

As Introduced

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H. B. No. 576

Representative Ryan

Cosponsors: Representatives Becker, Hood, Brenner, Henne, Perales, Hambley

A BILL

To amend sections 149.43 and 323.13 of the Revised Code to exempt from the Public Records Act financial account numbers and identifying information in public records and to provide that taxpayer electronic mail address lists used by county treasurers to deliver tax bills are not public records.

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

Section 1. That sections 149.43 and 323.13 of the Revised Code be amended to read as follows:

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

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

(a) Medical records;	19
(b) Records pertaining to probation and parole proceedings	20
or to proceedings related to the imposition of community control	21
sanctions and post-release control sanctions;	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) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	55 56 57 58 59 60
(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;	61 62 63 64 65
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	66 67
(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	68 69 70 71 72 73

participating in the director's review, and all work products of	74
the board or director, and in the case of a child fatality	75
review board, child fatality review data submitted by the board	76
to the department of health or a national child death review	77
database, other than the report prepared pursuant to division	78
(A) of section 307.626 of the Revised Code;	79
(t) Records provided to and statements made by the	80
executive director of a public children services agency or a	81
prosecuting attorney acting pursuant to section 5153.171 of the	82
Revised Code other than the information released under that	83
section;	84
(u) Test materials, examinations, or evaluation tools used	85
in an examination for licensure as a nursing home administrator	86
that the board of executives of long-term services and supports	87
administers under section 4751.04 of the Revised Code or	88
contracts under that section with a private or government entity	89
to administer;	90
(v) Records the release of which is prohibited by state or	91
federal law;	92
(w) Proprietary information of or relating to any person	93
that is submitted to or compiled by the Ohio venture capital	94
authority created under section 150.01 of the Revised Code;	95
(x) Financial statements and data any person submits for	96
any purpose to the Ohio housing finance agency or the	97
controlling board in connection with applying for, receiving, or	98
accounting for financial assistance from the agency, and	99
information that identifies any individual who benefits directly	100
or indirectly from financial assistance from the agency;	101
(y) Records listed in section 5101.29 of the Revised Code;	102

(z) Discharges recorded with a county recorder under	103
section 317.24 of the Revised Code, as specified in division (B)	104
(2) of that section;	105
(aa) Usage information including names and addresses of	106
specific residential and commercial customers of a municipally	107
owned or operated public utility;	108
(bb) Records described in division (C) of section 187.04	109
of the Revised Code that are not designated to be made available	110
to the public as provided in that division;	111
(cc) Information and records that are made confidential,	112
privileged, and not subject to disclosure under divisions (B)	113
and (C) of section 2949.221 of the Revised Code;	114
<u>(dd) Financial account numbers or financial account</u>	115
<u>identifying information in records, including the identity of</u>	116
<u>the financial institution where a financial account is</u>	117
<u>maintained.</u>	118
(2) "Confidential law enforcement investigatory record"	119
means any record that pertains to a law enforcement matter of a	120
criminal, quasi-criminal, civil, or administrative nature, but	121
only to the extent that the release of the record would create a	122
high probability of disclosure of any of the following:	123
(a) The identity of a suspect who has not been charged	124
with the offense to which the record pertains, or of an	125
information source or witness to whom confidentiality has been	126
reasonably promised;	127
(b) Information provided by an information source or	128
witness to whom confidentiality has been reasonably promised,	129
which information would reasonably tend to disclose the source's	130
or witness's identity;	131

(c) Specific confidential investigatory techniques or	132
procedures or specific investigatory work product;	133
(d) Information that would endanger the life or physical	134
safety of law enforcement personnel, a crime victim, a witness,	135
or a confidential information source.	136
(3) "Medical record" means any document or combination of	137
documents, except births, deaths, and the fact of admission to	138
or discharge from a hospital, that pertains to the medical	139
history, diagnosis, prognosis, or medical condition of a patient	140
and that is generated and maintained in the process of medical	141
treatment.	142
(4) "Trial preparation record" means any record that	143
contains information that is specifically compiled in reasonable	144
anticipation of, or in defense of, a civil or criminal action or	145
proceeding, including the independent thought processes and	146
personal trial preparation of an attorney.	147
(5) "Intellectual property record" means a record, other	148
than a financial or administrative record, that is produced or	149
collected by or for faculty or staff of a state institution of	150
higher learning in the conduct of or as a result of study or	151
research on an educational, commercial, scientific, artistic,	152
technical, or scholarly issue, regardless of whether the study	153
or research was sponsored by the institution alone or in	154
conjunction with a governmental body or private concern, and	155
that has not been publicly released, published, or patented.	156
(6) "Donor profile record" means all records about donors	157
or potential donors to a public institution of higher education	158
except the names and reported addresses of the actual donors and	159
the date, amount, and conditions of the actual donation.	160

(7) "Peace officer, parole officer, probation officer, 161
bailiff, prosecuting attorney, assistant prosecuting attorney, 162
correctional employee, community-based correctional facility 163
employee, youth services employee, firefighter, EMT, or 164
investigator of the bureau of criminal identification and 165
investigation residential and familial information" means any 166
information that discloses any of the following about a peace 167
officer, parole officer, probation officer, bailiff, prosecuting 168
attorney, assistant prosecuting attorney, correctional employee, 169
community-based correctional facility employee, youth services 170
employee, firefighter, EMT, or investigator of the bureau of 171
criminal identification and investigation: 172

(a) The address of the actual personal residence of a 173
peace officer, parole officer, probation officer, bailiff, 174
assistant prosecuting attorney, correctional employee, 175
community-based correctional facility employee, youth services 176
employee, firefighter, EMT, or an investigator of the bureau of 177
criminal identification and investigation, except for the state 178
or political subdivision in which the peace officer, parole 179
officer, probation officer, bailiff, assistant prosecuting 180
attorney, correctional employee, community-based correctional 181
facility employee, youth services employee, firefighter, EMT, or 182
investigator of the bureau of criminal identification and 183
investigation resides; 184

(b) Information compiled from referral to or participation 185
in an employee assistance program; 186

(c) The social security number, the residential telephone 187
number, any bank account, debit card, charge card, or credit 188
card number, or the emergency telephone number of, or any 189
medical information pertaining to, a peace officer, parole 190

officer, probation officer, bailiff, prosecuting attorney, 191
assistant prosecuting attorney, correctional employee, 192
community-based correctional facility employee, youth services 193
employee, firefighter, EMT, or investigator of the bureau of 194
criminal identification and investigation; 195

(d) The name of any beneficiary of employment benefits, 196
including, but not limited to, life insurance benefits, provided 197
to a peace officer, parole officer, probation officer, bailiff, 198
prosecuting attorney, assistant prosecuting attorney, 199
correctional employee, community-based correctional facility 200
employee, youth services employee, firefighter, EMT, or 201
investigator of the bureau of criminal identification and 202
investigation by the peace officer's, parole officer's, 203
probation officer's, bailiff's, prosecuting attorney's, 204
assistant prosecuting attorney's, correctional employee's, 205
community-based correctional facility employee's, youth services 206
employee's, firefighter's, EMT's, or investigator of the bureau 207
of criminal identification and investigation's employer; 208

(e) The identity and amount of any charitable or 209
employment benefit deduction made by the peace officer's, parole 210
officer's, probation officer's, bailiff's, prosecuting 211
attorney's, assistant prosecuting attorney's, correctional 212
employee's, community-based correctional facility employee's, 213
youth services employee's, firefighter's, EMT's, or investigator 214
of the bureau of criminal identification and investigation's 215
employer from the peace officer's, parole officer's, probation 216
officer's, bailiff's, prosecuting attorney's, assistant 217
prosecuting attorney's, correctional employee's, community-based 218
correctional facility employee's, youth services employee's, 219
firefighter's, EMT's, or investigator of the bureau of criminal 220
identification and investigation's compensation unless the 221

amount of the deduction is required by state or federal law;	222
(f) The name, the residential address, the name of the	223
employer, the address of the employer, the social security	224
number, the residential telephone number, any bank account,	225
debit card, charge card, or credit card number, or the emergency	226
telephone number of the spouse, a former spouse, or any child of	227
a peace officer, parole officer, probation officer, bailiff,	228
prosecuting attorney, assistant prosecuting attorney,	229
correctional employee, community-based correctional facility	230
employee, youth services employee, firefighter, EMT, or	231
investigator of the bureau of criminal identification and	232
investigation;	233
(g) A photograph of a peace officer who holds a position	234
or has an assignment that may include undercover or plain	235
clothes positions or assignments as determined by the peace	236
officer's appointing authority.	237
As used in divisions (A) (7) and (B) (9) of this section,	238
"peace (8) "Peace officer" has the same meaning as in section	239
109.71 of the Revised Code and also includes the superintendent	240
and troopers of the state highway patrol; it does not include	241
the sheriff of a county or a supervisory employee who, in the	242
absence of the sheriff, is authorized to stand in for, exercise	243
the authority of, and perform the duties of the sheriff.	244
As used in divisions (A) (7) and (B) (9) of this section,	245
"correctional (9) "Correctional employee" means any employee of	246
the department of rehabilitation and correction who in the	247
course of performing the employee's job duties has or has had	248
contact with inmates and persons under supervision.	249
As used in divisions (A) (7) and (B) (9) of this section,	250

~~you~~~~th~~ ~~(10)~~ "Youth services employee" means any employee of the 251
department of youth services who in the course of performing the 252
employee's job duties has or has had contact with children 253
committed to the custody of the department of youth services. 254

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 255
~~"firefighter"~~ ~~(11)~~ "Firefighter" means any regular, paid or 256
volunteer, member of a lawfully constituted fire department of a 257
municipal corporation, township, fire district, or village. 258

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 259
~~(12)~~ "EMT" means EMTs-basic, EMTs-I, and paramedics that provide 260
emergency medical services for a public emergency medical 261
service organization. "Emergency medical service organization," 262
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 263
in section 4765.01 of the Revised Code. 264

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 265
~~"investigator"~~ ~~(13)~~ "Investigator" of the bureau of criminal 266
identification and investigation" has the meaning defined in 267
section 2903.11 of the Revised Code. 268

~~(8)~~ ~~(14)~~ "Information pertaining to the recreational 269
activities of a person under the age of eighteen" means 270
information that is kept in the ordinary course of business by a 271
public office, that pertains to the recreational activities of a 272
person under the age of eighteen years, and that discloses any 273
of the following: 274

(a) The address or telephone number of a person under the 275
age of eighteen or the address or telephone number of that 276
person's parent, guardian, custodian, or emergency contact 277
person; 278

(b) The social security number, birth date, or 279

photographic image of a person under the age of eighteen; 280

(c) Any medical record, history, or information pertaining 281
to a person under the age of eighteen; 282

(d) Any additional information sought or required about a 283
person under the age of eighteen for the purpose of allowing 284
that person to participate in any recreational activity 285
conducted or sponsored by a public office or to use or obtain 286
admission privileges to any recreational facility owned or 287
operated by a public office. 288

~~(9)~~(15) "Community control sanction" has the same meaning 289
as in section 2929.01 of the Revised Code. 290

~~(10)~~(16) "Post-release control sanction" has the same 291
meaning as in section 2967.01 of the Revised Code. 292

~~(11)~~(17) "Redaction" means obscuring or deleting any 293
information that is exempt from the duty to permit public 294
inspection or copying from an item that otherwise meets the 295
definition of a "record" in section 149.011 of the Revised Code. 296

~~(12)~~(18) "Designee" and "elected official" have the same 297
meanings as in section 109.43 of the Revised Code. 298

(B) (1) Upon request and subject to division (B) (8) of this 299
section, all public records responsive to the request shall be 300
promptly prepared and made available for inspection to any 301
person at all reasonable times during regular business hours. 302
Subject to division (B) (8) of this section, upon request, a 303
public office or person responsible for public records shall 304
make copies of the requested public record available to the 305
requester at cost and within a reasonable period of time. If a 306
public record contains information that is exempt from the duty 307
to permit public inspection or to copy the public record, the 308

public office or the person responsible for the public record 309
shall redact the information that is exempt and shall make 310
available all of the information within the public record that 311
is not exempt. When making that public record available for 312
public inspection or copying that public record, the public 313
office or the person responsible for the public record shall 314
notify the requester of any redaction or make the redaction 315
plainly visible. A redaction shall be deemed a denial of a 316
request to inspect or copy the redacted information, except if 317
federal or state law authorizes or requires a public office to 318
make the redaction. 319

(2) To facilitate broader access to public records, a 320
public office or the person responsible for public records shall 321
organize and maintain public records in a manner that they can 322
be made available for inspection or copying in accordance with 323
division (B) of this section. A public office also shall have 324
available a copy of its current records retention schedule at a 325
location readily available to the public. If a requester makes 326
an ambiguous or overly broad request or has difficulty in making 327
a request for copies or inspection of public records under this 328
section such that the public office or the person responsible 329
for the requested public record cannot reasonably identify what 330
public records are being requested, the public office or the 331
person responsible for the requested public record may deny the 332
request but shall provide the requester with an opportunity to 333
revise the request by informing the requester of the manner in 334
which records are maintained by the public office and accessed 335
in the ordinary course of the public office's or person's 336
duties. 337

(3) If a request is ultimately denied, in part or in 338
whole, the public office or the person responsible for the 339

requested public record shall provide the requester with an 340
explanation, including legal authority, setting forth why the 341
request was denied. If the initial request was provided in 342
writing, the explanation also shall be provided to the requester 343
in writing. The explanation shall not preclude the public office 344
or the person responsible for the requested public record from 345
relying upon additional reasons or legal authority in defending 346
an action commenced under division (C) of this section. 347

(4) Unless specifically required or authorized by state or 348
federal law or in accordance with division (B) of this section, 349
no public office or person responsible for public records may 350
limit or condition the availability of public records by 351
requiring disclosure of the requester's identity or the intended 352
use of the requested public record. Any requirement that the 353
requester disclose the ~~requester's~~ requester's identity or the 354
intended use of the requested public record constitutes a denial 355
of the request. 356

(5) A public office or person responsible for public 357
records may ask a requester to make the request in writing, may 358
ask for the requester's identity, and may inquire about the 359
intended use of the information requested, but may do so only 360
after disclosing to the requester that a written request is not 361
mandatory ~~and~~, that the requester may decline to reveal the 362
requester's identity or the intended use, and when a written 363
request or disclosure of the identity or intended use would 364
benefit the requester by enhancing the ability of the public 365
office or person responsible for public records to identify, 366
locate, or deliver the public records sought by the requester. 367

(6) If any person ~~chooses to obtain~~ requests a copy of a 368
public record in accordance with division (B) of this section, 369

the public office or person responsible for the public record 370
may require ~~that person~~ the requester to pay in advance the cost 371
involved in providing the copy of the public record in 372
accordance with the choice made by the ~~person seeking the copy~~ 373
requester under this division. The public office or the person 374
responsible for the public record shall permit ~~that person~~ the 375
requester to choose to have the public record duplicated upon 376
paper, upon the same medium upon which the public office or 377
person responsible for the public record keeps it, or upon any 378
other medium upon which the public office or person responsible 379
for the public record determines that it reasonably can be 380
duplicated as an integral part of the normal operations of the 381
public office or person responsible for the public record. When 382
the ~~person seeking the copy~~ requester makes a choice under this 383
division, the public office or person responsible for the public 384
record shall provide a copy of it in accordance with the choice 385
made by the ~~person~~ requester seeking the copy. Nothing in this 386
section requires a public office or person responsible for the 387
public record to allow the ~~person seeking a copy of the public~~ 388
~~record~~ requester to make the copies of the public record. 389

(7) Upon a request made in accordance with division (B) of 390
this section and subject to division (B) (6) of this section, a 391
public office or person responsible for public records shall 392
transmit a copy of a public record to any person by United 393
States mail or by any other means of delivery or transmission 394
within a reasonable period of time after receiving the request 395
for the copy. The public office or person responsible for the 396
public record may require the person making the request to pay 397
in advance the cost of postage if the copy is transmitted by 398
United States mail or the cost of delivery if the copy is 399
transmitted other than by United States mail, and to pay in 400

advance the costs incurred for other supplies used in the 401
mailing, delivery, or transmission. 402

Any public office may adopt a policy and procedures that 403
it will follow in transmitting, within a reasonable period of 404
time after receiving a request, copies of public records by 405
United States mail or by any other means of delivery or 406
transmission pursuant to this division. A public office that 407
adopts a policy and procedures under this division shall comply 408
with them in performing its duties under this division. 409

In any policy and procedures adopted under this division, 410
a public office may limit the number of records requested by a 411
person that the office will transmit by United States mail to 412
ten per month, unless the person certifies to the office in 413
writing that the person does not intend to use or forward the 414
requested records, or the information contained in them, for 415
commercial purposes. For purposes of this division, "commercial" 416
shall be narrowly construed and does not include reporting or 417
gathering news, reporting or gathering information to assist 418
citizen oversight or understanding of the operation or 419
activities of government, or nonprofit educational research. 420

(8) A public office or person responsible for public 421
records is not required to permit a person who is incarcerated 422
pursuant to a criminal conviction or a juvenile adjudication to 423
inspect or to obtain a copy of any public record concerning a 424
criminal investigation or prosecution or concerning what would 425
be a criminal investigation or prosecution if the subject of the 426
investigation or prosecution were an adult, unless the request 427
to inspect or to obtain a copy of the record is for the purpose 428
of acquiring information that is subject to release as a public 429
record under this section and the judge who imposed the sentence 430

or made the adjudication with respect to the person, or the 431
judge's successor in office, finds that the information sought 432
in the public record is necessary to support what appears to be 433
a justiciable claim of the person. 434

(9) (a) Upon written request made and signed by a 435
~~journalist on or after December 16, 1999,~~ a public office, or 436
person responsible for public records, having custody of the 437
records of the agency employing a specified peace officer, 438
parole officer, probation officer, bailiff, prosecuting 439
attorney, assistant prosecuting attorney, correctional employee, 440
community-based correctional facility employee, youth services 441
employee, firefighter, EMT, or investigator of the bureau of 442
criminal identification and investigation shall disclose to the 443
journalist the address of the actual personal residence of the 444
peace officer, parole officer, probation officer, bailiff, 445
prosecuting attorney, assistant prosecuting attorney, 446
correctional employee, community-based correctional facility 447
employee, youth services employee, firefighter, EMT, or 448
investigator of the bureau of criminal identification and 449
investigation and, if the peace officer's, parole officer's, 450
probation officer's, bailiff's, prosecuting attorney's, 451
assistant prosecuting attorney's, correctional employee's, 452
community-based correctional facility employee's, youth services 453
employee's, firefighter's, EMT's, or investigator of the bureau 454
of criminal identification and investigation's spouse, former 455
spouse, or child is employed by a public office, the name and 456
address of the employer of the peace officer's, parole 457
officer's, probation officer's, bailiff's, prosecuting 458
attorney's, assistant prosecuting attorney's, correctional 459
employee's, community-based correctional facility employee's, 460
youth services employee's, firefighter's, EMT's, or investigator 461

of the bureau of criminal identification and investigation's 462
spouse, former spouse, or child. The request shall include the 463
journalist's name and title and the name and address of the 464
journalist's employer and shall state that disclosure of the 465
information sought would be in the public interest. 466

(b) Division (B) (9) (a) of this section also applies to 467
journalist requests for customer information maintained by a 468
municipally owned or operated public utility, other than social 469
security numbers and any private financial information such as 470
credit reports, payment methods, credit card numbers, and bank 471
account information. 472

(c) As used in division (B) (9) of this section, 473
"journalist" means a person engaged in, connected with, or 474
employed by any news medium, including a newspaper, magazine, 475
press association, news agency, or wire service, a radio or 476
television station, or a similar medium, for the purpose of 477
gathering, processing, transmitting, compiling, editing, or 478
disseminating information for the general public. 479

(C) (1) If a person allegedly is aggrieved by the failure 480
of a public office or the person responsible for public records 481
to promptly prepare a public record and to make it available to 482
the person for inspection in accordance with division (B) of 483
this section or by any other failure of a public office or the 484
person responsible for public records to comply with an 485
obligation in accordance with division (B) of this section, the 486
person allegedly aggrieved may commence a mandamus action to 487
obtain a judgment that orders the public office or the person 488
responsible for the public record to comply with division (B) of 489
this section, that awards court costs and reasonable attorney's 490
fees to the person that instituted the mandamus action, and, if 491

applicable, that includes an order fixing statutory damages 492
under division (C) (1) of this section. The mandamus action may 493
be commenced in the court of common pleas of the county in which 494
division (B) of this section allegedly was not complied with, in 495
the supreme court pursuant to its original jurisdiction under 496
Section 2 of Article IV, Ohio Constitution, or in the court of 497
appeals for the appellate district in which division (B) of this 498
section allegedly was not complied with pursuant to its original 499
jurisdiction under Section 3 of Article IV, Ohio Constitution. 500

If a ~~requester~~ requester transmits a written request by 501
hand delivery or certified mail to inspect or receive copies of 502
any public record in a manner that fairly describes the public 503
record or class of public records to the public office or person 504
responsible for the requested public records, except as 505
otherwise provided in this section, the ~~requester~~ requester 506
shall be entitled to recover the amount of statutory damages set 507
forth in this division if a court determines that the public 508
office or the person responsible for public records failed to 509
comply with an obligation in accordance with division (B) of 510
this section. 511

The amount of statutory damages shall be fixed at one 512
hundred dollars for each business day during which the public 513
office or person responsible for the requested public records 514
failed to comply with an obligation in accordance with division 515
(B) of this section, beginning with the day on which the 516
requester files a mandamus action to recover statutory damages, 517
up to a maximum of one thousand dollars. The award of statutory 518
damages shall not be construed as a penalty, but as compensation 519
for injury arising from lost use of the requested information. 520
The existence of this injury shall be conclusively presumed. The 521
award of statutory damages shall be in addition to all other 522

remedies authorized by this section. 523

The court may reduce an award of statutory damages or not 524
award statutory damages if the court determines both of the 525
following: 526

(a) That, based on the ordinary application of statutory 527
law and case law as it existed at the time of the conduct or 528
threatened conduct of the public office or person responsible 529
for the requested public records that allegedly constitutes a 530
failure to comply with an obligation in accordance with division 531
(B) of this section and that was the basis of the mandamus 532
action, a well-informed public office or person responsible for 533
the requested public records reasonably would believe that the 534
conduct or threatened conduct of the public office or person 535
responsible for the requested public records did not constitute 536
a failure to comply with an obligation in accordance with 537
division (B) of this section; 538

(b) That a well-informed public office or person 539
responsible for the requested public records reasonably would 540
believe that the conduct or threatened conduct of the public 541
office or person responsible for the requested public records 542
would serve the public policy that underlies the authority that 543
is asserted as permitting that conduct or threatened conduct. 544

(2) (a) If the court issues a writ of mandamus that orders 545
the public office or the person responsible for the public 546
record to comply with division (B) of this section and 547
determines that the circumstances described in division (C) (1) 548
of this section exist, the court shall determine and award to 549
the relator all court costs. 550

(b) If the court renders a judgment that orders the public 551

office or the person responsible for the public record to comply 552
with division (B) of this section, the court may award 553
reasonable attorney's fees subject to reduction as described in 554
division (C) (2) (c) of this section. The court shall award 555
reasonable attorney's fees, subject to reduction as described in 556
division (C) (2) (c) of this section when either of the following 557
applies: 558

(i) The public office or the person responsible for the 559
public records failed to respond affirmatively or negatively to 560
the public records request in accordance with the time allowed 561
under division (B) of this section. 562

(ii) The public office or the person responsible for the 563
public records promised to permit the relator to inspect or 564
receive copies of the public records requested within a 565
specified period of time but failed to fulfill that promise 566
within that specified period of time. 567

(c) Court costs and reasonable attorney's fees awarded 568
under this section shall be construed as remedial and not 569
punitive. Reasonable attorney's fees shall include reasonable 570
fees incurred to produce proof of the reasonableness and amount 571
of the fees and to otherwise litigate entitlement to the fees. 572
The court may reduce an award of attorney's fees to the relator 573
or not award attorney's fees to the relator if the court 574
determines both of the following: 575

(i) That, based on the ordinary application of statutory 576
law and case law as it existed at the time of the conduct or 577
threatened conduct of the public office or person responsible 578
for the requested public records that allegedly constitutes a 579
failure to comply with an obligation in accordance with division 580
(B) of this section and that was the basis of the mandamus 581

action, a well-informed public office or person responsible for 582
the requested public records reasonably would believe that the 583
conduct or threatened conduct of the public office or person 584
responsible for the requested public records did not constitute 585
a failure to comply with an obligation in accordance with 586
division (B) of this section; 587

(ii) That a well-informed public office or person 588
responsible for the requested public records reasonably would 589
believe that the conduct or threatened conduct of the public 590
office or person responsible for the requested public records as 591
described in division (C) (2) (c) (i) of this section would serve 592
the public policy that underlies the authority that is asserted 593
as permitting that conduct or threatened conduct. 594

(D) Chapter 1347. of the Revised Code does not limit the 595
provisions of this section. 596

(E) (1) To ensure that all employees of public offices are 597
appropriately educated about a public office's obligations under 598
division (B) of this section, all elected officials or their 599
appropriate designees shall attend training approved by the 600
attorney general as provided in section 109.43 of the Revised 601
Code. In addition, all public offices shall adopt a public 602
records policy in compliance with this section for responding to 603
public records requests. In adopting a public records policy 604
under this division, a public office may obtain guidance from 605
the model public records policy developed and provided to the 606
public office by the attorney general under section 109.43 of 607
the Revised Code. Except as otherwise provided in this section, 608
the policy may not limit the number of public records that the 609
public office will make available to a single person, may not 610
limit the number of public records that it will make available 611

during a fixed period of time, and may not establish a fixed 612
period of time before it will respond to a request for 613
inspection or copying of public records, unless that period is 614
less than eight hours. 615

(2) The public office shall distribute the public records 616
policy adopted by the public office under division (E)(1) of 617
this section to the employee of the public office who is the 618
records custodian or records manager or otherwise has custody of 619
the records of that office. The public office shall require that 620
employee to acknowledge receipt of the copy of the public 621
records policy. The public office shall create a poster that 622
describes its public records policy and shall post the poster in 623
a conspicuous place in the public office and in all locations 624
where the public office has branch offices. The public office 625
may post its public records policy on the internet web site of 626
the public office if the public office maintains an internet web 627
site. A public office that has established a manual or handbook 628
of its general policies and procedures for all employees of the 629
public office shall include the public records policy of the 630
public office in the manual or handbook. 631

(F)(1) The bureau of motor vehicles may adopt rules 632
pursuant to Chapter 119. of the Revised Code to reasonably limit 633
the number of bulk commercial special extraction requests made 634
by a person for the same records or for updated records during a 635
calendar year. The rules may include provisions for charges to 636
be made for bulk commercial special extraction requests for the 637
actual cost of the bureau, plus special extraction costs, plus 638
ten per cent. The bureau may charge for expenses for redacting 639
information, the release of which is prohibited by law. 640

(2) As used in division (F)(1) of this section: 641

(a) "Actual cost" means the cost of depleted supplies, 642
records storage media costs, actual mailing and alternative 643
delivery costs, or other transmitting costs, and any direct 644
equipment operating and maintenance costs, including actual 645
costs paid to private contractors for copying services. 646

(b) "Bulk commercial special extraction request" means a 647
request for copies of a record for information in a format other 648
than the format already available, or information that cannot be 649
extracted without examination of all items in a records series, 650
class of records, or database by a person who intends to use or 651
forward the copies for surveys, marketing, solicitation, or 652
resale for commercial purposes. "Bulk commercial special 653
extraction request" does not include a request by a person who 654
gives assurance to the bureau that the person making the request 655
does not intend to use or forward the requested copies for 656
surveys, marketing, solicitation, or resale for commercial 657
purposes. 658

(c) "Commercial" means profit-seeking production, buying, 659
or selling of any good, service, or other product. 660

(d) "Special extraction costs" means the cost of the time 661
spent by the lowest paid employee competent to perform the task, 662
the actual amount paid to outside private contractors employed 663
by the bureau, or the actual cost incurred to create computer 664
programs to make the special extraction. "Special extraction 665
costs" include any charges paid to a public agency for computer 666
or records services. 667

(3) For purposes of divisions (F) (1) and (2) of this 668
section, "surveys, marketing, solicitation, or resale for 669
commercial purposes" shall be narrowly construed and does not 670
include reporting or gathering news, reporting or gathering 671

information to assist citizen oversight or understanding of the 672
operation or activities of government, or nonprofit educational 673
research. 674

Sec. 323.13. Except as provided in section 323.134 of the 675
Revised Code, immediately upon receipt of any tax duplicate from 676
the county auditor, but not less than twenty days prior to the 677
last date on which the first one-half taxes may be paid without 678
penalty as prescribed in section 323.12 or 323.17 of the Revised 679
Code, the county treasurer shall cause to be prepared and mailed 680
or delivered to each person charged on such duplicate with taxes 681
or to an agent designated by such person, the tax bill 682
prescribed by the commissioner of tax equalization under section 683
323.131 of the Revised Code. When taxes are paid by 684
installments, the county treasurer shall mail or deliver to each 685
person charged on such duplicate or the agent designated by such 686
person, a second tax bill showing the amount due at the time of 687
the second tax collection. The second-half tax bill shall be 688
mailed or delivered at least twenty days prior to the close of 689
the second-half tax collection period. The treasurer shall 690
maintain a record of the person or agent to whom each bill is 691
mailed or delivered. 692

After delivery of the delinquent land duplicate as 693
prescribed in section 5721.011 of the Revised Code, the county 694
treasurer may prepare and mail to each person in whose name 695
property therein is listed an additional tax bill showing the 696
total amount of delinquent taxes appearing on such duplicate 697
against such property. The tax bill shall include a notice that 698
the interest charge prescribed by division (B) of section 699
323.121 of the Revised Code has begun to accrue. 700

A change in the mailing address of any tax bill shall be 701

made in writing to the county treasurer. 702

Upon certification by the county auditor of the 703
apportionment of taxes following the transfer of a part of a 704
tract or lot of real estate, and upon request by the owner of 705
any transferred or remaining part of such tract or parcel, the 706
treasurer shall cause to be prepared and mailed or delivered to 707
such owner a tax bill for the taxes allocated to the owner's 708
part, together with the penalties, interest, and other charges. 709

Failure to receive any bill required by this section does 710
not excuse failure or delay to pay any taxes shown on such bill 711
or, except as provided in division (B) (1) of section 5715.39 of 712
the Revised Code, avoid any penalty, interest, or charge for 713
such delay. 714

Taxpayer electronic mail address lists created and used by 715
a county treasurer's office for the delivery of tax bills or tax 716
payment information are not public records under section 149.43 717
of the Revised Code. 718

Section 2. That existing sections 149.43 and 323.13 of the 719
Revised Code are hereby repealed. 720