

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 82**

**Senators DeMora, Gavarone**

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**A BILL**

To amend section 149.43 of the Revised Code to 1  
specify that certain election officials are 2  
designated public service workers for purposes 3  
of the public records law. 4

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

**Section 1.** That section 149.43 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 149.43.** (A) As used in this section: 7

(1) "Public record" means records kept by any public 8  
office, including, but not limited to, state, county, city, 9  
village, township, and school district units, and records 10  
pertaining to the delivery of educational services by an 11  
alternative school in this state kept by the nonprofit or for- 12  
profit entity operating the alternative school pursuant to 13  
section 3313.533 of the Revised Code. "Public record" does not 14  
mean any of the following: 15

(a) Medical records; 16

(b) Records pertaining to probation and parole 17  
proceedings, to proceedings related to the imposition of 18

community control sanctions and post-release control sanctions, 19  
or to proceedings related to determinations under section 20  
2967.271 of the Revised Code regarding the release or maintained 21  
incarceration of an offender to whom that section applies; 22

(c) Records pertaining to actions under section 2151.85 23  
and division (C) of section 2919.121 of the Revised Code and to 24  
appeals of actions arising under those sections; 25

(d) Records pertaining to adoption proceedings, including 26  
the contents of an adoption file maintained by the department of 27  
health under sections 3705.12 to 3705.124 of the Revised Code; 28

(e) Information in a record contained in the putative 29  
father registry established by section 3107.062 of the Revised 30  
Code, regardless of whether the information is held by the 31  
department of job and family services or, pursuant to section 32  
3111.69 of the Revised Code, the office of child support in the 33  
department or a child support enforcement agency; 34

(f) Records specified in division (A) of section 3107.52 35  
of the Revised Code; 36

(g) Trial preparation records; 37

(h) Confidential law enforcement investigatory records; 38

(i) Records containing information that is confidential 39  
under section 2710.03 or 4112.05 of the Revised Code; 40

(j) DNA records stored in the DNA database pursuant to 41  
section 109.573 of the Revised Code; 42

(k) Inmate records released by the department of 43  
rehabilitation and correction to the department of youth 44  
services or a court of record pursuant to division (E) of 45  
section 5120.21 of the Revised Code; 46

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	47 48 49 50
(m) Intellectual property records;	51
(n) Donor profile records;	52
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	53 54
(p) Designated public service worker residential and familial information;	55 56
(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;	57 58 59 60 61
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	62 63
(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;	64 65 66 67 68 69 70 71 72 73 74 75

(t) Records provided to and statements made by the	76
executive director of a public children services agency or a	77
prosecuting attorney acting pursuant to section 5153.171 of the	78
Revised Code other than the information released under that	79
section;	80
(u) Test materials, examinations, or evaluation tools used	81
in an examination for licensure as a nursing home administrator	82
that the board of executives of long-term services and supports	83
administers under section 4751.15 of the Revised Code or	84
contracts under that section with a private or government entity	85
to administer;	86
(v) Records the release of which is prohibited by state or	87
federal law;	88
(w) Proprietary information of or relating to any person	89
that is submitted to or compiled by the Ohio venture capital	90
authority created under section 150.01 of the Revised Code;	91
(x) Financial statements and data any person submits for	92
any purpose to the Ohio housing finance agency or the	93
controlling board in connection with applying for, receiving, or	94
accounting for financial assistance from the agency, and	95
information that identifies any individual who benefits directly	96
or indirectly from financial assistance from the agency;	97
(y) Records listed in section 5101.29 of the Revised Code;	98
(z) Discharges recorded with a county recorder under	99
section 317.24 of the Revised Code, as specified in division (B)	100
(2) of that section;	101
(aa) Usage information including names and addresses of	102
specific residential and commercial customers of a municipally	103
owned or operated public utility;	104

(bb) Records described in division (C) of section 187.04 105  
of the Revised Code that are not designated to be made available 106  
to the public as provided in that division; 107

(cc) Information and records that are made confidential, 108  
privileged, and not subject to disclosure under divisions (B) 109  
and (C) of section 2949.221 of the Revised Code; 110

(dd) Personal information, as defined in section 149.45 of 111  
the Revised Code; 112

(ee) The confidential name, address, and other personally 113  
identifiable information of a program participant in the address 114  
confidentiality program established under sections 111.41 to 115  
111.47 of the Revised Code, including the contents of any 116  
application for absent voter's ballots, absent voter's ballot 117  
identification envelope statement of voter, or provisional 118  
ballot affirmation completed by a program participant who has a 119  
confidential voter registration record; records or portions of 120  
records pertaining to that program that identify the number of 121  
program participants that reside within a precinct, ward, 122  
township, municipal corporation, county, or any other geographic 123  
area smaller than the state; and any real property 124  
confidentiality notice filed under section 111.431 of the 125  
Revised Code and the information described in division (C) of 126  
that section. As used in this division, "confidential address" 127  
and "program participant" have the meaning defined in section 128  
111.41 of the Revised Code. 129

(ff) Orders for active military service of an individual 130  
serving or with previous service in the armed forces of the 131  
United States, including a reserve component, or the Ohio 132  
organized militia, except that, such order becomes a public 133  
record on the day that is fifteen years after the published date 134

or effective date of the call to order;	135
(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;	136 137 138 139 140
(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;	141 142 143 144 145 146
(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:	147 148 149
(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.	150 151 152 153
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	154 155 156
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	157 158
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board	159 160 161 162 163

meetings, all work products of the board, and data submitted by 164  
the board to the department of health or a national infant death 165  
review database, other than the report prepared pursuant to 166  
section 3707.77 of the Revised Code. 167

(ll) Records, documents, reports, or other information 168  
presented to the pregnancy-associated mortality review board 169  
established under section 3738.01 of the Revised Code, 170  
statements made by board members during board meetings, all work 171  
products of the board, and data submitted by the board to the 172  
department of health, other than the biennial reports prepared 173  
under section 3738.08 of the Revised Code; 174

(mm) Except as otherwise provided in division (A) (1) (oo) 175  
of this section, telephone numbers for a victim, as defined in 176  
section 2930.01 of the Revised Code or a witness to a crime that 177  
are listed on any law enforcement record or report. 178

(nn) A preneed funeral contract, as defined in section 179  
4717.01 of the Revised Code, and contract terms and personally 180  
identifying information of a preneed funeral contract, that is 181  
contained in a report submitted by or for a funeral home to the 182  
board of embalmers and funeral directors under division (C) of 183  
section 4717.13, division (J) of section 4717.31, or section 184  
4717.41 of the Revised Code. 185

(oo) Telephone numbers for a party to a motor vehicle 186  
accident subject to the requirements of section 5502.11 of the 187  
Revised Code that are listed on any law enforcement record or 188  
report, except that the telephone numbers described in this 189  
division are not excluded from the definition of "public record" 190  
under this division on and after the thirtieth day after the 191  
occurrence of the motor vehicle accident. 192

(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;	193 194 195 196 197 198 199
(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than a report prepared pursuant to section 307.656 of the Revised Code;	200 201 202 203 204 205 206
(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;	207 208 209
(ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created;	210 211 212 213
(tt) Educational support services data, as defined in section 3319.325 of the Revised Code.	214 215
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, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement	216 217 218 219 220 221



prohibiting the release of identifying information signed under 222  
section 3107.083 of the Revised Code, a denial of release form 223  
filed pursuant to section 3107.46 of the Revised Code, or any 224  
record that is exempt from release or disclosure under section 225  
149.433 of the Revised Code. If the record is a birth 226  
certificate and a biological parent's name redaction request 227  
form has been accepted under section 3107.391 of the Revised 228  
Code, the name of that parent shall be redacted from the birth 229  
certificate before it is released under this paragraph. If any 230  
other section of the Revised Code establishes a time period for 231  
disclosure of a record that conflicts with the time period 232  
specified in this section, the time period in the other section 233  
prevails. 234

(2) "Confidential law enforcement investigatory record" 235  
means any record that pertains to a law enforcement matter of a 236  
criminal, quasi-criminal, civil, or administrative nature, but 237  
only to the extent that the release of the record would create a 238  
high probability of disclosure of any of the following: 239

(a) The identity of a suspect who has not been charged 240  
with the offense to which the record pertains, or of an 241  
information source or witness to whom confidentiality has been 242  
reasonably promised; 243

(b) Information provided by an information source or 244  
witness to whom confidentiality has been reasonably promised, 245  
which information would reasonably tend to disclose the source's 246  
or witness's identity; 247

(c) Specific confidential investigatory techniques or 248  
procedures or specific investigatory work product; 249

(d) Information that would endanger the life or physical 250

safety of law enforcement personnel, a crime victim, a witness, 251  
or a confidential information source. 252

(3) "Medical record" means any document or combination of 253  
documents, except births, deaths, and the fact of admission to 254  
or discharge from a hospital, that pertains to the medical 255  
history, diagnosis, prognosis, or medical condition of a patient 256  
and that is generated and maintained in the process of medical 257  
treatment. 258

(4) "Trial preparation record" means any record that 259  
contains information that is specifically compiled in reasonable 260  
anticipation of, or in defense of, a civil or criminal action or 261  
proceeding, including the independent thought processes and 262  
personal trial preparation of an attorney. 263

(5) "Intellectual property record" means a record, other 264  
than a financial or administrative record, that is produced or 265  
collected by or for faculty or staff of a state institution of 266  
higher learning in the conduct of or as a result of study or 267  
research on an educational, commercial, scientific, artistic, 268  
technical, or scholarly issue, regardless of whether the study 269  
or research was sponsored by the institution alone or in 270  
conjunction with a governmental body or private concern, and 271  
that has not been publicly released, published, or patented. 272

(6) "Donor profile record" means all records about donors 273  
or potential donors to a public institution of higher education 274  
except the names and reported addresses of the actual donors and 275  
the date, amount, and conditions of the actual donation. 276

(7) "Designated public service worker" means a peace 277  
officer, parole officer, probation officer, bailiff, prosecuting 278  
attorney, assistant prosecuting attorney, correctional employee, 279

county or multicounty corrections officer, community-based 280  
correctional facility employee, designated Ohio national guard 281  
member, protective services worker, youth services employee, 282  
firefighter, EMT, medical director or member of a cooperating 283  
physician advisory board of an emergency medical service 284  
organization, state board of pharmacy employee, investigator of 285  
the bureau of criminal identification and investigation, 286  
emergency service telecommunicator, forensic mental health 287  
provider, mental health evaluation provider, regional 288  
psychiatric hospital employee, judge, magistrate, ~~or~~ federal law 289  
enforcement officer, or election official. 290

(8) "Designated public service worker residential and 291  
familial information" means any information that discloses any 292  
of the following about a designated public service worker: 293

(a) The address of the actual personal residence of a 294  
designated public service worker, except for the following 295  
information: 296

(i) The address of the actual personal residence of a 297  
prosecuting attorney or judge; and 298

(ii) The state or political subdivision in which a 299  
designated public service worker resides. 300

(b) Information compiled from referral to or participation 301  
in an employee assistance program; 302

(c) The social security number, the residential telephone 303  
number, any bank account, debit card, charge card, or credit 304  
card number, or the emergency telephone number of, or any 305  
medical information pertaining to, a designated public service 306  
worker; 307

(d) The name of any beneficiary of employment benefits, 308

including, but not limited to, life insurance benefits, provided 309  
to a designated public service worker by the designated public 310  
service worker's employer; 311

(e) The identity and amount of any charitable or 312  
employment benefit deduction made by the designated public 313  
service worker's employer from the designated public service 314  
worker's compensation, unless the amount of the deduction is 315  
required by state or federal law; 316

(f) The name, the residential address, the name of the 317  
employer, the address of the employer, the social security 318  
number, the residential telephone number, any bank account, 319  
debit card, charge card, or credit card number, or the emergency 320  
telephone number of the spouse, a former spouse, or any child of 321  
a designated public service worker; 322

(g) A photograph of a peace officer who holds a position 323  
or has an assignment that may include undercover or plain 324  
clothes positions or assignments as determined by the peace 325  
officer's appointing authority. 326

(9) As used in divisions (A) (7) and (15) to (17) of this 327  
section: 328

"Peace officer" has the meaning defined in section 109.71 329  
of the Revised Code and also includes the superintendent and 330  
troopers of the state highway patrol; it does not include the 331  
sheriff of a county or a supervisory employee who, in the 332  
absence of the sheriff, is authorized to stand in for, exercise 333  
the authority of, and perform the duties of the sheriff. 334

"Correctional employee" means any employee of the 335  
department of rehabilitation and correction who in the course of 336  
performing the employee's job duties has or has had contact with 337

inmates and persons under supervision.	338
"County or multicounty corrections officer" means any	339
corrections officer employed by any county or multicounty	340
correctional facility.	341
"Designated Ohio national guard member" means a member of	342
the Ohio national guard who is participating in duties related	343
to remotely piloted aircraft, including, but not limited to,	344
pilots, sensor operators, and mission intelligence personnel,	345
duties related to special forces operations, or duties related	346
to cybersecurity, and is designated by the adjutant general as a	347
designated public service worker for those purposes.	348
"Protective services worker" means any employee of a	349
county agency who is responsible for child protective services,	350
child support services, or adult protective services.	351
"Youth services employee" means any employee of the	352
department of youth services who in the course of performing the	353
employee's job duties has or has had contact with children	354
committed to the custody of the department of youth services.	355
"Firefighter" means any regular, paid or volunteer, member	356
of a lawfully constituted fire department of a municipal	357
corporation, township, fire district, or village.	358
"EMT" means EMTs-basic, EMTs-I, and paramedics that	359
provide emergency medical services for a public emergency	360
medical service organization. "Emergency medical service	361
organization," "EMT-basic," "EMT-I," and "paramedic" have the	362
meanings defined in section 4765.01 of the Revised Code.	363
"Investigator of the bureau of criminal identification and	364
investigation" has the meaning defined in section 2903.11 of the	365
Revised Code.	366

"Emergency service telecommunicator" means an individual 367  
employed by an emergency service provider as defined under 368  
section 128.01 of the Revised Code, whose primary responsibility 369  
is to be an operator for the receipt or processing of calls for 370  
emergency services made by telephone, radio, or other electronic 371  
means. 372

"Forensic mental health provider" means any employee of a 373  
community mental health service provider or local alcohol, drug 374  
addiction, and mental health services board who, in the course 375  
of the employee's duties, has contact with persons committed to 376  
a local alcohol, drug addiction, and mental health services 377  
board by a court order pursuant to section 2945.38, 2945.39, 378  
2945.40, or 2945.402 of the Revised Code. 379

"Mental health evaluation provider" means an individual 380  
who, under Chapter 5122. of the Revised Code, examines a 381  
respondent who is alleged to be a mentally ill person subject to 382  
court order, as defined in section 5122.01 of the Revised Code, 383  
and reports to the probate court the respondent's mental 384  
condition. 385

"Regional psychiatric hospital employee" means any 386  
employee of the department of mental health and addiction 387  
services who, in the course of performing the employee's duties, 388  
has contact with patients committed to the department of mental 389  
health and addiction services by a court order pursuant to 390  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 391  
Code. 392

"Federal law enforcement officer" has the meaning defined 393  
in section 9.88 of the Revised Code. 394

"Election official" has the same meaning as in section 395

3501.01 of the Revised Code but does not include a precinct 396  
election official or a temporary or part-time employee of a 397  
board of elections. 398

(10) "Information pertaining to the recreational 399  
activities of a person under the age of eighteen" means 400  
information that is kept in the ordinary course of business by a 401  
public office, that pertains to the recreational activities of a 402  
person under the age of eighteen years, and that discloses any 403  
of the following: 404

(a) The address or telephone number of a person under the 405  
age of eighteen or the address or telephone number of that 406  
person's parent, guardian, custodian, or emergency contact 407  
person; 408

(b) The social security number, birth date, or 409  
photographic image of a person under the age of eighteen; 410

(c) Any medical record, history, or information pertaining 411  
to a person under the age of eighteen; 412

(d) Any additional information sought or required about a 413  
person under the age of eighteen for the purpose of allowing 414  
that person to participate in any recreational activity 415  
conducted or sponsored by a public office or to use or obtain 416  
admission privileges to any recreational facility owned or 417  
operated by a public office. 418

(11) "Community control sanction" has the meaning defined 419  
in section 2929.01 of the Revised Code. 420

(12) "Post-release control sanction" has the meaning 421  
defined in section 2967.01 of the Revised Code. 422

(13) "Redaction" means obscuring or deleting any 423

information that is exempt from the duty to permit public 424  
inspection or copying from an item that otherwise meets the 425  
definition of a "record" in section 149.011 of the Revised Code. 426

(14) "Designee," "elected official," and "future official" 427  
have the meanings defined in section 109.43 of the Revised Code. 428

(15) "Body-worn camera" means a visual and audio recording 429  
device worn on the person of a correctional employee, youth 430  
services employee, or peace officer while the correctional 431  
employee, youth services employee, or peace officer is engaged 432  
in the performance of official duties. 433

(16) "Dashboard camera" means a visual and audio recording 434  
device mounted on a peace officer's vehicle or vessel that is 435  
used while the peace officer is engaged in the performance of 436  
the peace officer's duties. 437

(17) "Restricted portions of a body-worn camera or 438  
dashboard camera recording" means any visual or audio portion of 439  
a body-worn camera or dashboard camera recording that shows, 440  
communicates, or discloses any of the following: 441

(a) The image or identity of a child or information that 442  
could lead to the identification of a child who is a primary 443  
subject of the recording when the department of rehabilitation 444  
and correction, department of youth services, or the law 445  
enforcement agency knows or has reason to know the person is a 446  
child based on the department's or law enforcement agency's 447  
records or the content of the recording; 448

(b) The death of a person or a deceased person's body, 449  
unless the death was caused by a correctional employee, youth 450  
services employee, or peace officer or, subject to division (H) 451  
(1) of this section, the consent of the decedent's executor or 452



administrator has been obtained; 453

(c) The death of a correctional employee, youth services 454  
employee, peace officer, firefighter, paramedic, or other first 455  
responder, occurring while the decedent was engaged in the 456  
performance of official duties, unless, subject to division (H) 457  
(1) of this section, the consent of the decedent's executor or 458  
administrator has been obtained; 459

(d) Grievous bodily harm, unless the injury was effected 460  
by a correctional employee, youth services employee, or peace 461  
officer or, subject to division (H) (1) of this section, the 462  
consent of the injured person or the injured person's guardian 463  
has been obtained; 464

(e) An act of severe violence against a person that 465  
results in serious physical harm to the person, unless the act 466  
and injury was effected by a correctional employee, youth 467  
services employee, or peace officer or, subject to division (H) 468  
(1) of this section, the consent of the injured person or the 469  
injured person's guardian has been obtained; 470

(f) Grievous bodily harm to a correctional employee, youth 471  
services employee, peace officer, firefighter, paramedic, or 472  
other first responder, occurring while the injured person was 473  
engaged in the performance of official duties, unless, subject 474  
to division (H) (1) of this section, the consent of the injured 475  
person or the injured person's guardian has been obtained; 476

(g) An act of severe violence resulting in serious 477  
physical harm against a correctional employee, youth services 478  
employee, peace officer, firefighter, paramedic, or other first 479  
responder, occurring while the injured person was engaged in the 480  
performance of official duties, unless, subject to division (H) 481

(l) of this section, the consent of the injured person or the injured person's guardian has been obtained;	482 483
(h) A person's nude body, unless, subject to division (H) (l) of this section, the person's consent has been obtained;	484 485
(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;	486 487 488 489 490 491
(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	492 493
(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;	494 495 496 497 498 499 500 501
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	502 503
(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	504 505 506
(n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement	507 508 509 510

agency;	511
(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;	512 513 514 515
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer;	516 517 518 519
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location.	520 521 522 523
As used in division (A) (17) of this section:	524
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	525 526
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	527 528
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	529 530
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	531 532
"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.	533 534 535 536
"Sex offense" has the same meaning as in section 2907.10	537

of the Revised Code. 538

"Firefighter," "paramedic," and "first responder" have the 539  
same meanings as in section 4765.01 of the Revised Code. 540

(B) (1) Upon request by any person and subject to division 541  
(B) (8) of this section, all public records responsive to the 542  
request shall be promptly prepared and made available for 543  
inspection to the requester at all reasonable times during 544  
regular business hours. Subject to division (B) (8) of this 545  
section, upon request by any person, a public office or person 546  
responsible for public records shall make copies of the 547  
requested public record available to the requester at cost and 548  
within a reasonable period of time. If a public record contains 549  
information that is exempt from the duty to permit public 550  
inspection or to copy the public record, the public office or 551  
the person responsible for the public record shall make 552  
available all of the information within the public record that 553  
is not exempt. When making that public record available for 554  
public inspection or copying that public record, the public 555  
office or the person responsible for the public record shall 556  
notify the requester of any redaction or make the redaction 557  
plainly visible. A redaction shall be deemed a denial of a 558  
request to inspect or copy the redacted information, except if 559  
federal or state law authorizes or requires a public office to 560  
make the redaction. When the auditor of state receives a request 561  
to inspect or to make a copy of a record that was provided to 562  
the auditor of state for purposes of an audit, but the original 563  
public office has asserted to the auditor of state that the 564  
record is not a public record, the auditor of state may handle 565  
the requests by directing the requestor to the original public 566  
office that provided the record to the auditor of state. 567

(2) To facilitate broader access to public records, a 568  
public office or the person responsible for public records shall 569  
organize and maintain public records in a manner that they can 570  
be made available for inspection or copying in accordance with 571  
division (B) of this section. A public office also shall have 572  
available a copy of its current records retention schedule at a 573  
location readily available to the public. If a requester makes 574  
an ambiguous or overly broad request or has difficulty in making 575  
a request for copies or inspection of public records under this 576  
section such that the public office or the person responsible 577  
for the requested public record cannot reasonably identify what 578  
public records are being requested, the public office or the 579  
person responsible for the requested public record may deny the 580  
request but shall provide the requester with an opportunity to 581  
revise the request by informing the requester of the manner in 582  
which records are maintained by the public office and accessed 583  
in the ordinary course of the public office's or person's 584  
duties. 585

(3) If a request is ultimately denied, in part or in 586  
whole, the public office or the person responsible for the 587  
requested public record shall provide the requester with an 588  
explanation, including legal authority, setting forth why the 589  
request was denied. If the initial request was provided in 590  
writing, the explanation also shall be provided to the requester 591  
in writing. The explanation shall not preclude the public office 592  
or the person responsible for the requested public record from 593  
relying upon additional reasons or legal authority in defending 594  
an action commenced under division (C) of this section. 595

(4) Unless specifically required or authorized by state or 596  
federal law or in accordance with division (B) of this section, 597  
no public office or person responsible for public records may 598

limit or condition the availability of public records by 599  
requiring disclosure of the requester's identity or the intended 600  
use of the requested public record. Any requirement that the 601  
requester disclose the requester's identity or the intended use 602  
of the requested public record constitutes a denial of the 603  
request. 604

(5) A public office or person responsible for public 605  
records may ask a requester to make the request in writing, may 606  
ask for the requester's identity, and may inquire about the 607  
intended use of the information requested, but may do so only 608  
after disclosing to the requester that a written request is not 609  
mandatory, that the requester may decline to reveal the 610  
requester's identity or the intended use, and when a written 611  
request or disclosure of the identity or intended use would 612  
benefit the requester by enhancing the ability of the public 613  
office or person responsible for public records to identify, 614  
locate, or deliver the public records sought by the requester. 615

(6) If any person requests a copy of a public record in 616  
accordance with division (B) of this section, the public office 617  
or person responsible for the public record may require the 618  
requester to pay in advance the cost involved in providing the 619  
copy of the public record in accordance with the choice made by 620  
the requester under this division. The public office or the 621  
person responsible for the public record shall permit the 622  
requester to choose to have the public record duplicated upon 623  
paper, upon the same medium upon which the public office or 624  
person responsible for the public record keeps it, or upon any 625  
other medium upon which the public office or person responsible 626  
for the public record determines that it reasonably can be 627  
duplicated as an integral part of the normal operations of the 628  
public office or person responsible for the public record. When 629

the requester makes a choice under this division, the public 630  
office or person responsible for the public record shall provide 631  
a copy of it in accordance with the choice made by the 632  
requester. Nothing in this section requires a public office or 633  
person responsible for the public record to allow the requester 634  
of a copy of the public record to make the copies of the public 635  
record. 636

(7) (a) Upon a request made in accordance with division (B) 637  
of this section and subject to division (B) (6) of this section, 638  
a public office or person responsible for public records shall 639  
transmit a copy of a public record to any person by United 640  
States mail or by any other means of delivery or transmission 641  
within a reasonable period of time after receiving the request 642  
for the copy. The public office or person responsible for the 643  
public record may require the person making the request to pay 644  
in advance the cost of postage if the copy is transmitted by 645  
United States mail or the cost of delivery if the copy is 646  
transmitted other than by United States mail, and to pay in 647  
advance the costs incurred for other supplies used in the 648  
mailing, delivery, or transmission. 649

(b) Any public office may adopt a policy and procedures 650  
that it will follow in transmitting, within a reasonable period 651  
of time after receiving a request, copies of public records by 652  
United States mail or by any other means of delivery or 653  
transmission pursuant to division (B) (7) of this section. A 654  
public office that adopts a policy and procedures under division 655  
(B) (7) of this section shall comply with them in performing its 656  
duties under that division. 657

(c) In any policy and procedures adopted under division 658  
(B) (7) of this section: 659

(i) A public office may limit the number of records 660  
requested by a person that the office will physically deliver by 661  
United States mail or by another delivery service to ten per 662  
month, unless the person certifies to the office in writing that 663  
the person does not intend to use or forward the requested 664  
records, or the information contained in them, for commercial 665  
purposes; 666

(ii) A public office that chooses to provide some or all 667  
of its public records on a web site that is fully accessible to 668  
and searchable by members of the public at all times, other than 669  
during acts of God outside the public office's control or 670  
maintenance, and that charges no fee to search, access, 671  
download, or otherwise receive records provided on the web site, 672  
may limit to ten per month the number of records requested by a 673  
person that the office will deliver in a digital format, unless 674  
the requested records are not provided on the web site and 675  
unless the person certifies to the office in writing that the 676  
person does not intend to use or forward the requested records, 677  
or the information contained in them, for commercial purposes. 678

(iii) For purposes of division (B)(7) of this section, 679  
"commercial" shall be narrowly construed and does not include 680  
reporting or gathering news, reporting or gathering information 681  
to assist citizen oversight or understanding of the operation or 682  
activities of government, or nonprofit educational research. 683

(8) A public office or person responsible for public 684  
records is not required to permit a person who is incarcerated 685  
pursuant to a criminal conviction or a juvenile adjudication to 686  
inspect or to obtain a copy of any public record concerning a 687  
criminal investigation or prosecution or concerning what would 688  
be a criminal investigation or prosecution if the subject of the 689



investigation or prosecution were an adult, unless the request 690  
to inspect or to obtain a copy of the record is for the purpose 691  
of acquiring information that is subject to release as a public 692  
record under this section and the judge who imposed the sentence 693  
or made the adjudication with respect to the person, or the 694  
judge's successor in office, finds that the information sought 695  
in the public record is necessary to support what appears to be 696  
a justiciable claim of the person. 697

(9) (a) Upon written request made and signed by a 698  
journalist, a public office, or person responsible for public 699  
records, having custody of the records of the agency employing a 700  
specified designated public service worker shall disclose to the 701  
journalist the address of the actual personal residence of the 702  
designated public service worker and, if the designated public 703  
service worker's spouse, former spouse, or child is employed by 704  
a public office, the name and address of the employer of the 705  
designated public service worker's spouse, former spouse, or 706  
child. The request shall include the journalist's name and title 707  
and the name and address of the journalist's employer and shall 708  
state that disclosure of the information sought would be in the 709  
public interest. 710

(b) Division (B) (9) (a) of this section also applies to 711  
journalist requests for: 712

(i) Customer information maintained by a municipally owned 713  
or operated public utility, other than social security numbers 714  
and any private financial information such as credit reports, 715  
payment methods, credit card numbers, and bank account 716  
information; 717

(ii) Information about minors involved in a school vehicle 718  
accident as provided in division (A) (1) (gg) of this section, 719

other than personal information as defined in section 149.45 of 720  
the Revised Code. 721

(c) As used in division (B)(9) of this section, 722  
"journalist" means a person engaged in, connected with, or 723  
employed by any news medium, including a newspaper, magazine, 724  
press association, news agency, or wire service, a radio or 725  
television station, or a similar medium, for the purpose of 726  
gathering, processing, transmitting, compiling, editing, or 727  
disseminating information for the general public. 728

(10) Upon a request made by a victim, victim's attorney, 729  
or victim's representative, as that term is used in section 730  
2930.02 of the Revised Code, a public office or person 731  
responsible for public records shall transmit a copy of a 732  
depiction of the victim as described in division (A)(1)(ii) of 733  
this section to the victim, victim's attorney, or victim's 734  
representative. 735

(C)(1) If a person allegedly is aggrieved by the failure 736  
of a public office or the person responsible for public records 737  
to promptly prepare a public record and to make it available to 738  
the person for inspection in accordance with division (B) of 739  
this section or by any other failure of a public office or the 740  
person responsible for public records to comply with an 741  
obligation in accordance with division (B) of this section, the 742  
person allegedly aggrieved may do only one of the following, and 743  
not both: 744

(a) File a complaint with the clerk of the court of claims 745  
or the clerk of the court of common pleas under section 2743.75 746  
of the Revised Code; 747

(b) Commence a mandamus action to obtain a judgment that 748

orders the public office or the person responsible for the 749  
public record to comply with division (B) of this section, that 750  
awards court costs and reasonable attorney's fees to the person 751  
that instituted the mandamus action, and, if applicable, that 752  
includes an order fixing statutory damages under division (C) (2) 753  
of this section. The mandamus action may be commenced in the 754  
court of common pleas of the county in which division (B) of 755  
this section allegedly was not complied with, in the supreme 756  
court pursuant to its original jurisdiction under Section 2 of 757  
Article IV, Ohio Constitution, or in the court of appeals for 758  
the appellate district in which division (B) of this section 759  
allegedly was not complied with pursuant to its original 760  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 761

(2) If a requester transmits a written request by hand 762  
delivery, electronic submission, or certified mail to inspect or 763  
receive copies of any public record in a manner that fairly 764  
describes the public record or class of public records to the 765  
public office or person responsible for the requested public 766  
records, except as otherwise provided in this section, the 767  
requester shall be entitled to recover the amount of statutory 768  
damages set forth in this division if a court determines that 769  
the public office or the person responsible for public records 770  
failed to comply with an obligation in accordance with division 771  
(B) of this section. 772

The amount of statutory damages shall be fixed at one 773  
hundred dollars for each business day during which the public 774  
office or person responsible for the requested public records 775  
failed to comply with an obligation in accordance with division 776  
(B) of this section, beginning with the day on which the 777  
requester files a mandamus action to recover statutory damages, 778  
up to a maximum of one thousand dollars. The award of statutory 779

damages shall not be construed as a penalty, but as compensation 780  
for injury arising from lost use of the requested information. 781  
The existence of this injury shall be conclusively presumed. The 782  
award of statutory damages shall be in addition to all other 783  
remedies authorized by this section. 784

The court may reduce an award of statutory damages or not 785  
award statutory damages if the court determines both of the 786  
following: 787

(a) That, based on the ordinary application of statutory 788  
law and case law as it existed at the time of the conduct or 789  
threatened conduct of the public office or person responsible 790  
for the requested public records that allegedly constitutes a 791  
failure to comply with an obligation in accordance with division 792  
(B) of this section and that was the basis of the mandamus 793  
action, a well-informed public office or person responsible for 794  
the requested public records reasonably would believe that the 795  
conduct or threatened conduct of the public office or person 796  
responsible for the requested public records did not constitute 797  
a failure to comply with an obligation in accordance with 798  
division (B) of this section; 799

(b) That a well-informed public office or person 800  
responsible for the requested public records reasonably would 801  
believe that the conduct or threatened conduct of the public 802  
office or person responsible for the requested public records 803  
would serve the public policy that underlies the authority that 804  
is asserted as permitting that conduct or threatened conduct. 805

(3) In a mandamus action filed under division (C)(1) of 806  
this section, the following apply: 807

(a) (i) If the court orders the public office or the person 808

responsible for the public record to comply with division (B) of 809  
this section, the court shall determine and award to the relator 810  
all court costs, which shall be construed as remedial and not 811  
punitive. 812

(ii) If the court makes a determination described in 813  
division (C) (3) (b) (iii) of this section, the court shall 814  
determine and award to the relator all court costs, which shall 815  
be construed as remedial and not punitive. 816

(b) If the court renders a judgment that orders the public 817  
office or the person responsible for the public record to comply 818  
with division (B) of this section or if the court determines any 819  
of the following, the court may award reasonable attorney's fees 820  
to the relator, subject to division (C) (4) of this section: 821

(i) The public office or the person responsible for the 822  
public records failed to respond affirmatively or negatively to 823  
the public records request in accordance with the time allowed 824  
under division (B) of this section. 825

(ii) The public office or the person responsible for the 826  
public records promised to permit the relator to inspect or 827  
receive copies of the public records requested within a 828  
specified period of time but failed to fulfill that promise 829  
within that specified period of time. 830

(iii) The public office or the person responsible for the 831  
public records acted in bad faith when the office or person 832  
voluntarily made the public records available to the relator for 833  
the first time after the relator commenced the mandamus action, 834  
but before the court issued any order concluding whether or not 835  
the public office or person was required to comply with division 836  
(B) of this section. No discovery may be conducted on the issue 837

of the alleged bad faith of the public office or person 838  
responsible for the public records. This division shall not be 839  
construed as creating a presumption that the public office or 840  
the person responsible for the public records acted in bad faith 841  
when the office or person voluntarily made the public records 842  
available to the relator for the first time after the relator 843  
commenced the mandamus action, but before the court issued any 844  
order described in this division. 845

(c) The court shall not award attorney's fees to the 846  
relator if the court determines both of the following: 847

(i) That, based on the ordinary application of statutory 848  
law and case law as it existed at the time of the conduct or 849  
threatened conduct of the public office or person responsible 850  
for the requested public records that allegedly constitutes a 851  
failure to comply with an obligation in accordance with division 852  
(B) of this section and that was the basis of the mandamus 853  
action, a well-informed public office or person responsible for 854  
the requested public records reasonably would believe that the 855  
conduct or threatened conduct of the public office or person 856  
responsible for the requested public records did not constitute 857  
a failure to comply with an obligation in accordance with 858  
division (B) of this section; 859

(ii) That a well-informed public office or person 860  
responsible for the requested public records reasonably would 861  
believe that the conduct or threatened conduct of the public 862  
office or person responsible for the requested public records 863  
would serve the public policy that underlies the authority that 864  
is asserted as permitting that conduct or threatened conduct. 865

(4) All of the following apply to any award of reasonable 866  
attorney's fees awarded under division (C) (3) (b) of this 867

section:	868
(a) The fees shall be construed as remedial and not punitive.	869 870
(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) (4) (c) of this section.	871 872 873 874
(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.	875 876 877
(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.	878 879 880 881 882 883
(5) 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.	884 885 886 887 888 889 890
(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.	891 892
(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the	893 894 895 896

attorney general as provided in section 109.43 of the Revised 897  
Code. A future official may satisfy the requirements of this 898  
division by attending the training before taking office, 899  
provided that the future official may not send a designee in the 900  
future official's place. 901

(2) All public offices shall adopt a public records policy 902  
in compliance with this section for responding to public records 903  
requests. In adopting a public records policy under this 904  
division, a public office may obtain guidance from the model 905  
public records policy developed and provided to the public 906  
office by the attorney general under section 109.43 of the 907  
Revised Code. Except as otherwise provided in this section, the 908  
policy may not limit the number of public records that the 909  
public office will make available to a single person, may not 910  
limit the number of public records that it will make available 911  
during a fixed period of time, and may not establish a fixed 912  
period of time before it will respond to a request for 913  
inspection or copying of public records, unless that period is 914  
less than eight hours. 915

The public office shall distribute the public records 916  
policy adopted by the public office under this division to the 917  
employee of the public office who is the records custodian or 918  
records manager or otherwise has custody of the records of that 919  
office. The public office shall require that employee to 920  
acknowledge receipt of the copy of the public records policy. 921  
The public office shall create a poster that describes its 922  
public records policy and shall post the poster in a conspicuous 923  
place in the public office and in all locations where the public 924  
office has branch offices. The public office may post its public 925  
records policy on the internet web site of the public office if 926  
the public office maintains an internet web site. A public 927



office that has established a manual or handbook of its general 928  
policies and procedures for all employees of the public office 929  
shall include the public records policy of the public office in 930  
the manual or handbook. 931

(F) (1) The bureau of motor vehicles may adopt rules 932  
pursuant to Chapter 119. of the Revised Code to reasonably limit 933  
the number of bulk commercial special extraction requests made 934  
by a person for the same records or for updated records during a 935  
calendar year. The rules may include provisions for charges to 936  
be made for bulk commercial special extraction requests for the 937  
actual cost of the bureau, plus special extraction costs, plus 938  
ten per cent. The bureau may charge for expenses for redacting 939  
information, the release of which is prohibited by law. 940

(2) As used in division (F) (1) of this section: 941

(a) "Actual cost" means the cost of depleted supplies, 942  
records storage media costs, actual mailing and alternative 943  
delivery costs, or other transmitting costs, and any direct 944  
equipment operating and maintenance costs, including actual 945  
costs paid to private contractors for copying services. 946

(b) "Bulk commercial special extraction request" means a 947  
request for copies of a record for information in a format other 948  
than the format already available, or information that cannot be 949  
extracted without examination of all items in a records series, 950  
class of records, or database by a person who intends to use or 951  
forward the copies for surveys, marketing, solicitation, or 952  
resale for commercial purposes. "Bulk commercial special 953  
extraction request" does not include a request by a person who 954  
gives assurance to the bureau that the person making the request 955  
does not intend to use or forward the requested copies for 956  
surveys, marketing, solicitation, or resale for commercial 957

purposes.	958
(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.	959 960
(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.	961 962 963 964 965 966 967
(3) For purposes of divisions (F) (1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.	968 969 970 971 972 973 974
(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.	975 976 977 978 979 980 981 982 983 984
(H) (1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A) (17) (b) to (h) of	985 986

this section may be released by consent of the subject of the 987  
recording or a representative of that person, as specified in 988  
those divisions, only if either of the following applies: 989

(a) The recording will not be used in connection with any 990  
probable or pending criminal proceedings; 991

(b) The recording has been used in connection with a 992  
criminal proceeding that was dismissed or for which a judgment 993  
has been entered pursuant to Rule 32 of the Rules of Criminal 994  
Procedure, and will not be used again in connection with any 995  
probable or pending criminal proceedings. 996

(2) If a public office denies a request to release a 997  
restricted portion of a body-worn camera or dashboard camera 998  
recording, as defined in division (A) (17) of this section, any 999  
person may file a mandamus action pursuant to this section or a 1000  
complaint with the clerk of the court of claims pursuant to 1001  
section 2743.75 of the Revised Code, requesting the court to 1002  
order the release of all or portions of the recording. If the 1003  
court considering the request determines that the filing 1004  
articulates by clear and convincing evidence that the public 1005  
interest in the recording substantially outweighs privacy 1006  
interests and other interests asserted to deny release, the 1007  
court shall order the public office to release the recording. 1008

**Section 2.** That existing section 149.43 of the Revised 1009  
Code is hereby repealed. 1010