

H. B. No. 265  
As Introduced

\_\_\_\_\_ moved to amend as follows:

Delete lines 8 through 992 1

After line 992, insert: 2

**"Sec. 149.43.** (A) As used in this section: 3

(1) "Public record" means records kept by any public 4  
office, including, but not limited to, state, county, city, 5  
village, township, and school district units, and records 6  
pertaining to the delivery of educational services by an 7  
alternative school in this state kept by the nonprofit or for- 8  
profit entity operating the alternative school pursuant to 9  
section 3313.533 of the Revised Code. "Public record" does not 10  
mean any of the following: 11

(a) Medical records; 12

(b) Records pertaining to probation and parole 13  
proceedings, to proceedings related to the imposition of 14  
community control sanctions and post-release control sanctions, 15  
or to proceedings related to determinations under section 16  
2967.271 of the Revised Code regarding the release or maintained 17



incarceration of an offender to whom that section applies;	18
(c) Records pertaining to actions under section 2151.85	19
and division (C) of section 2919.121 of the Revised Code and to	20
appeals of actions arising under those sections;	21
(d) Records pertaining to adoption proceedings, including	22
the contents of an adoption file maintained by the department of	23
health under sections 3705.12 to 3705.124 of the Revised Code;	24
(e) Information in a record contained in the putative	25
father registry established by section 3107.062 of the Revised	26
Code, regardless of whether the information is held by the	27
department of job and family services or, pursuant to section	28
3111.69 of the Revised Code, the office of child support in the	29
department or a child support enforcement agency;	30
(f) Records specified in division (A) of section 3107.52	31
of the Revised Code;	32
(g) Trial preparation records;	33
(h) Confidential law enforcement investigatory records;	34
(i) Records containing information that is confidential	35
under section 2710.03 or 4112.05 of the Revised Code;	36
(j) DNA records stored in the DNA database pursuant to	37
section 109.573 of the Revised Code;	38
(k) Inmate records released by the department of	39
rehabilitation and correction to the department of youth	40
services or a court of record pursuant to division (E) of	41
section 5120.21 of the Revised Code;	42
(l) Records maintained by the department of youth services	43
pertaining to children in its custody released by the department	44

of youth services to the department of rehabilitation and	45
correction pursuant to section 5139.05 of the Revised Code;	46
(m) Intellectual property records;	47
(n) Donor profile records;	48
(o) Records maintained by the department of job and family	49
services pursuant to section 3121.894 of the Revised Code;	50
(p) Designated public service worker residential and	51
familial information;	52
(q) In the case of a county hospital operated pursuant to	53
Chapter 339. of the Revised Code or a municipal hospital	54
operated pursuant to Chapter 749. of the Revised Code,	55
information that constitutes a trade secret, as defined in	56
section 1333.61 of the Revised Code;	57
(r) Information pertaining to the recreational activities	58
of a person under the age of eighteen;	59
(s) In the case of a child fatality review board acting	60
under sections 307.621 to 307.629 of the Revised Code or a	61
review conducted pursuant to guidelines established by the	62
director of health under section 3701.70 of the Revised Code,	63
records provided to the board or director, statements made by	64
board members during meetings of the board or by persons	65
participating in the director's review, and all work products of	66
the board or director, and in the case of a child fatality	67
review board, child fatality review data submitted by the board	68
to the department of health or a national child death review	69
database, other than the report prepared pursuant to division	70
(A) of section 307.626 of the Revised Code;	71
(t) Records provided to and statements made by the	72

executive director of a public children services agency or a	73
prosecuting attorney acting pursuant to section 5153.171 of the	74
Revised Code other than the information released under that	75
section;	76
(u) Test materials, examinations, or evaluation tools used	77
in an examination for licensure as a nursing home administrator	78
that the board of executives of long-term services and supports	79
administers under section 4751.15 of the Revised Code or	80
contracts under that section with a private or government entity	81
to administer;	82
(v) Records the release of which is prohibited by state or	83
federal law;	84
(w) Proprietary information of or relating to any person	85
that is submitted to or compiled by the Ohio venture capital	86
authority created under section 150.01 of the Revised Code;	87
(x) Financial statements and data any person submits for	88
any purpose to the Ohio housing finance agency or the	89
controlling board in connection with applying for, receiving, or	90
accounting for financial assistance from the agency, and	91
information that identifies any individual who benefits directly	92
or indirectly from financial assistance from the agency;	93
(y) Records listed in section 5101.29 of the Revised Code;	94
(z) Discharges recorded with a county recorder under	95
section 317.24 of the Revised Code, as specified in division (B)	96
(2) of that section;	97
(aa) Usage information including names and addresses of	98
specific residential and commercial customers of a municipally	99
owned or operated public utility;	100

(bb) Records described in division (C) of section 187.04	101
of the Revised Code that are not designated to be made available	102
to the public as provided in that division;	103
(cc) Information and records that are made confidential,	104
privileged, and not subject to disclosure under divisions (B)	105
and (C) of section 2949.221 of the Revised Code;	106
(dd) Personal information, as defined in section 149.45 of	107
the Revised Code;	108
(ee) The confidential name, address, and other personally	109
identifiable information of a program participant in the address	110
confidentiality program established under sections 111.41 to	111
111.47 of the Revised Code, including the contents of any	112
application for absent voter's ballots, absent voter's ballot	113
identification envelope statement of voter, or provisional	114
ballot affirmation completed by a program participant who has a	115
confidential voter registration record; records or portions of	116
records pertaining to that program that identify the number of	117
program participants that reside within a precinct, ward,	118
township, municipal corporation, county, or any other geographic	119
area smaller than the state; and any real property	120
confidentiality notice filed under section 111.431 of the	121
Revised Code and the information described in division (C) of	122
that section. As used in this division, "confidential address"	123
and "program participant" have the meaning defined in section	124
111.41 of the Revised Code.	125
(ff) Orders for active military service of an individual	126
serving or with previous service in the armed forces of the	127
United States, including a reserve component, or the Ohio	128
organized militia, except that, such order becomes a public	129
record on the day that is fifteen years after the published date	130

or effective date of the call to order;	131
(gg) The name, address, contact information, or other	132
personal information of an individual who is less than eighteen	133
years of age that is included in any record related to a traffic	134
accident involving a school vehicle in which the individual was	135
an occupant at the time of the accident;	136
(hh) Protected health information, as defined in 45 C.F.R.	137
160.103, that is in a claim for payment for a health care	138
product, service, or procedure, as well as any other health	139
claims data in another document that reveals the identity of an	140
individual who is the subject of the data or could be used to	141
reveal that individual's identity;	142
(ii) Any depiction by photograph, film, videotape, or	143
printed or digital image under either of the following	144
circumstances:	145
(i) The depiction is that of a victim of an offense the	146
release of which would be, to a reasonable person of ordinary	147
sensibilities, an offensive and objectionable intrusion into the	148
victim's expectation of bodily privacy and integrity.	149
(ii) The depiction captures or depicts the victim of a	150
sexually oriented offense, as defined in section 2950.01 of the	151
Revised Code, at the actual occurrence of that offense.	152
(jj) Restricted portions of a body-worn camera or	153
dashboard camera recording;	154
(kk) In the case of a fetal-infant mortality review board	155
acting under sections 3707.70 to 3707.77 of the Revised Code,	156
records, documents, reports, or other information presented to	157
the board or a person abstracting such materials on the board's	158

behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

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

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

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

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

(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;	189 190 191 192 193 194 195
(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;	196 197 198 199 200 201 202
(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;	203 204 205
(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;	206 207 208 209
<u>(tt) Records of the past, current, and future work schedule of a designated public service worker. As used in division (A)(1)(tt) of this section, "work schedule" does not include the docket of cases of a court, judge, or magistrate;</u>	210 211 212 213
<u>(uu) A request form submitted to a public office under section 149.45 of the Revised Code;</u>	214 215
<u>(vv) An affidavit submitted under section 319.28 of the Revised Code.</u>	216 217



A record that is not a public record under division (A) (1) 218  
of this section and that, under law, is permanently retained 219  
becomes a public record on the day that is seventy-five years 220  
after the day on which the record was created, except for any 221  
record protected by the attorney-client privilege, a trial 222  
preparation record as defined in this section, a statement 223  
prohibiting the release of identifying information signed under 224  
section 3107.083 of the Revised Code, a denial of release form 225  
filed pursuant to section 3107.46 of the Revised Code, or any 226  
record that is exempt from release or disclosure under section 227  
149.433 of the Revised Code. If the record is a birth 228  
certificate and a biological parent's name redaction request 229  
form has been accepted under section 3107.391 of the Revised 230  
Code, the name of that parent shall be redacted from the birth 231  
certificate before it is released under this paragraph. If any 232  
other section of the Revised Code establishes a time period for 233  
disclosure of a record that conflicts with the time period 234  
specified in this section, the time period in the other section 235  
prevails. 236

(2) "Confidential law enforcement investigatory record" 237  
means any record that pertains to a law enforcement matter of a 238  
criminal, quasi-criminal, civil, or administrative nature, but 239  
only to the extent that the release of the record would create a 240  
high probability of disclosure of any of the following: 241

(a) The identity of a suspect who has not been charged 242  
with the offense to which the record pertains, or of an 243  
information source or witness to whom confidentiality has been 244  
reasonably promised; 245

(b) Information provided by an information source or 246  
witness to whom confidentiality has been reasonably promised, 247

which information would reasonably tend to disclose the source's	248
or witness's identity;	249
(c) Specific confidential investigatory techniques or	250
procedures or specific investigatory work product;	251
(d) Information that would endanger the life or physical	252
safety of law enforcement personnel, a crime victim, a witness,	253
or a confidential information source.	254
(3) "Medical record" means any document or combination of	255
documents, except births, deaths, and the fact of admission to	256
or discharge from a hospital, that pertains to the medical	257
history, diagnosis, prognosis, or medical condition of a patient	258
and that is generated and maintained in the process of medical	259
treatment.	260
(4) "Trial preparation record" means any record that	261
contains information that is specifically compiled in reasonable	262
anticipation of, or in defense of, a civil or criminal action or	263
proceeding, including the independent thought processes and	264
personal trial preparation of an attorney.	265
(5) "Intellectual property record" means a record, other	266
than a financial or administrative record, that is produced or	267
collected by or for faculty or staff of a state institution of	268
higher learning in the conduct of or as a result of study or	269
research on an educational, commercial, scientific, artistic,	270
technical, or scholarly issue, regardless of whether the study	271
or research was sponsored by the institution alone or in	272
conjunction with a governmental body or private concern, and	273
that has not been publicly released, published, or patented.	274
(6) "Donor profile record" means all records about donors	275
or potential donors to a public institution of higher education	276

except the names and reported addresses of the actual donors and 277  
the date, amount, and conditions of the actual donation. 278

(7) "Designated public service worker" means a peace 279  
officer, parole officer, probation officer, bailiff, prosecuting 280  
attorney, assistant prosecuting attorney, correctional employee, 281  
county or multicounty corrections officer, community-based 282  
correctional facility employee, designated Ohio national guard 283  
member, protective services worker, youth services employee, 284  
firefighter, EMT, medical director or member of a cooperating 285  
physician advisory board of an emergency medical service 286  
organization, state board of pharmacy employee, investigator of 287  
the bureau of criminal identification and investigation, 288  
emergency service telecommunicator, forensic mental health 289  
provider, mental health evaluation provider, regional 290  
psychiatric hospital employee, judge, magistrate, or federal law 291  
enforcement officer. 292

(8) "Designated public service worker residential and 293  
familial information" means any information that discloses any 294  
of the following about a designated public service worker: 295

(a) The address of the actual personal residence of a 296  
designated public service worker, except for the following 297  
information: 298

(i) The address of the actual personal residence of a 299  
prosecuting attorney or judge; and 300

(ii) The state or political subdivision in which a 301  
designated public service worker resides. 302

(b) Information compiled from referral to or participation 303  
in an employee assistance program; 304

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; 305  
306  
307  
308  
309

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; 310  
311  
312  
313

(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; 314  
315  
316  
317  
318

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; 319  
320  
321  
322  
323  
324

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority. 325  
326  
327  
328

(9) As used in divisions (A) (7) and (15) to (17) of this section: 329  
330

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the 331  
332  
333

sheriff of a county or a supervisory employee who, in the 334  
absence of the sheriff, is authorized to stand in for, exercise 335  
the authority of, and perform the duties of the sheriff. 336

"Correctional employee" means any employee of the 337  
department of rehabilitation and correction who in the course of 338  
performing the employee's job duties has or has had contact with 339  
inmates and persons under supervision. 340

"County or multicounty corrections officer" means any 341  
corrections officer employed by any county or multicounty 342  
correctional facility. 343

"Designated Ohio national guard member" means a member of 344  
the Ohio national guard who is participating in duties related 345  
to remotely piloted aircraft, including, but not limited to, 346  
pilots, sensor operators, and mission intelligence personnel, 347  
duties related to special forces operations, or duties related 348  
to cybersecurity, and is designated by the adjutant general as a 349  
designated public service worker for those purposes. 350

"Protective services worker" means any employee of a 351  
county agency who is responsible for child protective services, 352  
child support services, or adult protective services. 353

"Youth services employee" means any employee of the 354  
department of youth services who in the course of performing the 355  
employee's job duties has or has had contact with children 356  
committed to the custody of the department of youth services. 357

"Firefighter" means any regular, paid or volunteer, member 358  
of a lawfully constituted fire department of a municipal 359  
corporation, township, fire district, or village. 360

"EMT" means EMTs-basic, EMTs-I, and paramedics that 361

provide emergency medical services for a public emergency 362  
medical service organization. "Emergency medical service 363  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 364  
meanings defined in section 4765.01 of the Revised Code. 365

"Investigator of the bureau of criminal identification and 366  
investigation" has the meaning defined in section 2903.11 of the 367  
Revised Code. 368

"Emergency service telecommunicator" means an individual 369  
employed by an emergency service provider as defined under 370  
section 128.01 of the Revised Code, whose primary responsibility 371  
is to be an operator for the receipt or processing of calls for 372  
emergency services made by telephone, radio, or other electronic 373  
means. 374

"Forensic mental health provider" means any employee of a 375  
community mental health service provider or local alcohol, drug 376  
addiction, and mental health services board who, in the course 377  
of the employee's duties, has contact with persons committed to 378  
a local alcohol, drug addiction, and mental health services 379  
board by a court order pursuant to section 2945.38, 2945.39, 380  
2945.40, or 2945.402 of the Revised Code. 381

"Mental health evaluation provider" means an individual 382  
who, under Chapter 5122. of the Revised Code, examines a 383  
respondent who is alleged to be a mentally ill person subject to 384  
court order, as defined in section 5122.01 of the Revised Code, 385  
and reports to the probate court the respondent's mental 386  
condition. 387

"Regional psychiatric hospital employee" means any 388  
employee of the department of mental health and addiction 389  
services who, in the course of performing the employee's duties, 390

has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

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

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

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

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

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

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

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

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	419 420
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	421 422 423 424
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	425 426
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.	427 428 429 430 431
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	432 433 434 435
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	436 437 438 439
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;	440 441 442 443 444 445 446



(b) The death of a person or a deceased person's body, 447  
unless the death was caused by a correctional employee, youth 448  
services employee, or peace officer or, subject to division (H) 449  
(1) of this section, the consent of the decedent's executor or 450  
administrator has been obtained; 451

(c) The death of a correctional employee, youth services 452  
employee, peace officer, firefighter, paramedic, or other first 453  
responder, occurring while the decedent was engaged in the 454  
performance of official duties, unless, subject to division (H) 455  
(1) of this section, the consent of the decedent's executor or 456  
administrator has been obtained; 457

(d) Grievous bodily harm, unless the injury was effected 458  
by a correctional employee, youth services employee, or peace 459  
officer or, subject to division (H) (1) of this section, the 460  
consent of the injured person or the injured person's guardian 461  
has been obtained; 462

(e) An act of severe violence against a person that 463  
results in serious physical harm to the person, unless the act 464  
and injury was effected by a correctional employee, youth 465  
services employee, or peace officer or, subject to division (H) 466  
(1) of this section, the consent of the injured person or the 467  
injured person's guardian has been obtained; 468

(f) Grievous bodily harm to a correctional employee, youth 469  
services employee, peace officer, firefighter, paramedic, or 470  
other first responder, occurring while the injured person was 471  
engaged in the performance of official duties, unless, subject 472  
to division (H) (1) of this section, the consent of the injured 473  
person or the injured person's guardian has been obtained; 474

(g) An act of severe violence resulting in serious 475

physical harm against a correctional employee, youth services 476  
employee, peace officer, firefighter, paramedic, or other first 477  
responder, occurring while the injured person was engaged in the 478  
performance of official duties, unless, subject to division (H) 479  
(1) of this section, the consent of the injured person or the 480  
injured person's guardian has been obtained; 481

(h) A person's nude body, unless, subject to division (H) 482  
(1) of this section, the person's consent has been obtained; 483

(i) Protected health information, the identity of a person 484  
in a health care facility who is not the subject of a 485  
correctional, youth services, or law enforcement encounter, or 486  
any other information in a health care facility that could 487  
identify a person who is not the subject of a correctional, 488  
youth services, or law enforcement encounter; 489

(j) Information that could identify the alleged victim of 490  
a sex offense, menacing by stalking, or domestic violence; 491

(k) Information, that does not constitute a confidential 492  
law enforcement investigatory record, that could identify a 493  
person who provides sensitive or confidential information to the 494  
department of rehabilitation and correction, the department of 495  
youth services, or a law enforcement agency when the disclosure 496  
of the person's identity or the information provided could 497  
reasonably be expected to threaten or endanger the safety or 498  
property of the person or another person; 499

(l) Personal information of a person who is not arrested, 500  
cited, charged, or issued a written warning by a peace officer; 501

(m) Proprietary correctional, youth services, or police 502  
contingency plans or tactics that are intended to prevent crime 503  
and maintain public order and safety; 504

(n) A personal conversation unrelated to work between	505
correctional employees, youth services employees, or peace	506
officers or between a correctional employee, youth services	507
employee, or peace officer and an employee of a law enforcement	508
agency;	509
(o) A conversation between a correctional employee, youth	510
services employee, or peace officer and a member of the public	511
that does not concern correctional, youth services, or law	512
enforcement activities;	513
(p) The interior of a residence, unless the interior of a	514
residence is the location of an adversarial encounter with, or a	515
use of force by, a correctional employee, youth services	516
employee, or peace officer;	517
(q) Any portion of the interior of a private business that	518
is not open to the public, unless an adversarial encounter with,	519
or a use of force by, a correctional employee, youth services	520
employee, or peace officer occurs in that location.	521
As used in division (A) (17) of this section:	522
"Grievous bodily harm" has the same meaning as in section	523
5924.120 of the Revised Code.	524
"Health care facility" has the same meaning as in section	525
1337.11 of the Revised Code.	526
"Protected health information" has the same meaning as in	527
45 C.F.R. 160.103.	528
"Law enforcement agency" means a government entity that	529
employs peace officers to perform law enforcement duties.	530
"Personal information" means any government-issued	531
identification number, date of birth, address, financial	532

information, or criminal justice information from the law enforcement automated data system or similar databases. 533  
534

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code. 535  
536

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code. 537  
538

(B) (1) Upon request by any person and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. When the auditor of state receives a request to inspect or to make a copy of a record that was provided to the auditor of state for purposes of an audit, but the original public office has asserted to the auditor of state that the 539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562

record is not a public record, the auditor of state may handle 563  
the requests by directing the requestor to the original public 564  
office that provided the record to the auditor of state. 565

(2) To facilitate broader access to public records, a 566  
public office or the person responsible for public records shall 567  
organize and maintain public records in a manner that they can 568  
be made available for inspection or copying in accordance with 569  
division (B) of this section. A public office also shall have 570  
available a copy of its current records retention schedule at a 571  
location readily available to the public. If a requester makes 572  
an ambiguous or overly broad request or has difficulty in making 573  
a request for copies or inspection of public records under this 574  
section such that the public office or the person responsible 575  
for the requested public record cannot reasonably identify what 576  
public records are being requested, the public office or the 577  
person responsible for the requested public record may deny the 578  
request but shall provide the requester with an opportunity to 579  
revise the request by informing the requester of the manner in 580  
which records are maintained by the public office and accessed 581  
in the ordinary course of the public office's or person's 582  
duties. 583

(3) If a request is ultimately denied, in part or in 584  
whole, the public office or the person responsible for the 585  
requested public record shall provide the requester with an 586  
explanation, including legal authority, setting forth why the 587  
request was denied. If the initial request was provided in 588  
writing, the explanation also shall be provided to the requester 589  
in writing. The explanation shall not preclude the public office 590  
or the person responsible for the requested public record from 591  
relying upon additional reasons or legal authority in defending 592  
an action commenced under division (C) of this section. 593

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

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

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible

for the public record determines that it reasonably can be 625  
duplicated as an integral part of the normal operations of the 626  
public office or person responsible for the public record. When 627  
the requester makes a choice under this division, the public 628  
office or person responsible for the public record shall provide 629  
a copy of it in accordance with the choice made by the 630  
requester. Nothing in this section requires a public office or 631  
person responsible for the public record to allow the requester 632  
of a copy of the public record to make the copies of the public 633  
record. 634

(7) (a) Upon a request made in accordance with division (B) 635  
of this section and subject to division (B) (6) of this section, 636  
a public office or person responsible for public records shall 637  
transmit a copy of a public record to any person by United 638  
States mail or by any other means of delivery or transmission 639  
within a reasonable period of time after receiving the request 640  
for the copy. The public office or person responsible for the 641  
public record may require the person making the request to pay 642  
in advance the cost of postage if the copy is transmitted by 643  
United States mail or the cost of delivery if the copy is 644  
transmitted other than by United States mail, and to pay in 645  
advance the costs incurred for other supplies used in the 646  
mailing, delivery, or transmission. 647

(b) Any public office may adopt a policy and procedures 648  
that it will follow in transmitting, within a reasonable period 649  
of time after receiving a request, copies of public records by 650  
United States mail or by any other means of delivery or 651  
transmission pursuant to division (B) (7) of this section. A 652  
public office that adopts a policy and procedures under division 653  
(B) (7) of this section shall comply with them in performing its 654  
duties under that division. 655

(c) In any policy and procedures adopted under division 656  
(B) (7) of this section: 657

(i) A public office may limit the number of records 658  
requested by a person that the office will physically deliver by 659  
United States mail or by another delivery service to ten per 660  
month, unless the person certifies to the office in writing that 661  
the person does not intend to use or forward the requested 662  
records, or the information contained in them, for commercial 663  
purposes; 664

(ii) A public office that chooses to provide some or all 665  
of its public records on a web site that is fully accessible to 666  
and searchable by members of the public at all times, other than 667  
during acts of God outside the public office's control or 668  
maintenance, and that charges no fee to search, access, 669  
download, or otherwise receive records provided on the web site, 670  
may limit to ten per month the number of records requested by a 671  
person that the office will deliver in a digital format, unless 672  
the requested records are not provided on the web site and 673  
unless the person certifies to the office in writing that the 674  
person does not intend to use or forward the requested records, 675  
or the information contained in them, for commercial purposes. 676

(iii) For purposes of division (B) (7) of this section, 677  
"commercial" shall be narrowly construed and does not include 678  
reporting or gathering news, reporting or gathering information 679  
to assist citizen oversight or understanding of the operation or 680  
activities of government, or nonprofit educational research. 681

(8) A public office or person responsible for public 682  
records is not required to permit a person who is incarcerated 683  
pursuant to a criminal conviction or a juvenile adjudication to 684  
inspect or to obtain a copy of any public record concerning a 685



criminal investigation or prosecution or concerning what would 686  
be a criminal investigation or prosecution if the subject of the 687  
investigation or prosecution were an adult, unless the request 688  
to inspect or to obtain a copy of the record is for the purpose 689  
of acquiring information that is subject to release as a public 690  
record under this section and the judge who imposed the sentence 691  
or made the adjudication with respect to the person, or the 692  
judge's successor in office, finds that the information sought 693  
in the public record is necessary to support what appears to be 694  
a justiciable claim of the person. 695

(9) (a) Upon written request made and signed by a 696  
journalist, a public office, or person responsible for public 697  
records, having custody of the records of the agency employing a 698  
specified designated public service worker shall disclose to the 699  
journalist the address of the actual personal residence of the 700  
designated public service worker and, if the designated public 701  
service worker's spouse, former spouse, or child is employed by 702  
a public office, the name and address of the employer of the 703  
designated public service worker's spouse, former spouse, or 704  
child. The request shall include the journalist's name and title 705  
and the name and address of the journalist's employer and shall 706  
state that disclosure of the information sought would be in the 707  
public interest. 708

(b) Division (B) (9) (a) of this section also applies to 709  
journalist requests for: 710

(i) Customer information maintained by a municipally owned 711  
or operated public utility, other than social security numbers 712  
and any private financial information such as credit reports, 713  
payment methods, credit card numbers, and bank account 714  
information; 715

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

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

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

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

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

(b) Commence a mandamus action to obtain a judgment that 746  
orders the public office or the person responsible for the 747  
public record to comply with division (B) of this section, that 748  
awards court costs and reasonable attorney's fees to the person 749  
that instituted the mandamus action, and, if applicable, that 750  
includes an order fixing statutory damages under division (C) (2) 751  
of this section. The mandamus action may be commenced in the 752  
court of common pleas of the county in which division (B) of 753  
this section allegedly was not complied with, in the supreme 754  
court pursuant to its original jurisdiction under Section 2 of 755  
Article IV, Ohio Constitution, or in the court of appeals for 756  
the appellate district in which division (B) of this section 757  
allegedly was not complied with pursuant to its original 758  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 759

(2) If a requester transmits a written request by hand 760  
delivery, electronic submission, or certified mail to inspect or 761  
receive copies of any public record in a manner that fairly 762  
describes the public record or class of public records to the 763  
public office or person responsible for the requested public 764  
records, except as otherwise provided in this section, the 765  
requester shall be entitled to recover the amount of statutory 766  
damages set forth in this division if a court determines that 767  
the public office or the person responsible for public records 768  
failed to comply with an obligation in accordance with division 769  
(B) of this section. 770

The amount of statutory damages shall be fixed at one 771  
hundred dollars for each business day during which the public 772  
office or person responsible for the requested public records 773  
failed to comply with an obligation in accordance with division 774  
(B) of this section, beginning with the day on which the 775  
requester files a mandamus action to recover statutory damages, 776

up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

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

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

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

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

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

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

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

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

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

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 835  
of the alleged bad faith of the public office or person 836  
responsible for the public records. This division shall not be 837  
construed as creating a presumption that the public office or 838  
the person responsible for the public records acted in bad faith 839  
when the office or person voluntarily made the public records 840  
available to the relator for the first time after the relator 841  
commenced the mandamus action, but before the court issued any 842  
order described in this division. 843

(c) The court shall not award attorney's fees to the 844  
relator if the court determines both of the following: 845

(i) That, based on the ordinary application of statutory 846  
law and case law as it existed at the time of the conduct or 847  
threatened conduct of the public office or person responsible 848  
for the requested public records that allegedly constitutes a 849  
failure to comply with an obligation in accordance with division 850  
(B) of this section and that was the basis of the mandamus 851  
action, a well-informed public office or person responsible for 852  
the requested public records reasonably would believe that the 853  
conduct or threatened conduct of the public office or person 854  
responsible for the requested public records did not constitute 855  
a failure to comply with an obligation in accordance with 856  
division (B) of this section; 857

(ii) That a well-informed public office or person 858  
responsible for the requested public records reasonably would 859  
believe that the conduct or threatened conduct of the public 860  
office or person responsible for the requested public records 861  
would serve the public policy that underlies the authority that 862  
is asserted as permitting that conduct or threatened conduct. 863

(4) All of the following apply to any award of reasonable 864

attorney's fees awarded under division (C) (3) (b) of this section: 865  
866

(a) The fees shall be construed as remedial and not punitive. 867  
868

(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. 869  
870  
871  
872

(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. 873  
874  
875

(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. 876  
877  
878  
879  
880  
881

(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. 882  
883  
884  
885  
886  
887  
888

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 889  
890

(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under 891  
892

division (B) of this section, all elected officials or their 893  
appropriate designees shall attend training approved by the 894  
attorney general as provided in section 109.43 of the Revised 895  
Code. A future official may satisfy the requirements of this 896  
division by attending the training before taking office, 897  
provided that the future official may not send a designee in the 898  
future official's place. 899

(2) All public offices shall adopt a public records policy 900  
in compliance with this section for responding to public records 901  
requests. In adopting a public records policy under this 902  
division, a public office may obtain guidance from the model 903  
public records policy developed and provided to the public 904  
office by the attorney general under section 109.43 of the 905  
Revised Code. Except as otherwise provided in this section, the 906  
policy may not limit the number of public records that the 907  
public office will make available to a single person, may not 908  
limit the number of public records that it will make available 909  
during a fixed period of time, and may not establish a fixed 910  
period of time before it will respond to a request for 911  
inspection or copying of public records, unless that period is 912  
less than eight hours. 913

The public office shall distribute the public records 914  
policy adopted by the public office under this division to the 915  
employee of the public office who is the records custodian or 916  
records manager or otherwise has custody of the records of that 917  
office. The public office shall require that employee to 918  
acknowledge receipt of the copy of the public records policy. 919  
The public office shall create a poster that describes its 920  
public records policy and shall post the poster in a conspicuous 921  
place in the public office and in all locations where the public 922  
office has branch offices. The public office may post its public 923



records policy on the internet web site of the public office if 924  
the public office maintains an internet web site. A public 925  
office that has established a manual or handbook of its general 926  
policies and procedures for all employees of the public office 927  
shall include the public records policy of the public office in 928  
the manual or handbook. 929

(F) (1) The bureau of motor vehicles may adopt rules 930  
pursuant to Chapter 119. of the Revised Code to reasonably limit 931  
the number of bulk commercial special extraction requests made 932  
by a person for the same records or for updated records during a 933  
calendar year. The rules may include provisions for charges to 934  
be made for bulk commercial special extraction requests for the 935  
actual cost of the bureau, plus special extraction costs, plus 936  
ten per cent. The bureau may charge for expenses for redacting 937  
information, the release of which is prohibited by law. 938

(2) As used in division (F) (1) of this section: 939

(a) "Actual cost" means the cost of depleted supplies, 940  
records storage media costs, actual mailing and alternative 941  
delivery costs, or other transmitting costs, and any direct 942  
equipment operating and maintenance costs, including actual 943  
costs paid to private contractors for copying services. 944

(b) "Bulk commercial special extraction request" means a 945  
request for copies of a record for information in a format other 946  
than the format already available, or information that cannot be 947  
extracted without examination of all items in a records series, 948  
class of records, or database by a person who intends to use or 949  
forward the copies for surveys, marketing, solicitation, or 950  
resale for commercial purposes. "Bulk commercial special 951  
extraction request" does not include a request by a person who 952  
gives assurance to the bureau that the person making the request 953

does not intend to use or forward the requested copies for 954  
surveys, marketing, solicitation, or resale for commercial 955  
purposes. 956

(c) "Commercial" means profit-seeking production, buying, 957  
or selling of any good, service, or other product. 958

(d) "Special extraction costs" means the cost of the time 959  
spent by the lowest paid employee competent to perform the task, 960  
the actual amount paid to outside private contractors employed 961  
by the bureau, or the actual cost incurred to create computer 962  
programs to make the special extraction. "Special extraction 963  
costs" include any charges paid to a public agency for computer 964  
or records services. 965

(3) For purposes of divisions (F) (1) and (2) of this 966  
section, "surveys, marketing, solicitation, or resale for 967  
commercial purposes" shall be narrowly construed and does not 968  
include reporting or gathering news, reporting or gathering 969  
information to assist citizen oversight or understanding of the 970  
operation or activities of government, or nonprofit educational 971  
research. 972

(G) A request by a defendant, counsel of a defendant, or 973  
any agent of a defendant in a criminal action that public 974  
records related to that action be made available under this 975  
section shall be considered a demand for discovery pursuant to 976  
the Criminal Rules, except to the extent that the Criminal Rules 977  
plainly indicate a contrary intent. The defendant, counsel of 978  
the defendant, or agent of the defendant making a request under 979  
this division shall serve a copy of the request on the 980  
prosecuting attorney, director of law, or other chief legal 981  
officer responsible for prosecuting the action. 982

(H) (1) Any portion of a body-worn camera or dashboard	983
camera recording described in divisions (A) (17) (b) to (h) of	984
this section may be released by consent of the subject of the	985
recording or a representative of that person, as specified in	986
those divisions, only if either of the following applies:	987
(a) The recording will not be used in connection with any	988
probable or pending criminal proceedings;	989
(b) The recording has been used in connection with a	990
criminal proceeding that was dismissed or for which a judgment	991
has been entered pursuant to Rule 32 of the Rules of Criminal	992
Procedure, and will not be used again in connection with any	993
probable or pending criminal proceedings.	994
(2) If a public office denies a request to release a	995
restricted portion of a body-worn camera or dashboard camera	996
recording, as defined in division (A) (17) of this section, any	997
person may file a mandamus action pursuant to this section or a	998
complaint with the clerk of the court of claims pursuant to	999
section 2743.75 of the Revised Code, requesting the court to	1000
order the release of all or portions of the recording. If the	1001
court considering the request determines that the filing	1002
articulates by clear and convincing evidence that the public	1003
interest in the recording substantially outweighs privacy	1004
interests and other interests asserted to deny release, the	1005
court shall order the public office to release the recording. "	1006
Delete lines 1195 through 1204	1007
Delete line 1205	1008

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

	1009
<b>Case docket</b>	1010
<b>R.C. 149.43</b>	1011
Specifies that "work schedule" does not include the docket	1012
of cases of a court, judge, or magistrate.	1013
Updates the section to the most recent version.	1014