

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 469

Senator Cutrona

To amend section 149.43 and to enact sections 1
5507.01, 5507.02, 5507.03, 5507.04, 5507.05, and 2
5507.99 of the Revised Code to regulate the use 3
of automated license plate recognition systems, 4
mass surveillance technology, and captured 5
surveillance data. 6

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

Section 1. That section 149.43 be amended and sections 7
5507.01, 5507.02, 5507.03, 5507.04, 5507.05, and 5507.99 of the 8
Revised Code be enacted to read as follows: 9

Sec. 149.43. (A) As used in this section: 10

(1) "Public record" means records kept by any public 11
office, including, but not limited to, state, county, city, 12
village, township, and school district units, and records 13
pertaining to the delivery of educational services by an 14
alternative school in this state kept by the nonprofit or for- 15
profit entity operating the alternative school pursuant to 16
section 3313.533 of the Revised Code. "Public record" does not 17
mean any of the following: 18

(a) Medical records; 19

(b) Records pertaining to the following: 20

(i) Probation and parole proceedings, including parole 21
board hearings made as provided in sections 5149.10 and 5149.102 22
of the Revised Code, revocation hearings under section 2967.15 23
of the Revised Code, and post-release control violation hearings 24
under section 2967.28 of the Revised Code, except for the 25
electronic recording of full parole board hearings under section 26
5149.101 of the Revised Code made as provided in section 5149.10 27
of the Revised Code; 28

(ii) Proceedings related to the imposition of community 29
control sanctions and post-release control sanctions, including 30
the electronic recording of post-release control hearings under 31
section 2967.28 of the Revised Code made as provided in sections 32
5149.10 and 5149.102 of the Revised Code; 33

(iii) Proceedings related to determinations under section 34
2967.271 of the Revised Code regarding the release or maintained 35
incarceration of an offender to whom that section applies; 36

(iv) All written and oral statements provided by a victim 37
or victim's representative to the department of rehabilitation 38
and correction in connection with the pendency of any pardon, 39
commutation, or parole, and any personally identifying 40
information or information likely to identify a victim or member 41
of the victim's family contained in an electronic recording of a 42
full parole board hearing. 43

(c) Records pertaining to actions under section 2151.85 44
and division (C) of section 2919.121 of the Revised Code and to 45
appeals of actions arising under those sections; 46

(d) Records pertaining to adoption proceedings, including 47
the contents of an adoption file maintained by the department of 48
health under sections 3705.12 to 3705.124 of the Revised Code; 49

(e) Information in a record contained in the putative 50
father registry established by section 3107.062 of the Revised 51
Code, regardless of whether the information is held by the 52
department of children and youth or, pursuant to section 3111.69 53
of the Revised Code, the office of child support in the 54
department of job and family services or a child support 55
enforcement agency; 56

(f) Records specified in division (A) of section 3107.52 57
of the Revised Code; 58

(g) Trial preparation records, prior to the conclusion of 59
all direct appeals or, if no appeal is filed, prior to the 60
expiration of the time during which an appeal may be filed, or, 61
if no trial has occurred, until the civil or criminal action or 62
proceeding has ended without the possibility of direct appeal or 63
each agency, office, or official responsible for the matter has 64
made a decision not to proceed with the matter; 65

(h) Confidential law enforcement investigatory records; 66

(i) Records containing information that is confidential 67
under section 2710.03 or 4112.05 of the Revised Code; 68

(j) DNA records stored in the DNA database pursuant to 69
section 109.573 of the Revised Code; 70

(k) Inmate records under section 5120.21 of the Revised 71
Code, except for permitted disclosure of the information listed 72
in division (E) (1) of that section; 73

(l) Records maintained by the department of youth services 74
pertaining to children in its custody released by the department 75
of youth services to the department of rehabilitation and 76
correction pursuant to section 5139.05 of the Revised Code; 77

(m) Intellectual property records;	78
(n) Donor profile records;	79
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	80 81
(p) Designated public service worker residential and familial information;	82 83
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	84 85 86 87 88
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	89 90
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	91 92 93 94 95 96 97 98 99 100 101 102
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	103 104 105 106

section; 107

(u) Test materials, examinations, or evaluation tools used 108
in an examination for licensure as a nursing home administrator 109
that the board of executives of long-term services and supports 110
administers under section 4751.15 of the Revised Code or 111
contracts under that section with a private or government entity 112
to administer; 113

(v) Records the release of which is prohibited by state or 114
federal law; 115

(w) Proprietary information of or relating to any person 116
that is submitted to or compiled by the Ohio venture capital 117
authority created under section 150.01 of the Revised Code; 118

(x) Financial statements and data any person submits for 119
any purpose to the Ohio housing finance agency or the 120
controlling board in connection with applying for, receiving, or 121
accounting for financial assistance from the agency, and 122
information that identifies any individual who benefits directly 123
or indirectly from financial assistance from the agency; 124

(y) Records listed in section 5101.29 of the Revised Code; 125

(z) Discharges recorded with a county recorder under 126
section 317.24 of the Revised Code, as specified in division (B) 127
(2) of that section; 128

(aa) Usage information including names and addresses of 129
specific residential and commercial customers of a municipally 130
owned or operated public utility; 131

(bb) Records described in division (C) of section 187.04 132
of the Revised Code that are not designated to be made available 133
to the public as provided in that division; 134

(cc) Information and records that are made confidential, 135
privileged, and not subject to disclosure under divisions (B) 136
and (C) of section 2949.221 of the Revised Code; 137

(dd) Personal information, as defined in section 149.45 of 138
the Revised Code; 139

(ee) The confidential name, address, and other personally 140
identifiable information of a program participant in the address 141
confidentiality program established under sections 111.41 to 142
111.47 of the Revised Code, including the contents of any 143
application for absent voter's ballots, absent voter's ballot 144
identification envelope statement of voter, or provisional 145
ballot affirmation completed by a program participant who has a 146
confidential voter registration record; records or portions of 147
records pertaining to that program that identify the number of 148
program participants that reside within a precinct, ward, 149
township, municipal corporation, county, or any other geographic 150
area smaller than the state; and any real property 151
confidentiality notice filed under section 111.431 of the 152
Revised Code and the information described in division (C) of 153
that section. As used in this division, "confidential address" 154
and "program participant" have the meaning defined in section 155
111.41 of the Revised Code. 156

(ff) Orders for active military service of an individual 157
serving or with previous service in the armed forces of the 158
United States, including a reserve component, or the Ohio 159
organized militia, except that, such order becomes a public 160
record on the day that is fifteen years after the published date 161
or effective date of the call to order; 162

(gg) The name, address, contact information, or other 163
personal information of an individual who is less than eighteen 164

years of age that is included in any record related to a traffic 165
accident involving a school vehicle in which the individual was 166
an occupant at the time of the accident; 167

(hh) Protected health information, as defined in 45 C.F.R. 168
160.103, that is in a claim for payment for a health care 169
product, service, or procedure, as well as any other health 170
claims data in another document that reveals the identity of an 171
individual who is the subject of the data or could be used to 172
reveal that individual's identity; 173

(ii) Any depiction by photograph, film, videotape, or 174
printed or digital image under either of the following 175
circumstances: 176

(i) The depiction is that of a victim of an offense the 177
release of which would be, to a reasonable person of ordinary 178
sensibilities, an offensive and objectionable intrusion into the 179
victim's expectation of bodily privacy and integrity. 180

(ii) The depiction captures or depicts the victim of a 181
sexually oriented offense, as defined in section 2950.01 of the 182
Revised Code, at the actual occurrence of that offense. 183

(jj) Restricted portions of a body-worn camera or 184
dashboard camera recording; 185

(kk) In the case of a fetal-infant mortality review board 186
acting under sections 3707.70 to 3707.77 of the Revised Code, 187
records, documents, reports, or other information presented to 188
the board or a person abstracting such materials on the board's 189
behalf, statements made by review board members during board 190
meetings, all work products of the board, and data submitted by 191
the board to the department of health or a national infant death 192
review database, other than the report prepared pursuant to 193

section 3707.77 of the Revised Code. 194

(ll) Records, documents, reports, or other information 195
presented to the pregnancy-associated mortality review board 196
established under section 5180.27 of the Revised Code, 197
statements made by board members during board meetings, all work 198
products of the board, and data submitted by the board to the 199
department of health, other than the biennial reports prepared 200
under section 5180.277 of the Revised Code; 201

(mm) Except as otherwise provided in division (A) (1) (oo) 202
of this section, telephone numbers for a victim, as defined in 203
section 2930.01 of the Revised Code or a witness to a crime that 204
are listed on any law enforcement record or report. 205

(nn) A preneed funeral contract, as defined in section 206
4717.01 of the Revised Code, and contract terms and personally 207
identifying information of a preneed funeral contract, that is 208
contained in a report submitted by or for a funeral home to the 209
board of embalmers and funeral directors under division (C) of 210
section 4717.13, division (J) of section 4717.31, or section 211
4717.41 of the Revised Code. 212

(oo) Telephone numbers for a party to a motor vehicle 213
accident subject to the requirements of section 5502.11 of the 214
Revised Code that are listed on any law enforcement record or 215
report, except that the telephone numbers described in this 216
division are not excluded from the definition of "public record" 217
under this division on and after the thirtieth day after the 218
occurrence of the motor vehicle accident. 219

(pp) Records pertaining to individuals who complete 220
training under section 5502.703 of the Revised Code to be 221
permitted by a school district board of education or governing 222

body of a community school established under Chapter 3314. of 223
the Revised Code, a STEM school established under Chapter 3326. 224
of the Revised Code, or a chartered nonpublic school to convey 225
deadly weapons or dangerous ordnance into a school safety zone; 226

(qq) Records, documents, reports, or other information 227
presented to a domestic violence fatality review board 228
established under section 307.651 of the Revised Code, 229
statements made by board members during board meetings, all work 230
products of the board, and data submitted by the board to the 231
department of health, other than a report prepared pursuant to 232
section 307.656 of the Revised Code; 233

(rr) Records, documents, and information the release of 234
which is prohibited under sections 2930.04 and 2930.07 of the 235
Revised Code; 236

(ss) Records of an existing qualified nonprofit 237
corporation that creates a special improvement district under 238
Chapter 1710. of the Revised Code that do not pertain to a 239
purpose for which the district is created; 240

(tt) Educational support services data, as defined in 241
section 3319.325 of the Revised Code; 242

(uu) Records of the past, current, and future work 243
schedule of a designated public service worker. As used in 244
division (A)(1)(uu) of this section, "work schedule" does not 245
include the docket of cases of a court, judge, or magistrate; 246

(vv) A request form or confirmation letter submitted to a 247
public office under section 149.45 of the Revised Code; 248

(ww) An affidavit or confirmation letter submitted under 249
section 319.28 of the Revised Code; 250

(xx) License or certificate application or renewal 251
responses and supporting documentation submitted to the state 252
medical board regarding an applicant's, or a license or 253
certificate holder's, inability to practice according to 254
acceptable and prevailing standards of care by reason of a 255
medical condition; 256

(yy) Images and data captured by an automated license 257
plate recognition system ~~that are maintained in a law~~ 258
~~enforcement database~~ or other mass surveillance technology. As 259
used in this division, "automated license plate recognition 260
system" and "mass surveillance technology" have the same 261
meanings as in section 5507.01 of the Revised Code; 262

(zz) Attorney work product record; 263

(aaa) Any entry on the public calendar of an elected 264
official that is for any date that is after the date the record 265
is requested; 266

(bbb) Records pertaining to burial sites under section 267
149.3010 of the Revised Code. 268

A record that is not a public record under division (A) (1) 269
of this section and that, under law, is permanently retained 270
becomes a public record on the day that is seventy-five years 271
after the day on which the record was created, or in the case of 272
a record that is not a public record under division (A) (1) (uu) 273
of this section that is retained, three years after the day on 274
which the record was created, except for any record protected by 275
the attorney-client privilege, a trial preparation record as 276
defined in this section, a statement prohibiting the release of 277
identifying information signed under section 3107.083 of the 278
Revised Code, a denial of release form filed pursuant to section 279

3107.46 of the Revised Code, records pertaining to burial sites 280
under section 149.3010 of the Revised Code, or any record that 281
is exempt from release or disclosure under section 149.433 of 282
the Revised Code. If the record is a birth certificate and a 283
biological parent's name redaction request form has been 284
accepted under section 3107.391 of the Revised Code, the name of 285
that parent shall be redacted from the birth certificate before 286
it is released under this paragraph. If any other section of the 287
Revised Code establishes a time period for disclosure of a 288
record that conflicts with the time period specified in this 289
section, the time period in the other section prevails. 290

(2) (a) "Confidential law enforcement investigatory record" 291
means any record that pertains to a law enforcement matter of a 292
criminal, quasi-criminal, civil, or administrative nature, but 293
only to the extent that the release of the record would create a 294
high probability of disclosure of any of the following: 295

(i) The identity of a suspect who has not been charged 296
with the offense to which the record pertains, or of an 297
information source or witness to whom confidentiality has been 298
reasonably promised; 299

(ii) Information provided by an information source or 300
witness to whom confidentiality has been reasonably promised, 301
which information would reasonably tend to disclose the source's 302
or witness's identity; 303

(iii) Specific confidential investigatory techniques or 304
procedures or specific investigatory work product; 305

(iv) Information that would endanger the life or physical 306
safety of law enforcement personnel, a crime victim, a witness, 307
or a confidential information source. 308

(b) As used in divisions (A) (2) and (18) of this section, 309
"specific investigatory work product" means information 310
assembled by law enforcement officials in connection with a 311
probable or pending criminal or civil proceeding, with the 312
exception of routine incident reports. "Specific investigatory 313
work product" is not a public record prior to the conclusion of 314
all direct appeals, or, if no appeal is filed, prior to the 315
expiration of the time during which an appeal may be filed, or, 316
if no trial has occurred, until the criminal or civil proceeding 317
has ended without possibility of direct appeal or each agency, 318
office, or official responsible for the matter has made a 319
decision not to proceed with the matter. 320

(3) "Medical record" means any document or combination of 321
documents, except births, deaths, and the fact of admission to 322
or discharge from a hospital, that pertains to the medical 323
history, diagnosis, prognosis, or medical condition of a patient 324
and that is generated and maintained in the process of medical 325
treatment. 326

(4) "Trial preparation record" means any record created by 327
or for another party or by or for that party's representative, 328
in reasonable anticipation of, or in defense of, a civil or 329
criminal action or proceeding, that is not a confidential law 330
enforcement investigatory record or attorney work product record 331
and that contains factual information that is specifically 332
compiled for that civil or criminal action or proceeding. 333

(5) "Intellectual property record" means a record, other 334
than a financial or administrative record, that is produced or 335
collected by or for faculty or staff of a state institution of 336
higher learning in the conduct of or as a result of study or 337
research on an educational, commercial, scientific, artistic, 338

technical, or scholarly issue, regardless of whether the study 339
or research was sponsored by the institution alone or in 340
conjunction with a governmental body or private concern, and 341
that has not been publicly released, published, or patented. 342

(6) "Donor profile record" means all records about donors 343
or potential donors to a public institution of higher education 344
except the names and reported addresses of the actual donors and 345
the date, amount, and conditions of the actual donation. 346

(7) "Designated public service worker" means a peace 347
officer, parole officer, probation officer, bailiff, prosecuting 348
attorney, assistant prosecuting attorney, correctional employee, 349
county or multicounty corrections officer, community-based 350
correctional facility employee, designated Ohio national guard 351
member, protective services worker, youth services employee, 352
firefighter, EMT, medical director or member of a cooperating 353
physician advisory board of an emergency medical service 354
organization, state board of pharmacy employee, investigator of 355
the bureau of criminal identification and investigation, 356
emergency service telecommunicator, forensic mental health 357
provider, mental health evaluation provider, regional 358
psychiatric hospital employee, judge, magistrate, or federal law 359
enforcement officer. 360

(8) "Designated public service worker residential and 361
familial information" means any information that discloses any 362
of the following about a designated public service worker: 363

(a) The address of the actual personal residence of a 364
designated public service worker, except for the following 365
information: 366

(i) The address of the actual personal residence of a 367

prosecuting attorney or judge; and 368

(ii) The state or political subdivision in which a 369
designated public service worker resides. 370

(b) Information compiled from referral to or participation 371
in an employee assistance program; 372

(c) The social security number, the residential telephone 373
number, any bank account, debit card, charge card, or credit 374
card number, or the emergency telephone number of, or any 375
medical information pertaining to, a designated public service 376
worker; 377

(d) The name of any beneficiary of employment benefits, 378
including, but not limited to, life insurance benefits, provided 379
to a designated public service worker by the designated public 380
service worker's employer; 381

(e) The identity and amount of any charitable or 382
employment benefit deduction made by the designated public 383
service worker's employer from the designated public service 384
worker's compensation, unless the amount of the deduction is 385
required by state or federal law; 386

(f) The name, the residential address, the name of the 387
employer, the address of the employer, the social security 388
number, the residential telephone number, any bank account, 389
debit card, charge card, or credit card number, or the emergency 390
telephone number of the spouse, a former spouse, or any child of 391
a designated public service worker; 392

(g) A photograph of a peace officer who holds a position 393
or has an assignment that may include undercover or plain 394
clothes positions or assignments as determined by the peace 395
officer's appointing authority. 396

(9) As used in divisions (A) (7) and (15) to (17) of this 397
section: 398

"Peace officer" has the meaning defined in section 109.71 399
of the Revised Code and also includes the superintendent and 400
troopers of the state highway patrol; it does not include the 401
sheriff of a county or a supervisory employee who, in the 402
absence of the sheriff, is authorized to stand in for, exercise 403
the authority of, and perform the duties of the sheriff. 404

"Correctional employee" means any employee of the 405
department of rehabilitation and correction who in the course of 406
performing the employee's job duties has or has had contact with 407
inmates and persons under supervision. 408

"County or multicounty corrections officer" means any 409
corrections officer employed by any county or multicounty 410
correctional facility. 411

"Designated Ohio national guard member" means a member of 412
the Ohio national guard who is participating in duties related 413
to remotely piloted aircraft, including, but not limited to, 414
pilots, sensor operators, and mission intelligence personnel, 415
duties related to special forces operations, or duties related 416
to cybersecurity, and is designated by the adjutant general as a 417
designated public service worker for those purposes. 418

"Protective services worker" means any employee of a 419
county agency who is responsible for child protective services, 420
child support services, or adult protective services. 421

"Youth services employee" means any employee of the 422
department of youth services who in the course of performing the 423
employee's job duties has or has had contact with children 424
committed to the custody of the department of youth services. 425

"Firefighter" means any regular, paid or volunteer, member 426
of a lawfully constituted fire department of a municipal 427
corporation, township, fire district, or village. 428

"EMT" means EMTs-basic, EMTs-I, and paramedics that 429
provide emergency medical services for a public emergency 430
medical service organization. "Emergency medical service 431
organization," "EMT-basic," "EMT-I," and "paramedic" have the 432
meanings defined in section 4765.01 of the Revised Code. 433

"Investigator of the bureau of criminal identification and 434
investigation" has the meaning defined in section 2903.11 of the 435
Revised Code. 436

"Emergency service telecommunicator" means an individual 437
employed by an emergency service provider as defined under 438
section 128.01 of the Revised Code, whose primary responsibility 439
is to be an operator for the receipt or processing of calls for 440
emergency services made by telephone, radio, or other electronic 441
means. 442

"Forensic mental health provider" means any employee of a 443
community mental health service provider or local alcohol, drug 444
addiction, and mental health services board who, in the course 445
of the employee's duties, has contact with persons committed to 446
a local alcohol, drug addiction, and mental health services 447
board by a court order pursuant to section 2945.38, 2945.39, 448
2945.40, or 2945.402 of the Revised Code. 449

"Mental health evaluation provider" means an individual 450
who, under Chapter 5122. of the Revised Code, examines a 451
respondent who is alleged to be a mentally ill person subject to 452
court order, as defined in section 5122.01 of the Revised Code, 453
and reports to the probate court the respondent's mental 454

condition. 455

"Regional psychiatric hospital employee" means any 456
employee of the department of behavioral health who, in the 457
course of performing the employee's duties, has contact with 458
patients committed to the department of behavioral health by a 459
court order pursuant to section 2945.38, 2945.39, 2945.40, or 460
2945.402 of the Revised Code. 461

"Federal law enforcement officer" has the meaning defined 462
in section 9.88 of the Revised Code. 463

(10) "Information pertaining to the recreational 464
activities of a person under the age of eighteen" means 465
information that is kept in the ordinary course of business by a 466
public office, that pertains to the recreational activities of a 467
person under the age of eighteen years, and that discloses any 468
of the following: 469

(a) The address or telephone number of a person under the 470
age of eighteen or the address or telephone number of that 471
person's parent, guardian, custodian, or emergency contact 472
person; 473

(b) The social security number, birth date, or 474
photographic image of a person under the age of eighteen; 475

(c) Any medical record, history, or information pertaining 476
to a person under the age of eighteen; 477

(d) Any additional information sought or required about a 478
person under the age of eighteen for the purpose of allowing 479
that person to participate in any recreational activity 480
conducted or sponsored by a public office or to use or obtain 481
admission privileges to any recreational facility owned or 482
operated by a public office. 483

(11) "Community control sanction" has the meaning defined 484
in section 2929.01 of the Revised Code. 485

(12) "Post-release control sanction" has the meaning 486
defined in section 2967.01 of the Revised Code. 487

(13) "Redaction" means obscuring or deleting any 488
information that is exempt from the duty to permit public 489
inspection or copying from an item that otherwise meets the 490
definition of a "record" in section 149.011 of the Revised Code. 491

(14) "Designee," "elected official," and "future official" 492
have the meanings defined in section 109.43 of the Revised Code. 493

(15) "Body-worn camera" means a visual and audio recording 494
device worn on the person of a correctional employee, youth 495
services employee, or peace officer while the correctional 496
employee, youth services employee, or peace officer is engaged 497
in the performance of official duties. 498

(16) "Dashboard camera" means a visual and audio recording 499
device mounted on a peace officer's vehicle or vessel that is 500
used while the peace officer is engaged in the performance of 501
the peace officer's duties. 502

(17) "Restricted portions of a body-worn camera or 503
dashboard camera recording" means any visual or audio portion of 504
a body-worn camera or dashboard camera recording that shows, 505
communicates, or discloses any of the following: 506

(a) The image or identity of a child or information that 507
could lead to the identification of a child who is a primary 508
subject of the recording when the department of rehabilitation 509
and correction, department of youth services, or the law 510
enforcement agency knows or has reason to know the person is a 511
child based on the department's or law enforcement agency's 512

records or the content of the recording; 513

(b) The death of a person or a deceased person's body, 514
unless the death was caused by a correctional employee, youth 515
services employee, or peace officer or, subject to division (H) 516
(1) of this section, the consent of the decedent's executor or 517
administrator has been obtained; 518

(c) The death of a correctional employee, youth services 519
employee, peace officer, firefighter, paramedic, or other first 520
responder, occurring while the decedent was engaged in the 521
performance of official duties, unless, subject to division (H) 522
(1) of this section, the consent of the decedent's executor or 523
administrator has been obtained; 524

(d) Grievous bodily harm, unless the injury was effected 525
by a correctional employee, youth services employee, or peace 526
officer or, subject to division (H) (1) of this section, the 527
consent of the injured person or the injured person's guardian 528
has been obtained; 529

(e) An act of severe violence against a person that 530
results in serious physical harm to the person, unless the act 531
and injury was effected by a correctional employee, youth 532
services employee, or peace officer or, subject to division (H) 533
(1) of this section, the consent of the injured person or the 534
injured person's guardian has been obtained; 535

(f) Grievous bodily harm to a correctional employee, youth 536
services employee, peace officer, firefighter, paramedic, or 537
other first responder, occurring while the injured person was 538
engaged in the performance of official duties, unless, subject 539
to division (H) (1) of this section, the consent of the injured 540
person or the injured person's guardian has been obtained; 541

(g) An act of severe violence resulting in serious 542
physical harm against a correctional employee, youth services 543
employee, peace officer, firefighter, paramedic, or other first 544
responder, occurring while the injured person was engaged in the 545
performance of official duties, unless, subject to division (H) 546
(1) of this section, the consent of the injured person or the 547
injured person's guardian has been obtained; 548

(h) A person's nude body, unless, subject to division (H) 549
(1) of this section, the person's consent has been obtained; 550

(i) Protected health information, the identity of a person 551
in a health care facility who is not the subject of a 552
correctional, youth services, or law enforcement encounter, or 553
any other information in a health care facility that could 554
identify a person who is not the subject of a correctional, 555
youth services, or law enforcement encounter; 556

(j) Information that could identify the alleged victim of 557
a sex offense, menacing by stalking, or domestic violence; 558

(k) Information, that does not constitute a confidential 559
law enforcement investigatory record, that could identify a 560
person who provides sensitive or confidential information to the 561
department of rehabilitation and correction, the department of 562
youth services, or a law enforcement agency when the disclosure 563
of the person's identity or the information provided could 564
reasonably be expected to threaten or endanger the safety or 565
property of the person or another person; 566

(l) Personal information of a person who is not arrested, 567
cited, charged, or issued a written warning by a peace officer; 568

(m) Proprietary correctional, youth services, or police 569
contingency plans or tactics that are intended to prevent crime 570

and maintain public order and safety; 571

(n) A personal conversation unrelated to work between 572
correctional employees, youth services employees, or peace 573
officers or between a correctional employee, youth services 574
employee, or peace officer and an employee of a law enforcement 575
agency; 576

(o) A conversation between a correctional employee, youth 577
services employee, or peace officer and a member of the public 578
that does not concern correctional, youth services, or law 579
enforcement activities; 580

(p) The interior of a residence, unless the interior of a 581
residence is the location of an adversarial encounter with, or a 582
use of force by, a correctional employee, youth services 583
employee, or peace officer; 584

(q) Any portion of the interior of a private business that 585
is not open to the public, unless an adversarial encounter with, 586
or a use of force by, a correctional employee, youth services 587
employee, or peace officer occurs in that location. 588

As used in division (A) (17) of this section: 589

"Grievous bodily harm" has the same meaning as in section 590
5924.120 of the Revised Code. 591

"Health care facility" has the same meaning as in section 592
1337.11 of the Revised Code. 593

"Protected health information" has the same meaning as in 594
45 C.F.R. 160.103. 595

"Law enforcement agency" means a government entity that 596
employs peace officers to perform law enforcement duties. 597

"Personal information" means any government-issued 598
identification number, date of birth, address, financial 599
information, or criminal justice information from the law 600
enforcement automated data system or similar databases. 601

"Sex offense" has the same meaning as in section 2907.10 602
of the Revised Code. 603

"Firefighter," "paramedic," and "first responder" have the 604
same meanings as in section 4765.01 of the Revised Code. 605

(18) "Attorney work product record" means a record that is 606
not specific investigatory work product or a trial preparation 607
record and that is created by an attorney, or by the agent of an 608
attorney, in reasonable anticipation of or for litigation, 609
trial, or administrative proceedings, when acting in an official 610
capacity on behalf of the state, a political subdivision of the 611
state, a state agency, a public official, or a public employee, 612
that documents the independent thought processes, mental 613
impressions, legal theories, strategies, analysis, or reasoning 614
of an attorney or the agent of an attorney. 615

(19) "Elected official" means a person who is elected or 616
appointed to an elective office of the state or a political 617
subdivision. 618

(20) "Public calendar" means a calendar or appointment 619
book maintained by an elected official to schedule the elected 620
official's activities in relation to the elected official's 621
position as an elected official. "Public calendar" does not 622
include a personal calendar or appointment book maintained 623
solely for an elected official's personal convenience that does 624
not serve to document the elected official's official activities 625
or functions or the official activities or functions of the 626

elected official's public office. 627

(21) "Member of the victim's family" has the same meaning 628
as in section 2930.01 of the Revised Code. 629

(B) (1) Upon request by any person and subject to division 630
(B) (8) of this section, all public records responsive to the 631
request shall be promptly prepared and made available for 632
inspection to the requester at all reasonable times during 633
regular business hours. Subject to division (B) (8) of this 634
section, upon request by any person, a public office or person 635
responsible for public records shall make copies of the 636
requested public record available to the requester at cost and 637
within a reasonable period of time. 638

When considering whether a state or local law enforcement 639
agency or a prosecuting attorney's office promptly prepared a 640
video record for inspection or produced a copy of a video record 641
within a reasonable period of time, in addition to any other 642
factors, a court shall consider the time required for a state or 643
local law enforcement agency or a prosecuting attorney's office 644
to retrieve, download, review, redact, seek legal advice 645
regarding, and produce the video record. Except as specified in 646
division (B) (11) of this section, notwithstanding any other 647
requirement set forth in Chapter 149. of the Revised Code, a 648
state or local law enforcement agency or a prosecuting 649
attorney's office may charge a requester the actual cost 650
associated with preparing a video record for inspection or 651
production, not to exceed seventy-five dollars per hour of video 652
produced, nor seven hundred fifty dollars total. As used in this 653
division, "actual cost," with respect to video records only, 654
means all costs incurred by the state or local law enforcement 655
agency or a prosecuting attorney's office in reviewing, blurring 656

or otherwise obscuring, redacting, uploading, or producing the 657
video records, including but not limited to the storage medium 658
on which the record is produced, staff time, and any other 659
relevant overhead necessary to comply with the request. A state 660
or local law enforcement agency or a prosecuting attorney's 661
office may include in its public records policy the requirement 662
that a requester pay the estimated actual cost before beginning 663
the process of preparing a video record for inspection or 664
production. Where a state or local law enforcement agency or a 665
prosecuting attorney's office imposes such a requirement, its 666
obligation to produce a video or make it available for 667
inspection begins once the estimated actual cost is paid in full 668
by the requester. A state or local law enforcement agency or a 669
prosecuting attorney's office shall provide the requester with 670
the estimated actual cost within five business days of receipt 671
of the public records request. If the actual cost exceeds the 672
estimated actual cost, a state or local law enforcement agency 673
or a prosecuting attorney's office may charge a requester for 674
the difference upon fulfilling a request for video records if 675
the requester is notified in advance that the actual cost may be 676
up to twenty per cent higher than the estimated actual cost. A 677
state or local law enforcement agency or a prosecuting 678
attorney's office shall not charge a requester a difference that 679
exceeds twenty per cent of the estimated actual cost. 680

If a public record contains information that is exempt 681
from the duty to permit public inspection or to copy the public 682
record, the public office or the person responsible for the 683
public record shall make available all of the information within 684
the public record that is not exempt. When making that public 685
record available for public inspection or copying that public 686
record, the public office or the person responsible for the 687

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

(2) To facilitate broader access to public records, a 700
public office or the person responsible for public records shall 701
organize and maintain public records in a manner that they can 702
be made available for inspection or copying in accordance with 703
division (B) of this section. A public office also shall have 704
available a copy of its current records retention schedule at a 705
location readily available to the public. If a requester makes 706
an ambiguous or overly broad request or has difficulty in making 707
a request for copies or inspection of public records under this 708
section such that the public office or the person responsible 709
for the requested public record cannot reasonably identify what 710
public records are being requested, the public office or the 711
person responsible for the requested public record may deny the 712
request but shall provide the requester with an opportunity to 713
revise the request by informing the requester of the manner in 714
which records are maintained by the public office and accessed 715
in the ordinary course of the public office's or person's 716
duties. 717

(3) If a request is ultimately denied, in part or in 718

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

(4) Unless specifically required or authorized by state or 728
federal law or in accordance with division (B) of this section, 729
no public office or person responsible for public records may 730
limit or condition the availability of public records by 731
requiring disclosure of the requester's identity or the intended 732
use of the requested public record. Any requirement that the 733
requester disclose the requester's identity or the intended use 734
of the requested public record constitutes a denial of the 735
request. 736

(5) A public office or person responsible for public 737
records may ask a requester to make the request in writing, may 738
ask for the requester's identity, and may inquire about the 739
intended use of the information requested, but may do so only 740
after disclosing to the requester that a written request is not 741
mandatory, that the requester may decline to reveal the 742
requester's identity or the intended use, and when a written 743
request or disclosure of the identity or intended use would 744
benefit the requester by enhancing the ability of the public 745
office or person responsible for public records to identify, 746
locate, or deliver the public records sought by the requester. 747

(6) If any person requests a copy of a public record in 748

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

(7) (a) Upon a request made in accordance with division (B) 769
of this section and subject to division (B) (6) of this section, 770
a public office or person responsible for public records shall 771
transmit a copy of a public record to any person by United 772
States mail or by any other means of delivery or transmission 773
within a reasonable period of time after receiving the request 774
for the copy. The public office or person responsible for the 775
public record may require the person making the request to pay 776
in advance the cost of postage if the copy is transmitted by 777
United States mail or the cost of delivery if the copy is 778
transmitted other than by United States mail, and to pay in 779

advance the costs incurred for other supplies used in the 780
mailing, delivery, or transmission. 781

(b) Any public office may adopt a policy and procedures 782
that it will follow in transmitting, within a reasonable period 783
of time after receiving a request, copies of public records by 784
United States mail or by any other means of delivery or 785
transmission pursuant to division (B) (7) of this section. A 786
public office that adopts a policy and procedures under division 787
(B) (7) of this section shall comply with them in performing its 788
duties under that division. 789

(c) In any policy and procedures adopted under division 790
(B) (7) of this section: 791

(i) A public office may limit the number of records 792
requested by a person that the office will physically deliver by 793
United States mail or by another delivery service to ten per 794
month, unless the person certifies to the office in writing that 795
the person does not intend to use or forward the requested 796
records, or the information contained in them, for commercial 797
purposes; 798

(ii) A public office that chooses to provide some or all 799
of its public records on a web site that is fully accessible to 800
and searchable by members of the public at all times, other than 801
during acts of God outside the public office's control or 802
maintenance, and that charges no fee to search, access, 803
download, or otherwise receive records provided on the web site, 804
may limit to ten per month the number of records requested by a 805
person that the office will deliver in a digital format, unless 806
the requested records are not provided on the web site and 807
unless the person certifies to the office in writing that the 808
person does not intend to use or forward the requested records, 809

or the information contained in them, for commercial purposes. 810

(iii) For purposes of division (B) (7) of this section, 811
"commercial" shall be narrowly construed and does not include 812
reporting or gathering news, reporting or gathering information 813
to assist citizen oversight or understanding of the operation or 814
activities of government, or nonprofit educational research. 815

(8) A public office or person responsible for public 816
records is not required to permit a person who is incarcerated 817
pursuant to a criminal conviction or a juvenile adjudication to 818
inspect or to obtain a copy of any public record concerning a 819
criminal investigation or prosecution or concerning what would 820
be a criminal investigation or prosecution if the subject of the 821
investigation or prosecution were an adult, unless the request 822
to inspect or to obtain a copy of the record is for the purpose 823
of acquiring information that is subject to release as a public 824
record under this section and the judge who imposed the sentence 825
or made the adjudication with respect to the person, or the 826
judge's successor in office, finds that the information sought 827
in the public record is necessary to support what appears to be 828
a justiciable claim of the person. As used in this division, 829
"public record concerning a criminal investigation or 830
prosecution or concerning what would be a criminal investigation 831
or prosecution if the subject of the investigation were an 832
adult" includes, but is not limited to, personnel files and 833
payroll and attendance records of designated public service 834
workers. 835

(9) (a) Upon written request made and signed by a 836
journalist, a public office, or person responsible for public 837
records, having custody of the records of the agency employing a 838
specified designated public service worker shall disclose to the 839

journalist the address of the actual personal residence of the 840
designated public service worker and, if the designated public 841
service worker's spouse, former spouse, or child is employed by 842
a public office, the name and address of the employer of the 843
designated public service worker's spouse, former spouse, or 844
child, and any past, current, and future work schedules of the 845
designated public service worker. The request shall include the 846
journalist's name and title and the name and address of the 847
journalist's employer and shall state that disclosure of the 848
information sought would be in the public interest. 849

(b) Division (B) (9) (a) of this section also applies to 850
journalist requests for: 851

(i) Customer information maintained by a municipally owned 852
or operated public utility, other than social security numbers 853
and any private financial information such as credit reports, 854
payment methods, credit card numbers, and bank account 855
information; 856

(ii) Information about minors involved in a school vehicle 857
accident as provided in division (A) (1) (gg) of this section, 858
other than personal information as defined in section 149.45 of 859
the Revised Code; 860

(iii) A request form submitted to a public office under 861
section 149.45 of the Revised Code; 862

(iv) An affidavit submitted under section 319.28 of the 863
Revised Code. 864

(c) As used in division (B) (9) of this section, 865
"journalist" means a person engaged in, connected with, or 866
employed by any news medium, including a newspaper, magazine, 867
press association, news agency, or wire service, a radio or 868

television station, or a similar medium, for the purpose of 869
gathering, processing, transmitting, compiling, editing, or 870
disseminating information for the general public. 871

(10) Upon a request made by a victim, victim's attorney, 872
or victim's representative, as that term is used in section 873
2930.02 of the Revised Code, a public office or person 874
responsible for public records shall transmit a copy of a 875
depiction of the victim as described in division (A) (1) (ii) of 876
this section to the victim, victim's attorney, or victim's 877
representative. 878

(11) A state or local law enforcement agency or a 879
prosecuting attorney's office shall not charge a fee for 880
preparing a video record for inspection, or producing a copy of 881
a video record, when the requester of the video record is a 882
victim, as defined in Ohio Constitution, Article I, Section 10a, 883
or who is a victim who suffered loss and could seek remedy 884
through a tort action as defined by section 2307.011 of the 885
Revised Code, who reasonably asserts that the video recording 886
relates to the act or omission that caused the victim's harm or 887
loss, or who is the legal counsel or insurer of the victim. A 888
fee under this section may only be waived upon the receipt of an 889
affidavit by the victim or the victim's legal counsel 890
identifying that the use of the video is to investigate harm or 891
damages that may have been captured on the video. 892

As used in this division, "legal counsel of the victim" 893
means an attorney who, at the time of making the request, 894
produces to the state or local law enforcement agency or a 895
prosecuting attorney's office a signed retention agreement or 896
letter of representation that establishes that the attorney is 897
representing the victim. 898

(C) (1) If a person allegedly is aggrieved by the failure 899
of a public office or the person responsible for public records 900
to promptly prepare a public record and to make it available to 901
the person for inspection in accordance with division (B) of 902
this section or by any other failure of a public office or the 903
person responsible for public records to comply with an 904
obligation in accordance with division (B) of this section, the 905
person allegedly aggrieved may serve pursuant to Rule 4 of the 906
Ohio Rules of Civil Procedure a complaint, on a form prescribed 907
by the clerk of the court of claims, to the public office or 908
person responsible for public records allegedly responsible for 909
the alleged failure. Upon receipt of the complaint of the person 910
allegedly aggrieved, the public office or person responsible for 911
public records has three business days to cure or otherwise 912
address the failure alleged in the complaint. The person 913
allegedly aggrieved shall not file a complaint with a court or 914
commence a mandamus action under this section within the three- 915
day period. Upon the expiration of the three-day period, the 916
person allegedly aggrieved may, subject to the requirements of 917
division (C) (2) of this section, do only one of the following, 918
and not both: 919

(a) File a complaint with the clerk of the court of claims 920
or the clerk of the court of common pleas under section 2743.75 921
of the Revised Code; 922

(b) Commence a mandamus action to obtain a judgment that 923
orders the public office or the person responsible for the 924
public record to comply with division (B) of this section, that 925
awards court costs and reasonable attorney's fees to the person 926
that instituted the mandamus action, and, if applicable, that 927
includes an order fixing statutory damages under division (C) (3) 928
of this section. The mandamus action may be commenced in the 929

court of common pleas of the county in which division (B) of 930
this section allegedly was not complied with, in the supreme 931
court pursuant to its original jurisdiction under Section 2 of 932
Article IV, Ohio Constitution, or in the court of appeals for 933
the appellate district in which division (B) of this section 934
allegedly was not complied with pursuant to its original 935
jurisdiction under Section 3 of Article IV, Ohio Constitution. 936

(2) Upon filing a complaint or mandamus action with a 937
court under divisions (C) (1) (a) or (b) of this section, a person 938
allegedly aggrieved shall file with the court, in conjunction 939
with the person's complaint or petition, a written affirmation 940
stating that the person properly transmitted a complaint to the 941
public office or person responsible for public records, the 942
failure alleged in the complaint has not been cured or otherwise 943
resolved to the person's satisfaction, and that the complaint 944
was transmitted to the public office or person responsible for 945
public records at least three business days before the filing of 946
the suit. If the person fails to file an affirmation pursuant to 947
this division, the suit shall be dismissed. 948

(3) If a requester transmits a written request by hand 949
delivery, electronic submission, or certified mail to inspect or 950
receive copies of any public record in a manner that fairly 951
describes the public record or class of public records to the 952
public office or person responsible for the requested public 953
records, except as otherwise provided in this section, the 954
requester shall be entitled to recover the amount of statutory 955
damages set forth in this division if a court determines that 956
the public office or the person responsible for public records 957
failed to comply with an obligation in accordance with division 958
(B) of this section. Statutory damages are not available 959
pursuant to this section to a person committed to the custody of 960

the department of rehabilitation and correction or the United 961
States bureau of prisons, or a child committed to the department 962
of youth services as permitted in Chapter 2152. of the Revised 963
Code. 964

The amount of statutory damages shall be fixed at one 965
hundred dollars for each business day during which the public 966
office or person responsible for the requested public records 967
failed to comply with an obligation in accordance with division 968
(B) of this section, beginning with the day on which the 969
requester files a mandamus action to recover statutory damages, 970
up to a maximum of one thousand dollars. The award of statutory 971
damages shall not be construed as a penalty, but as compensation 972
for injury arising from lost use of the requested information. 973
The existence of this injury shall be conclusively presumed. The 974
award of statutory damages shall be in addition to all other 975
remedies authorized by this section. 976

The court may reduce an award of statutory damages or not 977
award statutory damages if the court determines both of the 978
following: 979

(a) That, based on the ordinary application of statutory 980
law and case law as it existed at the time of the conduct or 981
threatened conduct of the public office or person responsible 982
for the requested public records that allegedly constitutes a 983
failure to comply with an obligation in accordance with division 984
(B) of this section and that was the basis of the mandamus 985
action, a well-informed public office or person responsible for 986
the requested public records reasonably would believe that the 987
conduct or threatened conduct of the public office or person 988
responsible for the requested public records did not constitute 989
a failure to comply with an obligation in accordance with 990

division (B) of this section; 991

(b) That a well-informed public office or person 992
responsible for the requested public records reasonably would 993
believe that the conduct or threatened conduct of the public 994
office or person responsible for the requested public records 995
would serve the public policy that underlies the authority that 996
is asserted as permitting that conduct or threatened conduct. 997

(4) In a mandamus action filed under division (C) (1) of 998
this section, the following apply: 999

(a) (i) If the court orders the public office or the person 1000
responsible for the public record to comply with division (B) of 1001
this section, the court shall determine and award to the relator 1002
all court costs, which shall be construed as remedial and not 1003
punitive. 1004

(ii) If the court makes a determination described in 1005
division (C) (4) (b) (iii) of this section, the court shall 1006
determine and award to the relator all court costs, which shall 1007
be construed as remedial and not punitive. 1008

(b) If the court renders a judgment that orders the public 1009
office or the person responsible for the public record to comply 1010
with division (B) of this section or if the court determines any 1011
of the following, the court may award reasonable attorney's fees 1012
to the relator, subject to division (C) (5) of this section: 1013

(i) The public office or the person responsible for the 1014
public records failed to respond affirmatively or negatively to 1015
the public records request in accordance with the time allowed 1016
under division (B) of this section. 1017

(ii) The public office or the person responsible for the 1018
public records promised to permit the relator to inspect or 1019

receive copies of the public records requested within a 1020
specified period of time but failed to fulfill that promise 1021
within that specified period of time. 1022

(iii) The public office or the person responsible for the 1023
public records acted in bad faith when the office or person 1024
voluntarily made the public records available to the relator for 1025
the first time after the relator commenced the mandamus action, 1026
but before the court issued any order concluding whether or not 1027
the public office or person was required to comply with division 1028
(B) of this section. No discovery may be conducted on the issue 1029
of the alleged bad faith of the public office or person 1030
responsible for the public records. This division shall not be 1031
construed as creating a presumption that the public office or 1032
the person responsible for the public records acted in bad faith 1033
when the office or person voluntarily made the public records 1034
available to the relator for the first time after the relator 1035
commenced the mandamus action, but before the court issued any 1036
order described in this division. 1037

(c) The court shall not award attorney's fees to the 1038
relator if the court determines both of the following: 1039

(i) That, based on the ordinary application of statutory 1040
law and case law as it existed at the time of the conduct or 1041
threatened conduct of the public office or person responsible 1042
for the requested public records that allegedly constitutes a 1043
failure to comply with an obligation in accordance with division 1044
(B) of this section and that was the basis of the mandamus 1045
action, a well-informed public office or person responsible for 1046
the requested public records reasonably would believe that the 1047
conduct or threatened conduct of the public office or person 1048
responsible for the requested public records did not constitute 1049

a failure to comply with an obligation in accordance with 1050
division (B) of this section; 1051

(ii) That a well-informed public office or person 1052
responsible for the requested public records reasonably would 1053
believe that the conduct or threatened conduct of the public 1054
office or person responsible for the requested public records 1055
would serve the public policy that underlies the authority that 1056
is asserted as permitting that conduct or threatened conduct. 1057

(5) All of the following apply to any award of reasonable 1058
attorney's fees awarded under division (C) (4) (b) of this 1059
section: 1060

(a) The fees shall be construed as remedial and not 1061
punitive. 1062

(b) The fees awarded shall not exceed the total of the 1063
reasonable attorney's fees incurred before the public record was 1064
made available to the relator and the fees described in division 1065
(C) (5) (c) of this section. 1066

(c) Reasonable attorney's fees shall include reasonable 1067
fees incurred to produce proof of the reasonableness and amount 1068
of the fees and to otherwise litigate entitlement to the fees. 1069

(d) The court may reduce the amount of fees awarded if the 1070
court determines that, given the factual circumstances involved 1071
with the specific public records request, an alternative means 1072
should have been pursued to more effectively and efficiently 1073
resolve the dispute that was subject to the mandamus action 1074
filed under division (C) (1) of this section. 1075

(6) If the court does not issue a writ of mandamus under 1076
division (C) of this section and the court determines at that 1077
time that the bringing of the mandamus action was frivolous 1078

conduct as defined in division (A) of section 2323.51 of the 1079
Revised Code, the court may award to the public office all court 1080
costs, expenses, and reasonable attorney's fees, as determined 1081
by the court. 1082

(D) Chapter 1347. of the Revised Code does not limit the 1083
provisions of this section. 1084

(E) (1) To ensure that all employees of public offices are 1085
appropriately educated about a public office's obligations under 1086
division (B) of this section, all elected officials or their 1087
appropriate designees shall attend training approved by the 1088
attorney general as provided in section 109.43 of the Revised 1089
Code. A future official may satisfy the requirements of this 1090
division by attending the training before taking office, 1091
provided that the future official may not send a designee in the 1092
future official's place. 1093

(2) All public offices shall adopt a public records policy 1094
in compliance with this section for responding to public records 1095
requests. In adopting a public records policy under this 1096
division, a public office may obtain guidance from the model 1097
public records policy developed and provided to the public 1098
office by the attorney general under section 109.43 of the 1099
Revised Code. Except as otherwise provided in this section, the 1100
policy may not limit the number of public records that the 1101
public office will make available to a single person, may not 1102
limit the number of public records that it will make available 1103
during a fixed period of time, and may not establish a fixed 1104
period of time before it will respond to a request for 1105
inspection or copying of public records, unless that period is 1106
less than eight hours. 1107

The public office shall distribute the public records 1108

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

(F) (1) The bureau of motor vehicles may adopt rules 1124
pursuant to Chapter 119. of the Revised Code to reasonably limit 1125
the number of bulk commercial special extraction requests made 1126
by a person for the same records or for updated records during a 1127
calendar year. The rules may include provisions for charges to 1128
be made for bulk commercial special extraction requests for the 1129
actual cost of the bureau, plus special extraction costs, plus 1130
ten per cent. The bureau may charge for expenses for redacting 1131
information, the release of which is prohibited by law. 1132

(2) As used in division (F) (1) of this section: 1133

(a) "Actual cost" means the cost of depleted supplies, 1134
records storage media costs, actual mailing and alternative 1135
delivery costs, or other transmitting costs, and any direct 1136
equipment operating and maintenance costs, including actual 1137
costs paid to private contractors for copying services. 1138

(b) "Bulk commercial special extraction request" means a 1139
request for copies of a record for information in a format other 1140
than the format already available, or information that cannot be 1141
extracted without examination of all items in a records series, 1142
class of records, or database by a person who intends to use or 1143
forward the copies for surveys, marketing, solicitation, or 1144
resale for commercial purposes. "Bulk commercial special 1145
extraction request" does not include a request by a person who 1146
gives assurance to the bureau that the person making the request 1147
does not intend to use or forward the requested copies for 1148
surveys, marketing, solicitation, or resale for commercial 1149
purposes. 1150

(c) "Commercial" means profit-seeking production, buying, 1151
or selling of any good, service, or other product. 1152

(d) "Special extraction costs" means the cost of the time 1153
spent by the lowest paid employee competent to perform the task, 1154
the actual amount paid to outside private contractors employed 1155
by the bureau, or the actual cost incurred to create computer 1156
programs to make the special extraction. "Special extraction 1157
costs" include any charges paid to a public agency for computer 1158
or records services. 1159

(3) For purposes of divisions (F) (1) and (2) of this 1160
section, "surveys, marketing, solicitation, or resale for 1161
commercial purposes" shall be narrowly construed and does not 1162
include reporting or gathering news, reporting or gathering 1163
information to assist citizen oversight or understanding of the 1164
operation or activities of government, or nonprofit educational 1165
research. 1166

(G) A request by a defendant, counsel of a defendant, or 1167
any agent of a defendant in a criminal action that public 1168

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

(H) (1) Any portion of a body-worn camera or dashboard 1177
camera recording described in divisions (A) (17) (b) to (h) of 1178
this section may be released by consent of the subject of the 1179
recording or a representative of that person, as specified in 1180
those divisions, only if either of the following applies: 1181

(a) The recording will not be used in connection with any 1182
probable or pending criminal proceedings; 1183

(b) The recording has been used in connection with a 1184
criminal proceeding that was dismissed or for which a judgment 1185
has been entered pursuant to Rule 32 of the Rules of Criminal 1186
Procedure, and will not be used again in connection with any 1187
probable or pending criminal proceedings. 1188

(2) If a public office denies a request to release a 1189
restricted portion of a body-worn camera or dashboard camera 1190
recording, as defined in division (A) (17) of this section, any 1191
person may file a mandamus action pursuant to this section or a 1192
complaint with the clerk of the court of claims pursuant to 1193
section 2743.75 of the Revised Code, requesting the court to 1194
order the release of all or portions of the recording. If the 1195
court considering the request determines that the filing 1196
articulates by clear and convincing evidence that the public 1197
interest in the recording substantially outweighs privacy 1198

interests and other interests asserted to deny release, the 1199
court shall order the public office to release the recording. 1200

Sec. 5507.01. As used in this section: 1201

(A) "Automated license plate recognition system" means a 1202
system of one or more mobile or fixed high-speed cameras, 1203
sensors, or devices, combined with computer algorithms, that is 1204
capable of converting images of license plates, vehicle 1205
location, or other vehicle identification markers into computer- 1206
readable data. 1207

(B) "Captured surveillance data" means the data and 1208
resulting metadata that is captured by, derived from, generated 1209
by, or inferred from an automated license plate recognition 1210
system or mass surveillance technology, including any images, 1211
photographs, videos, location information, or other forms of 1212
observation recording. 1213

(C) "Firearms retailer" means a physical place of business 1214
in this state that is engaged in the lawful selling or trading 1215
of firearms, antique firearms, or ammunition to be used in 1216
firearms or antique firearms. 1217

(D) "Government entity" means a state agency, public 1218
institution, political subdivision, or any other organized body, 1219
office, agency, institution, or entity established by the laws 1220
of this state for the exercise of any function of government. 1221

(E) "Law enforcement agency" means a government entity 1222
that employs peace officers to perform law enforcement duties. 1223

(F) "Mass surveillance technology" means any technology or 1224
device designed primarily to monitor, record, capture, or 1225
analyze the movements, activities, associations, or identifying 1226
characteristics of an individual in public spaces, including 1227

cameras, sensors, biometric identification systems, facial 1228
recognition systems, and gait recognition systems. 1229

"Mass surveillance technology" does not include a camera 1230
that is used solely for monitoring a specific and defined area 1231
for immediate security purposes provided the camera is not 1232
integrated with an identification or recognition database or 1233
analytics system. 1234

(G) "Peace officer" has the same meaning as in section 1235
109.71 of the Revised Code and also includes the superintendent 1236
and troopers of the state highway patrol. 1237

(H) "Private person" means an individual, corporation, 1238
business trust, estate, trust, partnership, unincorporated 1239
association, limited liability company, two or more of any of 1240
the foregoing having a joint or common interest, or any other 1241
legal or commercial entity. 1242

"Private person" does not mean an individual who is 1243
employed by or contracted with a government entity while the 1244
individual is acting in an official capacity on behalf of a 1245
government entity. 1246

(I) "Place of worship" has the same meaning as in section 1247
5104.01 of the Revised Code. 1248

Sec. 5507.02. (A) (1) Except as provided in division (C) of 1249
this section, no government entity or an agent or employee of 1250
the government entity shall retain captured surveillance data 1251
for more than ten days after such data is collected or received 1252
in accordance with division (A) (3) of this section. 1253

(2) No government entity or an agent or employee of a 1254
government entity shall knowingly sell to, transfer to, or share 1255
with a private person any captured surveillance data that was 1256

collected from either an automated license plate recognition 1257
system or mass surveillance technology. 1258

(3) No government entity or an agent or employee of a 1259
government entity shall knowingly transfer or share with any 1260
other government entity any captured surveillance data that was 1261
collected from either an automated license plate recognition 1262
system or mass surveillance technology unless the other 1263
government entity obtains a search warrant for that captured 1264
surveillance data. 1265

(B) Except as provided in division (C) of this section, 1266
not later than eleven days after receiving or collecting 1267
captured surveillance data, a government entity or an agent or 1268
employee of such entity, as applicable, shall permanently delete 1269
and destroy any captured surveillance data in its control that 1270
was captured after the effective date of this section. 1271

(C) Divisions (A) (1) and (B) of this section do not apply 1272
to captured surveillance data that is any of the following: 1273

(1) Relevant to an ongoing trial, litigation, or other 1274
legal proceeding until it is determined that such data is no 1275
longer necessary for that purpose; 1276

(2) Prohibited from being deleted or destroyed by either 1277
federal law, state law, or a court order; 1278

(3) Obtained or retained pursuant to a valid search 1279
warrant. 1280

(D) No government entity, or an agent or employee of such 1281
entity, shall operate either an automated license plate 1282
recognition system or mass surveillance technology within five 1283
hundred feet from any place of worship or any firearms retailer. 1284

(E) This section does not apply to either of the 1285
following: 1286

(1) The Ohio turnpike and infrastructure commission or 1287
other toll project operator, as defined in section 5531.11 of 1288
the Revised Code, operating a camera for toll collection on a 1289
turnpike project, toll road, or toll bridge and any captured 1290
surveillance data that originates from the camera if all of the 1291
following apply: 1292

(a) The camera and captured surveillance data are used 1293
solely for the purpose of billing users of that toll road or 1294
toll bridge by an electronic toll collection system or other 1295
similar means. 1296

(b) The camera and captured surveillance data comply with 1297
the provisions specified in section 5531.148 or 5537.29 of the 1298
Revised Code, as applicable. 1299

(c) The camera and captured surveillance data are not 1300
integrated with a law enforcement database or accessible to a 1301
law enforcement agency without a warrant. 1302

(2) Traffic law photo-monitoring devices that are operated 1303
in accordance with Chapter 4511. of the Revised Code or a 1304
substantially equivalent municipal ordinance. 1305

(F) Nothing in this section prohibits a private person 1306
from willingly sharing captured surveillance data with a law 1307
enforcement agency or an agent or employee of a law enforcement 1308
agency. 1309

Sec. 5507.03. (A) An individual has and may commence a 1310
civil cause of action against a private person or government 1311
entity who utilized an automated license plate recognition 1312
system or a mass surveillance technology after the effective 1313

date of this section if one of the following apply: 1314

(1) The individual's captured surveillance data was sold, 1315
transferred, or shared in violation of division (A) (2) of 1316
section 5507.02 of the Revised Code. 1317

(2) The individual's movements, activities, or vehicle 1318
were monitored, recorded, captured, or analyzed by an automated 1319
license plate recognition system or a mass surveillance 1320
technology in violation of division (D) of section 5507.02 of 1321
the Revised Code. 1322

(B) In any civil action brought under this section, a 1323
prevailing plaintiff is entitled to reasonable attorney's fees, 1324
the costs of bringing the civil action, and all of the 1325
following, as applicable: 1326

(1) An injunction or a temporary restraining order 1327
prohibiting further use of the automated license plate 1328
recognition system or mass surveillance technology or 1329
destruction of all captured surveillance data; 1330

(2) Compensatory damages, including actual damages, for 1331
harm resulting from the violation; 1332

(3) Punitive damages for harm resulting from the 1333
violation; 1334

(4) Any other relief the court determines is just and 1335
proper. 1336

(C) Sovereign immunity, qualified immunity, or 1337
governmental immunity are not defenses to any action brought 1338
under this section. 1339

(D) Any contractual provision, arbitration clause, choice 1340
of law provision, or forum selection clause that purports to 1341

limit, waive, or restrict the rights or remedies provided in 1342
this section is void ab initio. 1343

(E) A civil action may be commenced under this section by 1344
an individual who has been harmed by a violation of section 1345
5507.02 of the Revised Code either alone or as a party to a 1346
class action under Civil Rule 23. 1347

Sec. 5507.04. (A) If the attorney general, by the attorney 1348
general's own inquiries or investigation or as a result of 1349
complaints, has reasonable cause to believe that any person has 1350
engaged or is engaging in an act or practice that violates 1351
section 5507.02 of the Revised Code, the attorney general may 1352
bring an action, with notice as required by Civil Rule 65, to 1353
obtain a temporary restraining order, preliminary injunction, or 1354
permanent injunction to restrain the act or practice. 1355

(B) If the attorney general shows by a preponderance of 1356
the evidence that the person has violated or is violating 1357
section 5507.02 of the Revised Code, the court may issue a 1358
temporary restraining order, preliminary injunction, or 1359
permanent injunction to restrain and prevent the act or 1360
practice. 1361

Sec. 5507.05. (A) Any government entity that uses an 1362
automated license plate recognition system or mass surveillance 1363
technology, or collects captured surveillance data, shall do all 1364
of the following: 1365

(1) Adopt a policy for the entity governing the entity's 1366
ethical use of automated license plate recognition systems, mass 1367
surveillance technology, and captured surveillance data, as 1368
applicable. The policy shall do both of the following: 1369

(a) Ensure that access of any captured surveillance data 1370

is granted only to chiefs of police, village marshals, county 1371
sheriffs, county prosecuting attorneys, or other designees 1372
within the government entity who act in a supervisory role or 1373
who otherwise provide oversight and direction for personnel; 1374

(b) Require the tracking of each person that accesses, 1375
reviews, or uses the captured surveillance data each time that 1376
data is accessed, reviewed, or otherwise used. 1377

(2) Develop standards and practices for conducting monthly 1378
internal audits of the entity's use of automated license plate 1379
recognition systems, mass surveillance technology, and captured 1380
surveillance data to ensure the entity is in compliance with all 1381
applicable laws; 1382

(3) Conduct a monthly internal audit of its use of 1383
automated license plate recognition systems, mass surveillance 1384
technology, and captured surveillance data, as applicable; 1385

(4) Report annually its practices and usage of automated 1386
license plate recognition systems, mass surveillance technology, 1387
and captured surveillance data, as applicable, to the attorney 1388
general. The government entity shall include all of the 1389
following in the report: 1390

(a) The number of license plates scanned, if applicable; 1391

(b) The number of instances in which the captured 1392
surveillance data resulted in arrest, citation, prosecution, or 1393
a combination thereof; 1394

(c) The number of times captured surveillance data was 1395
shared with or accessed by another government entity, even if 1396
that data was shared inadvertently or by mistake and such 1397
sharing was discovered after the fact; 1398

(d) The number of times captured surveillance data was 1399
shared or accessed pursuant to a judicial warrant or used in a 1400
court proceeding; 1401

(e) Any changes in policies adopted by a government entity 1402
that has or may have an affect on the privacy concerns of 1403
private persons; 1404

(f) The results of the internal audits from the prior 1405
twelve months conducted in accordance with division (A) (3) of 1406
this section. 1407

(B) Not later than the first day of January that occurs 1408
after the effective date of this section, and every first day of 1409
January thereafter, a government entity shall compile and submit 1410
to the attorney general the annual report required under 1411
division (A) (4) of this section. 1412

(C) Not later than the first day of April that occurs 1413
after the effective date of this section, and every first day of 1414
April thereafter, the attorney general shall submit a 1415
consolidated summary of the reports it receives from each 1416
government entity to the speaker of the house of 1417
representatives, the president of the senate, and the minority 1418
leaders of both the house of representatives and the senate. 1419

(D) A government entity shall conspicuously post both of 1420
the following on the government entity's web site: 1421

(1) Each annual report submitted to the attorney general 1422
in accordance with division (B) of this section; 1423

(2) Any policy adopted in accordance with division (A) (1) 1424
of this section. 1425

Sec. 5507.99. Whoever violates section 5507.02 of the 1426

Revised Code is guilty of a felony of the fourth degree. 1427

Section 2. That existing section 149.43 of the Revised 1428
Code is hereby repealed. 1429