support what appears to be 1264
a justiciable claim of the person. As used in this division, 1265
"public record concerning a criminal investigation or 1266
prosecution or concerning what would be a criminal investigation 1267
or prosecution if the subject of the investigation were an 1268
adult" includes, but is not limited to, personnel files and 1269
payroll and attendance records of designated public service 1270
workers. 1271

(9) (a) Upon written request made and signed by a 1272
journalist, a public office, or person responsible for public 1273
records, having custody of the records of the agency employing a 1274
specified designated public service worker shall disclose to the 1275
journalist the address of the actual personal residence of the 1276
designated public service worker and, if the designated public 1277
service worker's spouse, former spouse, or child is employed by 1278
a public office, the name and address of the employer of the 1279

designated public service worker's spouse, former spouse, or 1280
child, and any past, current, and future work schedules of the 1281
designated public service worker. The request shall include the 1282
journalist's name and title and the name and address of the 1283
journalist's employer and shall state that disclosure of the 1284
information sought would be in the public interest. 1285

(b) Division (B) (9) (a) of this section also applies to 1286
journalist requests for: 1287

(i) Customer information maintained by a municipally owned 1288
or operated public utility, other than social security numbers 1289
and any private financial information such as credit reports, 1290
payment methods, credit card numbers, and bank account 1291
information; 1292

(ii) Information about minors involved in a school vehicle 1293
accident as provided in division (A) (1) (gg) of this section, 1294
other than personal information as defined in section 149.45 of 1295
the Revised Code; 1296

(iii) A request form submitted to a public office under 1297
section 149.45 of the Revised Code; 1298

(iv) An affidavit submitted under section 319.28 of the 1299
Revised Code. 1300

(c) As used in division (B) (9) of this section, 1301
"journalist" means a person engaged in, connected with, or 1302
employed by any news medium, including a newspaper, magazine, 1303
press association, news agency, or wire service, a radio or 1304
television station, or a similar medium, for the purpose of 1305
gathering, processing, transmitting, compiling, editing, or 1306
disseminating information for the general public. 1307

(10) Upon a request made by a victim, victim's attorney, 1308

or victim's representative, as that term is used in section 1309
2930.02 of the Revised Code, a public office or person 1310
responsible for public records shall transmit a copy of a 1311
depiction of the victim as described in division (A) (1) (ii) of 1312
this section to the victim, victim's attorney, or victim's 1313
representative. 1314

(11) A state or local law enforcement agency or a 1315
prosecuting attorney's office shall not charge a fee for 1316
preparing a video record for inspection, or producing a copy of 1317
a video record, when the requester of the video record is a 1318
victim, as defined in Ohio Constitution, Article I, Section 10a, 1319
or who is a victim who suffered loss and could seek remedy 1320
through a tort action as defined by section 2307.011 of the 1321
Revised Code, who reasonably asserts that the video recording 1322
relates to the act or omission that caused the victim's harm or 1323
loss, or who is the legal counsel or insurer of the victim. A 1324
fee under this section may only be waived upon the receipt of an 1325
affidavit by the victim or the victim's legal counsel 1326
identifying that the use of the video is to investigate harm or 1327
damages that may have been captured on the video. 1328

As used in this division, "legal counsel of the victim" 1329
means an attorney who, at the time of making the request, 1330
produces to the state or local law enforcement agency or a 1331
prosecuting attorney's office a signed retention agreement or 1332
letter of representation that establishes that the attorney is 1333
representing the victim. 1334

(C) (1) If a person allegedly is aggrieved by the failure 1335
of a public office or the person responsible for public records 1336
to promptly prepare a public record and to make it available to 1337
the person for inspection in accordance with division (B) of 1338

this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may serve pursuant to Rule 4 of the Ohio Rules of Civil Procedure a complaint, on a form prescribed by the clerk of the court of claims, to the public office or person responsible for public records allegedly responsible for the alleged failure. Upon receipt of the complaint of the person allegedly aggrieved, the public office or person responsible for public records has three business days to cure or otherwise address the failure alleged in the complaint. The person allegedly aggrieved shall not file a complaint with a court or commence a mandamus action under this section within the three-day period. Upon the expiration of the three-day period, the person allegedly aggrieved may, subject to the requirements of division (C) (2) of this section, do only one of the following, and not both:

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

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

the appellate district in which division (B) of this section 1370
allegedly was not complied with pursuant to its original 1371
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1372

(2) Upon filing a complaint or mandamus action with a 1373
court under divisions (C) (1) (a) or (b) of this section, a person 1374
allegedly aggrieved shall file with the court, in conjunction 1375
with the person's complaint or petition, a written affirmation 1376
stating that the person properly transmitted a complaint to the 1377
public office or person responsible for public records, the 1378
failure alleged in the complaint has not been cured or otherwise 1379
resolved to the person's satisfaction, and that the complaint 1380
was transmitted to the public office or person responsible for 1381
public records at least three business days before the filing of 1382
the suit. If the person fails to file an affirmation pursuant to 1383
this division, the suit shall be dismissed. 1384

(3) If a requester transmits a written request by hand 1385
delivery, electronic submission, or certified mail to inspect or 1386
receive copies of any public record in a manner that fairly 1387
describes the public record or class of public records to the 1388
public office or person responsible for the requested public 1389
records, except as otherwise provided in this section, the 1390
requester shall be entitled to recover the amount of statutory 1391
damages set forth in this division if a court determines that 1392
the public office or the person responsible for public records 1393
failed to comply with an obligation in accordance with division 1394
(B) of this section. Statutory damages are not available 1395
pursuant to this section to a person committed to the custody of 1396
the department of rehabilitation and correction or the United 1397
States bureau of prisons, or a child committed to the department 1398
of youth services as permitted in Chapter 2152. of the Revised 1399
Code. 1400

The amount of statutory damages shall be fixed at one 1401
hundred dollars for each business day during which the public 1402
office or person responsible for the requested public records 1403
failed to comply with an obligation in accordance with division 1404
(B) of this section, beginning with the day on which the 1405
requester files a mandamus action to recover statutory damages, 1406
up to a maximum of one thousand dollars. The award of statutory 1407
damages shall not be construed as a penalty, but as compensation 1408
for injury arising from lost use of the requested information. 1409
The existence of this injury shall be conclusively presumed. The 1410
award of statutory damages shall be in addition to all other 1411
remedies authorized by this section. 1412

The court may reduce an award of statutory damages or not 1413
award statutory damages if the court determines both of the 1414
following: 1415

(a) That, based on the ordinary application of statutory 1416
law and case law as it existed at the time of the conduct or 1417
threatened conduct of the public office or person responsible 1418
for the requested public records that allegedly constitutes a 1419
failure to comply with an obligation in accordance with division 1420
(B) of this section and that was the basis of the mandamus 1421
action, a well-informed public office or person responsible for 1422
the requested public records reasonably would believe that the 1423
conduct or threatened conduct of the public office or person 1424
responsible for the requested public records did not constitute 1425
a failure to comply with an obligation in accordance with 1426
division (B) of this section; 1427

(b) That a well-informed public office or person 1428
responsible for the requested public records reasonably would 1429
believe that the conduct or threatened conduct of the public 1430

office or person responsible for the requested public records 1431
would serve the public policy that underlies the authority that 1432
is asserted as permitting that conduct or threatened conduct. 1433

(4) In a mandamus action filed under division (C) (1) of 1434
this section, the following apply: 1435

(a) (i) If the court orders the public office or the person 1436
responsible for the public record to comply with division (B) of 1437
this section, the court shall determine and award to the relator 1438
all court costs, which shall be construed as remedial and not 1439
punitive. 1440

(ii) If the court makes a determination described in 1441
division (C) (4) (b) (iii) of this section, the court shall 1442
determine and award to the relator all court costs, which shall 1443
be construed as remedial and not punitive. 1444

(b) If the court renders a judgment that orders the public 1445
office or the person responsible for the public record to comply 1446
with division (B) of this section or if the court determines any 1447
of the following, the court may award reasonable attorney's fees 1448
to the relator, subject to division (C) (5) of this section: 1449

(i) The public office or the person responsible for the 1450
public records failed to respond affirmatively or negatively to 1451
the public records request in accordance with the time allowed 1452
under division (B) of this section. 1453

(ii) The public office or the person responsible for the 1454
public records promised to permit the relator to inspect or 1455
receive copies of the public records requested within a 1456
specified period of time but failed to fulfill that promise 1457
within that specified period of time. 1458

(iii) The public office or the person responsible for the 1459

public records acted in bad faith when the office or person 1460
voluntarily made the public records available to the relator for 1461
the first time after the relator commenced the mandamus action, 1462
but before the court issued any order concluding whether or not 1463
the public office or person was required to comply with division 1464
(B) of this section. No discovery may be conducted on the issue 1465
of the alleged bad faith of the public office or person 1466
responsible for the public records. This division shall not be 1467
construed as creating a presumption that the public office or 1468
the person responsible for the public records acted in bad faith 1469
when the office or person voluntarily made the public records 1470
available to the relator for the first time after the relator 1471
commenced the mandamus action, but before the court issued any 1472
order described in this division. 1473

(c) The court shall not award attorney's fees to the 1474
relator if the court determines both of the following: 1475

(i) That, based on the ordinary application of statutory 1476
law and case law as it existed at the time of the conduct or 1477
threatened conduct of the public office or person responsible 1478
for the requested public records that allegedly constitutes a 1479
failure to comply with an obligation in accordance with division 1480
(B) of this section and that was the basis of the mandamus 1481
action, a well-informed public office or person responsible for 1482
the requested public records reasonably would believe that the 1483
conduct or threatened conduct of the public office or person 1484
responsible for the requested public records did not constitute 1485
a failure to comply with an obligation in accordance with 1486
division (B) of this section; 1487

(ii) That a well-informed public office or person 1488
responsible for the requested public records reasonably would 1489

believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

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

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

(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.

(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.

(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.

(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.

(D) Chapter 1347. of the Revised Code does not limit the 1519
provisions of this section. 1520

(E) (1) To ensure that all employees of public offices are 1521
appropriately educated about a public office's obligations under 1522
division (B) of this section, all elected officials or their 1523
appropriate designees shall attend training approved by the 1524
attorney general as provided in section 109.43 of the Revised 1525
Code. A future official may satisfy the requirements of this 1526
division by attending the training before taking office, 1527
provided that the future official may not send a designee in the 1528
future official's place. 1529

(2) All public offices shall adopt a public records policy 1530
in compliance with this section for responding to public records 1531
requests. In adopting a public records policy under this 1532
division, a public office may obtain guidance from the model 1533
public records policy developed and provided to the public 1534
office by the attorney general under section 109.43 of the 1535
Revised Code. Except as otherwise provided in this section, the 1536
policy may not limit the number of public records that the 1537
public office will make available to a single person, may not 1538
limit the number of public records that it will make available 1539
during a fixed period of time, and may not establish a fixed 1540
period of time before it will respond to a request for 1541
inspection or copying of public records, unless that period is 1542
less than eight hours. 1543

The public office shall distribute the public records 1544
policy adopted by the public office under this division to the 1545
employee of the public office who is the records custodian or 1546
records manager or otherwise has custody of the records of that 1547
office. The public office shall require that employee to 1548

acknowledge receipt of the copy of the public records policy. 1549
The public office shall create a poster that describes its 1550
public records policy and shall post the poster in a conspicuous 1551
place in the public office and in all locations where the public 1552
office has branch offices. The public office may post its public 1553
records policy on the internet web site of the public office if 1554
the public office maintains an internet web site. A public 1555
office that has established a manual or handbook of its general 1556
policies and procedures for all employees of the public office 1557
shall include the public records policy of the public office in 1558
the manual or handbook. 1559

(F) (1) The bureau of motor vehicles may adopt rules 1560
pursuant to Chapter 119. of the Revised Code to reasonably limit 1561
the number of bulk commercial special extraction requests made 1562
by a person for the same records or for updated records during a 1563
calendar year. The rules may include provisions for charges to 1564
be made for bulk commercial special extraction requests for the 1565
actual cost of the bureau, plus special extraction costs, plus 1566
ten per cent. The bureau may charge for expenses for redacting 1567
information, the release of which is prohibited by law. 1568

(2) As used in division (F) (1) of this section: 1569

(a) "Actual cost" means the cost of depleted supplies, 1570
records storage media costs, actual mailing and alternative 1571
delivery costs, or other transmitting costs, and any direct 1572
equipment operating and maintenance costs, including actual 1573
costs paid to private contractors for copying services. 1574

(b) "Bulk commercial special extraction request" means a 1575
request for copies of a record for information in a format other 1576
than the format already available, or information that cannot be 1577
extracted without examination of all items in a records series, 1578

class of records, or database by a person who intends to use or 1579
forward the copies for surveys, marketing, solicitation, or 1580
resale for commercial purposes. "Bulk commercial special 1581
extraction request" does not include a request by a person who 1582
gives assurance to the bureau that the person making the request 1583
does not intend to use or forward the requested copies for 1584
surveys, marketing, solicitation, or resale for commercial 1585
purposes. 1586

(c) "Commercial" means profit-seeking production, buying, 1587
or selling of any good, service, or other product. 1588

(d) "Special extraction costs" means the cost of the time 1589
spent by the lowest paid employee competent to perform the task, 1590
the actual amount paid to outside private contractors employed 1591
by the bureau, or the actual cost incurred to create computer 1592
programs to make the special extraction. "Special extraction 1593
costs" include any charges paid to a public agency for computer 1594
or records services. 1595

(3) For purposes of divisions (F) (1) and (2) of this 1596
section, "surveys, marketing, solicitation, or resale for 1597
commercial purposes" shall be narrowly construed and does not 1598
include reporting or gathering news, reporting or gathering 1599
information to assist citizen oversight or understanding of the 1600
operation or activities of government, or nonprofit educational 1601
research. 1602

(G) A request by a defendant, counsel of a defendant, or 1603
any agent of a defendant in a criminal action that public 1604
records related to that action be made available under this 1605
section shall be considered a demand for discovery pursuant to 1606
the Criminal Rules, except to the extent that the Criminal Rules 1607
plainly indicate a contrary intent. The defendant, counsel of 1608

the defendant, or agent of the defendant making a request under 1609
this division shall serve a copy of the request on the 1610
prosecuting attorney, director of law, or other chief legal 1611
officer responsible for prosecuting the action. 1612

(H) (1) Any portion of a body-worn camera or dashboard 1613
camera recording described in divisions (A) (17) (b) to (h) of 1614
this section may be released by consent of the subject of the 1615
recording or a representative of that person, as specified in 1616
those divisions, only if either of the following applies: 1617

(a) The recording will not be used in connection with any 1618
probable or pending criminal proceedings; 1619

(b) The recording has been used in connection with a 1620
criminal proceeding that was dismissed or for which a judgment 1621
has been entered pursuant to Rule 32 of the Rules of Criminal 1622
Procedure, and will not be used again in connection with any 1623
probable or pending criminal proceedings. 1624

(2) If a public office denies a request to release a 1625
restricted portion of a body-worn camera or dashboard camera 1626
recording, as defined in division (A) (17) of this section, any 1627
person may file a mandamus action pursuant to this section or a 1628
complaint with the clerk of the court of claims pursuant to 1629
section 2743.75 of the Revised Code, requesting the court to 1630
order the release of all or portions of the recording. If the 1631
court considering the request determines that the filing 1632
articulates by clear and convincing evidence that the public 1633
interest in the recording substantially outweighs privacy 1634
interests and other interests asserted to deny release, the 1635
court shall order the public office to release the recording. 1636

Sec. 187.01. As used in this chapter, "JobsOhio" means the 1637

nonprofit corporation formed under this section, and includes 1638
any subsidiary of that corporation. In any section of law that 1639
refers to the nonprofit corporation formed under this section, 1640
reference to the corporation includes reference to any such 1641
subsidiary unless otherwise specified or clearly appearing from 1642
the context. 1643

The governor is hereby authorized to form a nonprofit 1644
corporation, to be named "JobsOhio," with the purposes of 1645
promoting economic development, job creation, job retention, job 1646
training, and the recruitment of business to this state. Except 1647
as otherwise provided in this chapter, the corporation shall be 1648
organized and operated in accordance with Chapter 1702. of the 1649
Revised Code. The governor shall sign and file articles of 1650
incorporation for the corporation with the secretary of state. 1651
The legal existence of the corporation shall begin upon the 1652
filing of the articles. 1653

In addition to meeting the requirements for articles of 1654
incorporation in Chapter 1702. of the Revised Code, the articles 1655
of incorporation for the nonprofit corporation shall set forth 1656
the following: 1657

(A) The designation of the name of the corporation as 1658
JobsOhio; 1659

(B) The creation of a board of directors consisting of 1660
nine directors, to be appointed by the governor, who satisfy the 1661
qualifications prescribed by section 187.02 of the Revised Code; 1662

(C) A requirement that the governor make initial 1663
appointments to the board within sixty days after the filing of 1664
the articles of incorporation. Of the initial appointments made 1665
to the board, two shall be for a term ending one year after the 1666

date the articles were filed, two shall be for a term ending two 1667
years after the date the articles were filed, and five shall be 1668
for a term ending four years after the date the articles were 1669
filed. The articles shall state that, following the initial 1670
appointments, the governor shall appoint directors to terms of 1671
office of four years, with each term of office ending on the 1672
same day of the same month as did the term that it succeeds. If 1673
any director dies, resigns, or the director's status changes 1674
such that any of the requirements of division (C) of section 1675
187.02 of the Revised Code are no longer met, that director's 1676
seat on the board shall become immediately vacant. The governor 1677
shall forthwith fill the vacancy by appointment for the 1678
remainder of the term of office of the vacated seat. 1679

(D) A requirement that the governor appoint one director 1680
to be chairperson of the board and procedures for electing 1681
directors to serve as officers of the corporation and members of 1682
an executive committee; 1683

(E) A provision for the appointment of a chief investment 1684
officer of the corporation by the recommendation of the board 1685
and approval of the governor. The chief investment officer shall 1686
serve at the pleasure of the board and shall have the power to 1687
execute contracts, spend corporation funds, and hire employees 1688
on behalf of the corporation. If the position of chief 1689
investment officer becomes vacant for any reason, the vacancy 1690
shall be filled in the same manner as provided in this division. 1691

(F) Provisions requiring the board to do all of the 1692
following: 1693

(1) Adopt one or more resolutions providing for 1694
compensation of the chief investment officer; 1695

- (2) Approve an employee compensation plan recommended by 1696
the chief investment officer; 1697
- (3) Approve a contract with the director of development 1698
~~services~~ for the corporation to assist the director and the 1699
department of development ~~services~~ ~~agency~~ with providing 1700
services or otherwise carrying out the functions or duties of 1701
the ~~agency~~ department, including the operation and management of 1702
programs, offices, divisions, or boards, as may be determined by 1703
the director of development ~~services~~ in consultation with the 1704
governor; 1705
- (4) Approve all major contracts for services recommended 1706
by the chief investment officer; 1707
- (5) Establish an annual strategic plan and standards of 1708
measure to be used in evaluating the corporation's success in 1709
executing the plan; 1710
- (6) Establish a conflicts of interest policy that, at a 1711
minimum, complies with section 187.06 of the Revised Code; 1712
- (7) Hold a minimum of four board of directors meetings per 1713
year at which a quorum of the board is physically present, and 1714
such other meetings, at which directors' physical presence is 1715
not required, as may be necessary. ~~Meetings at which a quorum of~~ 1716
~~the board is required to be physically present are subject to~~ 1717
~~divisions (C), (D), and (E) of section 187.03 of the Revised~~ 1718
~~Code.~~ 1719
- (8) Establish a records retention policy and present the 1720
policy, and any subsequent changes to the policy, at a meeting 1721
of the board of directors at which a quorum of the board is 1722
required to be physically present pursuant to division (F) (7) of 1723
this section; 1724

(9) Adopt standards of conduct for the directors.	1725
(G) A statement that directors shall not receive any compensation from the corporation, except that directors may be reimbursed for actual and necessary expenses incurred in connection with services performed for the corporation;	1726 1727 1728 1729
(H) A provision authorizing the board to amend provisions of the corporation's articles of incorporation or regulations, except provisions required by this chapter;	1730 1731 1732
(I) Procedures by which the corporation would be dissolved and by which all corporation rights and assets would be distributed to the state or to another corporation organized under this chapter. These procedures shall incorporate any separate procedures subsequently set forth in this chapter for the dissolution of the corporation. The articles shall state that no dissolution shall take effect until the corporation has made adequate provision for the payment of any outstanding bonds, notes, or other obligations.	1733 1734 1735 1736 1737 1738 1739 1740 1741
(J) A provision establishing an audit committee to be comprised of directors. The articles shall require that the audit committee hire a firm of independent certified public accountants, selected in consultation with the auditor of state, to perform, once each year, a financial audit of the corporation and of any nonprofit entity the sole member of which is JobsOhio. The articles also shall require all of the following:	1742 1743 1744 1745 1746 1747 1748
(1) Commencing with JobsOhio's fiscal year beginning July 1, 2012, the financial statements to be audited are to be prepared in accordance with accounting principles and standards set forth in all applicable pronouncements of the governmental accounting standards board;	1749 1750 1751 1752 1753

(2) The firm of independent certified public accountants 1754
hired is to conduct a supplemental compliance and control review 1755
pursuant to a written agreement by and among the firm, the 1756
auditor of state, JobsOhio, and any nonprofit entity the sole 1757
member of which is JobsOhio; and 1758

(3) A copy of each financial audit report and each report 1759
of the results of the compliance and control review are to be 1760
provided to the governor, the auditor of state, the speaker of 1761
the house of representatives, and the president of the senate. 1762

(K) A provision authorizing a majority of the 1763
disinterested directors to remove a director for misconduct, as 1764
that term may be defined in the articles or regulations of the 1765
corporation. The removal of a director under this division 1766
creates a vacancy on the board that the governor shall fill by 1767
appointment for the remainder of the term of office of the 1768
vacated seat. 1769

Sec. 187.03. (A) JobsOhio may perform such functions as 1770
permitted and shall perform such duties as prescribed by law and 1771
as set forth in any contract entered into under section 187.04 1772
of the Revised Code, but shall not be considered a state or 1773
public department, agency, office, body, institution, or 1774
instrumentality for purposes of section 1.60 or Chapter 102., 1775
121., 125., or 149. of the Revised Code. JobsOhio and its board 1776
of directors are not subject to the following sections of 1777
Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1778
1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1779
1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1780
1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1781
1702.80, and 1702.99. Nothing in this division shall be 1782
construed to impair the powers and duties of the Ohio ethics 1783

commission described in section 102.06 of the Revised Code to 1784
investigate and enforce section 102.02 of the Revised Code with 1785
regard to individuals required to file statements under division 1786
(B) (2) of this section. 1787

(B) (1) Directors and employees of JobsOhio are not 1788
employees or officials of the state and, except as provided in 1789
division (B) (2) of this section, are not subject to Chapter 1790
102., 124., 145., or 4117. of the Revised Code. 1791

(2) The chief investment officer, any other officer or 1792
employee with significant administrative, supervisory, 1793
contracting, or investment authority, and any director of 1794
JobsOhio shall file, with the Ohio ethics commission, a 1795
financial disclosure statement pursuant to section 102.02 of the 1796
Revised Code that includes, in place of the information required 1797
by divisions (A) (2) (b), (g), (h), and (i) of that section, the 1798
information required by divisions (A) and (B) of section 102.022 1799
of the Revised Code. The governor shall comply with all 1800
applicable requirements of section 102.02 of the Revised Code. 1801

(3) Actual or in-kind expenditures for the travel, meals, 1802
or lodging of the governor or of any public official or employee 1803
designated by the governor for the purpose of this division 1804
shall not be considered a violation of section 102.03 of the 1805
Revised Code if the expenditures are made by the corporation, or 1806
on behalf of the corporation by any person, in connection with 1807
the governor's performance of official duties related to 1808
JobsOhio. The governor may designate any person, including a 1809
person who is a public official or employee as defined in 1810
section 102.01 of the Revised Code, for the purpose of this 1811
division if such expenditures are made on behalf of the person 1812
in connection with the governor's performance of official duties 1813

related to JobsOhio. A public official or employee so designated 1814
by the governor shall comply with all applicable requirements of 1815
section 102.02 of the Revised Code. 1816

At the times and frequency agreed to under division (B) (2) 1817
(b) of section 187.04 of the Revised Code, beginning in 2012, 1818
the corporation shall file with the department of development a 1819
written report of all such expenditures paid or incurred during 1820
the preceding calendar year. The report shall state the dollar 1821
value and purpose of each expenditure, the date of each 1822
expenditure, the name of the person that paid or incurred each 1823
expenditure, and the location, if any, where services or 1824
benefits of an expenditure were received, provided that any such 1825
information that may disclose proprietary information as defined 1826
in division (C) of this section shall not be included in the 1827
report. 1828

(4) The prohibition applicable to former public officials 1829
or employees in division (A) (1) of section 102.03 of the Revised 1830
Code does not apply to any person appointed to be a director or 1831
hired as an employee of JobsOhio. 1832

(5) Notwithstanding division (A) (2) of section 145.01 of 1833
the Revised Code, any person who is a former state employee 1834
shall no longer be considered a public employee for purposes of 1835
Chapter 145. of the Revised Code upon commencement of employment 1836
with JobsOhio. 1837

(6) Any director, officer, or employee of JobsOhio may 1838
request an advisory opinion from the Ohio ethics commission with 1839
regard to questions concerning the provisions of sections 102.02 1840
and 102.022 of the Revised Code to which the person is subject. 1841

(C) Meetings of the board of directors ~~at which a quorum~~ 1842

~~of the board is required to be physically present pursuant to~~ 1843
~~division (F) of section 187.01 of the Revised Code shall be open~~ 1844
~~to the public except, by a majority vote of the directors~~ 1845
~~present at the meeting, such a meeting may be closed to the~~ 1846
~~public only for one or more of the following purposes:~~ 1847

~~(1) To consider business strategy of the corporation;~~ 1848

~~(2) To consider proprietary information belonging to~~ 1849
~~potential applicants or potential recipients of business~~ 1850
~~recruitment, retention, or creation incentives. For the purposes~~ 1851
~~of this division, "proprietary information" means marketing~~ 1852
~~plans, specific business strategy, production techniques and~~ 1853
~~trade secrets, financial projections, or personal financial~~ 1854
~~statements of applicants or members of the applicants' immediate~~ 1855
~~family, including, but not limited to, tax records or other~~ 1856
~~similar information not open to the public inspection.~~ 1857

~~(3) To consider legal matters, including litigation, in~~ 1858
~~which the corporation is or may be involved;~~ 1859

~~(4) To consider personnel matters related to an individual~~ 1860
~~employee of the corporation.~~ 1861

~~(D) The board of directors shall establish a reasonable~~ 1862
~~method whereby any person may obtain the time and place of all~~ 1863
~~public meetings described in division (C) of this section. The~~ 1864
~~method shall provide that any person, upon request and payment~~ 1865
~~of a reasonable fee, may obtain reasonable advance notification~~ 1866
~~of all such meetings.~~ 1867

~~(E) The board of directors shall promptly prepare, file,~~ 1868
~~and maintain minutes of all public meetings described in~~ 1869
~~division (C) of this section~~ are subject to section 121.22 of the 1870
Revised Code. 1871

~~(F)~~(D) Not later than the first day of July of each year, 1872
the chief investment officer of JobsOhio shall prepare and 1873
submit a report of the corporation's activities for the 1874
preceding year to the governor, the speaker and minority leader 1875
of the house of representatives, and the president and minority 1876
leader of the senate. The annual report shall include the 1877
following: 1878

(1) An analysis of the state's economy; 1879

(2) A description of the structure, operation, and 1880
financial status of the corporation; 1881

(3) A description of the corporation's strategy to improve 1882
the state economy and the standards of measure used to evaluate 1883
its progress; 1884

(4) An evaluation of the performance of current strategies 1885
and major initiatives; 1886

(5) An analysis of any statutory or administrative 1887
barriers to successful economic development, business 1888
recruitment, and job growth in the state identified by JobsOhio 1889
during the preceding year. 1890

Sec. 187.04. (A) The director of development ~~services~~, as 1891
soon as practical after February 18, 2011, shall execute a 1892
contract with JobsOhio for the corporation to assist the 1893
director and the department of development ~~services~~ ~~agency~~ with 1894
providing services or otherwise carrying out the functions or 1895
duties of the ~~agency~~ department, including the operation and 1896
management of programs, offices, divisions, or boards, as may be 1897
determined by the director in consultation with the governor. 1898
The approval or disapproval of awards involving public money 1899
shall remain functions of the ~~agency~~ department. All contracts 1900

for grants, loans, and tax incentives involving public money 1901
shall be between the ~~agency~~ department and the recipient and 1902
shall be enforced by the ~~agency~~ department. JobsOhio may not 1903
execute contracts obligating the ~~agency~~ department for loans, 1904
grants, tax credits, or incentive awards recommended by JobsOhio 1905
to the ~~agency~~ department. Prior to execution, all contracts 1906
between the director and JobsOhio entered into under this 1907
section that obligate the ~~agency~~ department to pay JobsOhio for 1908
services rendered are subject to controlling board approval. 1909

The term of an initial contract entered into under this 1910
section shall not extend beyond June 30, 2013. Thereafter, the 1911
director and JobsOhio may renew the contract for subsequent 1912
fiscal biennia, but at no time shall a particular contract be 1913
effective for longer than a fiscal biennium of the general 1914
assembly. 1915

JobsOhio's provision of services to the ~~agency~~ department 1916
as described in this section shall be pursuant to a contract 1917
entered into under this section. If at any time the director 1918
determines that the contract with JobsOhio may not be renewed 1919
for the subsequent fiscal biennium, the director shall notify 1920
JobsOhio of the director's decision not later than one hundred 1921
twenty days prior to the end of the current fiscal biennium. If 1922
the director does not provide such written notice to JobsOhio 1923
prior to one hundred days before the end of the current fiscal 1924
biennium, the contract shall be renewed upon such terms as the 1925
parties may agree, subject to the requirements of this section. 1926

(B) A contract entered into under this section shall 1927
include all of the following: 1928

(1) Terms assigning to the corporation the duties of 1929
advising and assisting the director in the director's evaluation 1930

of the agency <u>department</u> and the formulation of recommendations	1931
under section 187.05 of the Revised Code;	1932
(2) Terms designating records created or received by	1933
JobsOhio that shall be made available to the public under the	1934
same conditions as are public records under section 149.43 of	1935
the Revised Code. Documents designated to be made available to	1936
the public pursuant to the contract shall be kept on file with	1937
the agency <u>department</u> .	1938
Among records to be designated under this division shall	1939
be the following:	1940
(a) The corporation's federal income tax returns;	1941
(b) The report of expenditures described in division (B)	1942
(3) of section 187.03 of the Revised Code. The records shall be	1943
filed with the agency <u>department</u> at such times and frequency as	1944
agreed to by the corporation and the agency <u>department</u> , which	1945
shall not be less frequently than quarterly.	1946
(c) The annual total compensation paid to each officer and	1947
employee of the corporation;	1948
(d) A copy of the report for each financial audit of the	1949
corporation and of each supplemental compliance and control	1950
review of the corporation performed by a firm of independent	1951
certified public accountants pursuant to division (J) of section	1952
187.01 of the Revised Code.	1953
(e) Records of any fully executed incentive proposals, to	1954
be filed annually;	1955
(f) Records pertaining to the monitoring of commitments	1956
made by incentive recipients, to be filed annually;	1957
(g) A copy of the minutes of all public meetings described	1958

~~in division (C) of section 187.03 of the Revised Code not
otherwise closed to the public.~~ 1959
1960

(3) The following statement acknowledging that JobsOhio is 1961
not acting as an agent of the state: 1962

"JobsOhio shall have no power or authority to bind the 1963
state or to assume or create an obligation or responsibility, 1964
expressed or implied, on behalf of the state or in its name, nor 1965
shall JobsOhio represent to any person that it has any such 1966
power or authority, except as expressly provided in this 1967
contract." 1968

(C) (1) Records created by JobsOhio are ~~not~~ public records 1969
for the purposes of Chapter 149. of the Revised Code, ~~regardless~~ 1970
~~of who may have custody of the records, unless the record is~~ 1971
~~designated to be available to the public by the contract under~~ 1972
~~division (B) (2) of this section.~~ 1973

(2) ~~Records received by JobsOhio from any person or entity~~ 1974
~~that is not subject to section 149.43 of the Revised Code are~~ 1975
~~not public records for purposes of Chapter 149. of the Revised~~ 1976
~~Code, regardless of who may have custody of the records, unless~~ 1977
~~the record is designated to be available to the public by the~~ 1978
~~contract under division (B) (2) of this section.~~ 1979

~~(3)~~ Records received by JobsOhio from a public office as 1980
defined in section 149.011 of the Revised Code that are not 1981
public records under section 149.43 of the Revised Code when in 1982
the custody of the public office are not public records for the 1983
purposes of section 149.43 of the Revised Code regardless of who 1984
has custody of the records. 1985

~~(4)~~ (3) Division (B) of section 4701.19 of the Revised Code 1986
applies to any work papers of the firm of independent certified 1987

public accountants engaged to perform the annual financial audit 1988
and the supplemental compliance and control review described in 1989
division (J) of section 187.01 of the Revised Code, and to the 1990
financial audit report and any report of the supplemental 1991
compliance and control review, unless the record is designated 1992
to be available to the public by the contract under division (B) 1993
(2) of this section. 1994

(D) Any contract executed under authority of this section 1995
shall not negate, impair, or otherwise adversely affect the 1996
obligation of this state to pay debt charges on securities 1997
executed by the director or issued by the treasurer of state, 1998
Ohio public facilities commission, or any other issuing 1999
authority under Chapter 122., 151., 165., or 166. of the Revised 2000
Code to fund economic development programs of the state, or to 2001
abide by any pledge or covenant relating to the payment of those 2002
debt charges made in any related proceedings. As used in this 2003
division, "debt charges," "proceedings," and "securities" have 2004
the same meanings as in section 133.01 of the Revised Code. 2005

(E) Nothing in this section, other than the requirement of 2006
controlling board approval, shall prohibit the ~~agency~~department 2007
from contracting with JobsOhio to perform any of the following 2008
functions: 2009

- (1) Promoting and advocating for the state; 2010
- (2) Making recommendations to the ~~agency~~department; 2011
- (3) Performing research for the ~~agency~~department; 2012
- (4) Establishing and managing programs or offices on 2013
behalf of the ~~agency~~department, by contract; 2014
- (5) Negotiating on behalf of the state. 2015

(F) Nothing in this section, other than the requirement of 2016
controlling board approval, shall prohibit the ~~agency~~department 2017
from compensating JobsOhio from funds currently appropriated to 2018
the ~~agency~~department to perform the functions described in 2019
division (E) of this section. 2020

Section 2. That existing sections 117.46, 121.01, 121.22, 2021
149.011, 149.43, 187.01, 187.03, and 187.04 of the Revised Code 2022
are hereby repealed. 2023