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Representatives Huffman, Cera

Cosponsors: Representatives Becker, Butler, Gavarone, Goodman, Lipps, Riedel, Reineke, Retherford, Rezabek, Sprague, Thompson, Antonio, Boccieri, Boggs, Celebrezze, Craig, Fedor, Reece, Rogers, Smith, K., Strahorn, Sweeney, West, Anielski, Arndt, Ashford, Barnes, Boyd, Brown, Carfagna, Faber, Galonski, Ginter, Greenspan, Hill, Holmes, Howse, Hughes, Johnson, Landis, LaTourette, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Romanchuk, Ryan, Schuring, Sheehy, Stein, Sykes, Young

A BILL

To amend sections 149.43 and 149.45 of the Revised Code to include judges and magistrates as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet.

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

Section 1. That sections 149.43 and 149.45 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- 15
profit entity operating the alternative school pursuant to 16
section 3313.533 of the Revised Code. "Public record" does not 17
mean any of the following: 18

(a) Medical records; 19

(b) Records pertaining to 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 rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	43 44 45 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, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer <u>Designated public service worker</u> residential and familial information;	55 56 57 58 59 60 61
(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;	62 63 64 65 66
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	67 68
(s) In the case of a child fatality review board acting	69

under sections 307.621 to 307.629 of the Revised Code or a 70
review conducted pursuant to guidelines established by the 71
director of health under section 3701.70 of the Revised Code, 72
records provided to the board or director, statements made by 73
board members during meetings of the board or by persons 74
participating in the director's review, and all work products of 75
the board or director, and in the case of a child fatality 76
review board, child fatality review data submitted by the board 77
to the department of health or a national child death review 78
database, other than the report prepared pursuant to division 79
(A) of section 307.626 of the Revised Code; 80

(t) Records provided to and statements made by the 81
executive director of a public children services agency or a 82
prosecuting attorney acting pursuant to section 5153.171 of the 83
Revised Code other than the information released under that 84
section; 85

(u) Test materials, examinations, or evaluation tools used 86
in an examination for licensure as a nursing home administrator 87
that the board of executives of long-term services and supports 88
administers under section 4751.04 of the Revised Code or 89
contracts under that section with a private or government entity 90
to administer; 91

(v) Records the release of which is prohibited by state or 92
federal law; 93

(w) Proprietary information of or relating to any person 94
that is submitted to or compiled by the Ohio venture capital 95
authority created under section 150.01 of the Revised Code; 96

(x) Financial statements and data any person submits for 97
any purpose to the Ohio housing finance agency or the 98

controlling board in connection with applying for, receiving, or	99
accounting for financial assistance from the agency, and	100
information that identifies any individual who benefits directly	101
or indirectly from financial assistance from the agency;	102
(y) Records listed in section 5101.29 of the Revised Code;	103
(z) Discharges recorded with a county recorder under	104
section 317.24 of the Revised Code, as specified in division (B)	105
(2) of that section;	106
(aa) Usage information including names and addresses of	107
specific residential and commercial customers of a municipally	108
owned or operated public utility;	109
(bb) Records described in division (C) of section 187.04	110
of the Revised Code that are not designated to be made available	111
to the public as provided in that division;	112
(cc) Information and records that are made confidential,	113
privileged, and not subject to disclosure under divisions (B)	114
and (C) of section 2949.221 of the Revised Code;	115
(dd) Personal information, as defined in section 149.45 of	116
the Revised Code;	117
(ee) The confidential name, address, and other personally	118
identifiable information of a program participant in the address	119
confidentiality program established under sections 111.41 to	120
111.47 of the Revised Code, including the contents of any	121
application for absent voter's ballots, absent voter's ballot	122
identification envelope statement of voter, or provisional	123
ballot affirmation completed by a program participant who has a	124
confidential voter registration record, and records or portions	125
of records pertaining to that program that identify the number	126
of program participants that reside within a precinct, ward,	127

township, municipal corporation, county, or any other geographic 128
area smaller than the state. As used in this division, 129
"confidential address" and "program participant" have the 130
meaning defined in section 111.41 of the Revised Code. 131

(ff) Orders for active military service of an individual 132
serving or with previous service in the armed forces of the 133
United States, including a reserve component, or the Ohio 134
organized militia, except that, such order becomes a public 135
record on the day that is fifteen years after the published date 136
or effective date of the call to order. 137

(2) "Confidential law enforcement investigatory record" 138
means any record that pertains to a law enforcement matter of a 139
criminal, quasi-criminal, civil, or administrative nature, but 140
only to the extent that the release of the record would create a 141
high probability of disclosure of any of the following: 142

(a) The identity of a suspect who has not been charged 143
with the offense to which the record pertains, or of an 144
information source or witness to whom confidentiality has been 145
reasonably promised; 146

(b) Information provided by an information source or 147
witness to whom confidentiality has been reasonably promised, 148
which information would reasonably tend to disclose the source's 149
or witness's identity; 150

(c) Specific confidential investigatory techniques or 151
procedures or specific investigatory work product; 152

(d) Information that would endanger the life or physical 153
safety of law enforcement personnel, a crime victim, a witness, 154
or a confidential information source. 155

(3) "Medical record" means any document or combination of 156

documents, except births, deaths, and the fact of admission to 157
or discharge from a hospital, that pertains to the medical 158
history, diagnosis, prognosis, or medical condition of a patient 159
and that is generated and maintained in the process of medical 160
treatment. 161

(4) "Trial preparation record" means any record that 162
contains information that is specifically compiled in reasonable 163
anticipation of, or in defense of, a civil or criminal action or 164
proceeding, including the independent thought processes and 165
personal trial preparation of an attorney. 166

(5) "Intellectual property record" means a record, other 167
than a financial or administrative record, that is produced or 168
collected by or for faculty or staff of a state institution of 169
higher learning in the conduct of or as a result of study or 170
research on an educational, commercial, scientific, artistic, 171
technical, or scholarly issue, regardless of whether the study 172
or research was sponsored by the institution alone or in 173
conjunction with a governmental body or private concern, and 174
that has not been publicly released, published, or patented. 175

(6) "Donor profile record" means all records about donors 176
or potential donors to a public institution of higher education 177
except the names and reported addresses of the actual donors and 178
the date, amount, and conditions of the actual donation. 179

(7) "~~Peace-Designated public service worker~~" means a peace 180
officer, parole officer, probation officer, bailiff, prosecuting 181
attorney, assistant prosecuting attorney, correctional employee, 182
community-based correctional facility employee, youth services 183
employee, firefighter, EMT, investigator of the bureau of 184
criminal identification and investigation, judge, magistrate, or 185
federal law enforcement officer. 186

(8) "Designated public service worker residential and 187
familial information" means any information that discloses any 188
of the following about a ~~peace officer, parole officer,~~ 189
~~probation officer, bailiff, prosecuting attorney, assistant~~ 190
~~prosecuting attorney, correctional employee, community based~~ 191
~~correctional facility employee, youth services employee,~~ 192
~~firefighter, EMT, investigator of the bureau of criminal~~ 193
~~identification and investigation, or federal law enforcement~~ 194
~~officer~~ designated public service worker: 195

(a) The address of the actual personal residence of a 196
~~peace officer, parole officer, probation officer, bailiff,~~ 197
~~assistant~~ designated public service worker, other than a 198
prosecuting attorney or judge, ~~correctional employee, community~~ 199
~~based correctional facility employee, youth services employee,~~ 200
~~firefighter, EMT, an investigator of the bureau of criminal~~ 201
~~identification and investigation, or federal law enforcement~~ 202
~~officer,~~ except for the state or political subdivision in which 203
the ~~peace officer, parole officer, probation officer, bailiff,~~ 204
~~assistant~~ designated public service worker, other than a 205
prosecuting attorney or judge, ~~correctional employee, community~~ 206
~~based correctional facility employee, youth services employee,~~ 207
~~firefighter, EMT, investigator of the bureau of criminal~~ 208
~~identification and investigation, or federal law enforcement~~ 209
~~officer~~ resides; 210

(b) Information compiled from referral to or participation 211
in an employee assistance program; 212

(c) The social security number, the residential telephone 213
number, any bank account, debit card, charge card, or credit 214
card number, or the emergency telephone number of, or any 215
medical information pertaining to, a ~~peace officer, parole~~ 216

~~officer, probation officer, bailiff, prosecuting attorney,~~ 217
~~assistant prosecuting attorney, correctional employee,~~ 218
~~community-based correctional facility employee, youth services~~ 219
~~employee, firefighter, EMT, investigator of the bureau of~~ 220
~~criminal identification and investigation, or federal law~~ 221
~~enforcement officer~~ designated public service worker; 222

(d) The name of any beneficiary of employment benefits, 223
including, but not limited to, life insurance benefits, provided 224
to a ~~peace officer, parole officer, probation officer, bailiff,~~ 225
~~prosecuting attorney, assistant prosecuting attorney,~~ 226
~~correctional employee, community-based correctional facility~~ 227
~~employee, youth services employee, firefighter, EMT,~~ 228
~~investigator of the bureau of criminal identification and~~ 229
~~investigation, or federal law enforcement officer~~ designated 230
public service worker by the ~~peace officer's, parole officer's,~~ 231
~~probation officer's, bailiff's, prosecuting attorney's,~~ 232
~~assistant prosecuting attorney's, correctional employee's,~~ 233
~~community-based correctional facility employee's, youth services~~ 234
~~employee's, firefighter's, EMT's, investigator of the bureau of~~ 235
~~criminal identification and investigation's, or federal law~~ 236
~~enforcement officer's~~ designated public service worker's 237
employer; 238

(e) The identity and amount of any charitable or 239
employment benefit deduction made by the ~~peace officer's, parole~~ 240
~~officer's, probation officer's, bailiff's, prosecuting~~ 241
~~attorney's, assistant prosecuting attorney's, correctional~~ 242
~~employee's, community-based correctional facility employee's,~~ 243
~~youth services employee's, firefighter's, EMT's, investigator of~~ 244
~~the bureau of criminal identification and investigation's, or~~ 245
~~federal law enforcement officer's~~ designated public service 246
worker's employer from the ~~peace officer's, parole officer's,~~ 247

~~probation officer's, bailiff's, prosecuting attorney's,~~ 248
~~assistant prosecuting attorney's, correctional employee's,~~ 249
~~community-based correctional facility employee's, youth services-~~ 250
~~employee's, firefighter's, EMT's, investigator of the bureau of-~~ 251
~~criminal identification and investigation's, or federal law-~~ 252
~~enforcement officer's~~ designated public service worker's 253
compensation, unless the amount of the deduction is required by 254
state or federal law; 255

(f) The name, the residential address, the name of the 256
employer, the address of the employer, the social security 257
number, the residential telephone number, any bank account, 258
debit card, charge card, or credit card number, or the emergency 259
telephone number of the spouse, a former spouse, or any child of 260
~~a peace officer, parole officer, probation officer, bailiff,~~ 261
~~prosecuting attorney, assistant prosecuting attorney,~~ 262
~~correctional employee, community-based correctional facility-~~ 263
~~employee, youth services employee, firefighter, EMT,~~ 264
~~investigator of the bureau of criminal identification and-~~ 265
~~investigation, or federal law enforcement officer~~ designated 266
public service worker; 267

(g) A photograph of a peace officer who holds a position 268
or has an assignment that may include undercover or plain 269
clothes positions or assignments as determined by the peace 270
officer's appointing authority. 271

(9) As used in ~~divisions~~ division (A) (7) and ~~(B) (9)~~ of 272
this section, ~~"peace~~; 273

"Peace officer" has the ~~same~~ meaning as defined in section 274
109.71 of the Revised Code and also includes the superintendent 275
and troopers of the state highway patrol; it does not include 276
the sheriff of a county or a supervisory employee who, in the 277

absence of the sheriff, is authorized to stand in for, exercise 278
the authority of, and perform the duties of the sheriff. 279

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 280
~~"correctional"~~ "Correctional employee" means any employee of the 281
department of rehabilitation and correction who in the course of 282
performing the employee's job duties has or has had contact with 283
inmates and persons under supervision. 284

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 285
~~"youth"~~ "Youth services employee" means any employee of the 286
department of youth services who in the course of performing the 287
employee's job duties has or has had contact with children 288
committed to the custody of the department of youth services. 289

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 290
~~"firefighter"~~ "Firefighter" means any regular, paid or 291
volunteer, member of a lawfully constituted fire department of a 292
municipal corporation, township, fire district, or village. 293

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 294
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 295
emergency medical services for a public emergency medical 296
service organization. "Emergency medical service organization," 297
"EMT-basic," "EMT-I," and "paramedic" have the ~~same~~ meanings as 298
defined in section 4765.01 of the Revised Code. 299

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 300
~~"investigator"~~ "Investigator of the bureau of criminal 301
identification and investigation" has the meaning defined in 302
section 2903.11 of the Revised Code. 303

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 304
~~"federal"~~ "Federal law enforcement officer" has the meaning 305
defined in section 9.88 of the Revised Code. 306

~~(8)~~(10) "Information pertaining to the recreational 307
activities of a person under the age of eighteen" means 308
information that is kept in the ordinary course of business by a 309
public office, that pertains to the recreational activities of a 310
person under the age of eighteen years, and that discloses any 311
of the following: 312

(a) The address or telephone number of a person under the 313
age of eighteen or the address or telephone number of that 314
person's parent, guardian, custodian, or emergency contact 315
person; 316

(b) The social security number, birth date, or 317
photographic image of a person under the age of eighteen; 318

(c) Any medical record, history, or information pertaining 319
to a person under the age of eighteen; 320

(d) Any additional information sought or required about a 321
person under the age of eighteen for the purpose of allowing 322
that person to participate in any recreational activity 323
conducted or sponsored by a public office or to use or obtain 324
admission privileges to any recreational facility owned or 325
operated by a public office. 326

~~(9)~~(11) "Community control sanction" has the ~~same~~ meaning 327
~~as defined~~ in section 2929.01 of the Revised Code. 328

~~(10)~~(12) "Post-release control sanction" has the ~~same~~ 329
meaning ~~as defined~~ in section 2967.01 of the Revised Code. 330

~~(11)~~(13) "Redaction" means obscuring or deleting any 331
information that is exempt from the duty to permit public 332
inspection or copying from an item that otherwise meets the 333
definition of a "record" in section 149.011 of the Revised Code. 334

~~(12)~~(14) "Designee" and "elected official" have the ~~same~~ 335
meanings ~~as defined~~ in section 109.43 of the Revised Code. 336

(B) (1) Upon request and subject to division (B) (8) of this 337
section, all public records responsive to the request shall be 338
promptly prepared and made available for inspection to any 339
person at all reasonable times during regular business hours. 340
Subject to division (B) (8) of this section, upon request by any 341
person, a public office or person responsible for public records 342
shall make copies of the requested public record available to 343
the requester at cost and within a reasonable period of time. If 344
a public record contains information that is exempt from the 345
duty to permit public inspection or to copy the public record, 346
the public office or the person responsible for the public 347
record shall make available all of the information within the 348
public record that is not exempt. When making that public record 349
available for public inspection or copying that public record, 350
the public office or the person responsible for the public 351
record shall notify the requester of any redaction or make the 352
redaction plainly visible. A redaction shall be deemed a denial 353
of a request to inspect or copy the redacted information, except 354
if federal or state law authorizes or requires a public office 355
to make the redaction. 356

(2) To facilitate broader access to public records, a 357
public office or the person responsible for public records shall 358
organize and maintain public records in a manner that they can 359
be made available for inspection or copying in accordance with 360
division (B) of this section. A public office also shall have 361
available a copy of its current records retention schedule at a 362
location readily available to the public. If a requester makes 363
an ambiguous or overly broad request or has difficulty in making 364
a request for copies or inspection of public records under this 365

section such that the public office or the person responsible 366
for the requested public record cannot reasonably identify what 367
public records are being requested, the public office or the 368
person responsible for the requested public record may deny the 369
request but shall provide the requester with an opportunity to 370
revise the request by informing the requester of the manner in 371
which records are maintained by the public office and accessed 372
in the ordinary course of the public office's or person's 373
duties. 374

(3) If a request is ultimately denied, in part or in 375
whole, the public office or the person responsible for the 376
requested public record shall provide the requester with an 377
explanation, including legal authority, setting forth why the 378
request was denied. If the initial request was provided in 379
writing, the explanation also shall be provided to the requester 380
in writing. The explanation shall not preclude the public office 381
or the person responsible for the requested public record from 382
relying upon additional reasons or legal authority in defending 383
an action commenced under division (C) of this section. 384

(4) Unless specifically required or authorized by state or 385
federal law or in accordance with division (B) of this section, 386
no public office or person responsible for public records may 387
limit or condition the availability of public records by 388
requiring disclosure of the requester's identity or the intended 389
use of the requested public record. Any requirement that the 390
requester disclose the requester's identity or the intended use 391
of the requested public record constitutes a denial of the 392
request. 393

(5) A public office or person responsible for public 394
records may ask a requester to make the request in writing, may 395

ask for the requester's identity, and may inquire about the 396
intended use of the information requested, but may do so only 397
after disclosing to the requester that a written request is not 398
mandatory and that the requester may decline to reveal the 399
requester's identity or the intended use and when a written 400
request or disclosure of the identity or intended use would 401
benefit the requester by enhancing the ability of the public 402
office or person responsible for public records to identify, 403
locate, or deliver the public records sought by the requester. 404

(6) If any person ~~chooses to obtain~~ requests a copy of a 405
public record in accordance with division (B) of this section, 406
the public office or person responsible for the public record 407
may require that person to pay in advance the cost involved in 408
providing the copy of the public record in accordance with the 409
choice made by the person ~~seeking~~ requesting the copy under this 410
division. The public office or the person responsible for the 411
public record shall permit that person to choose to have the 412
public record duplicated upon paper, upon the same medium upon 413
which the public office or person responsible for the public 414
record keeps it, or upon any other medium upon which the public 415
office or person responsible for the public record determines 416
that it reasonably can be duplicated as an integral part of the 417
normal operations of the public office or person responsible for 418
the public record. When the person ~~seeking~~ requesting the copy 419
makes a choice under this division, the public office or person 420
responsible for the public record shall provide a copy of it in 421
accordance with the choice made by ~~the~~ that person ~~seeking the~~ 422
~~copy~~. Nothing in this section requires a public office or person 423
responsible for the public record to allow the person ~~seeking~~ 424
requesting a copy of the public record to make the copies of the 425
public record. 426

(7) (a) Upon a request made in accordance with division (B) 427
of this section and subject to division (B) (6) of this section, 428
a public office or person responsible for public records shall 429
transmit a copy of a public record to any person by United 430
States mail or by any other means of delivery or transmission 431
within a reasonable period of time after receiving the request 432
for the copy. The public office or person responsible for the 433
public record may require the person making the request to pay 434
in advance the cost of postage if the copy is transmitted by 435
United States mail or the cost of delivery if the copy is 436
transmitted other than by United States mail, and to pay in 437
advance the costs incurred for other supplies used in the 438
mailing, delivery, or transmission. 439

(b) Any public office may adopt a policy and procedures 440
that it will follow in transmitting, within a reasonable period 441
of time after receiving a request, copies of public records by 442
United States mail or by any other means of delivery or 443
transmission pursuant to division (B) (7) of this section. A 444
public office that adopts a policy and procedures under division 445
(B) (7) of this section shall comply with them in performing its 446
duties under that division. 447

(c) In any policy and procedures adopted under division 448
(B) (7) of this section: 449

(i) A public office may limit the number of records 450
requested by a person that the office will physically deliver by 451
United States mail or by another delivery service to ten per 452
month, unless the person certifies to the office in writing that 453
the person does not intend to use or forward the requested 454
records, or the information contained in them, for commercial 455
purposes; 456

(ii) A public office that chooses to provide some or all 457
of its public records on a web site that is fully accessible to 458
and searchable by members of the public at all times, other than 459
during acts of God outside the public office's control or 460
maintenance, and that charges no fee to search, access, 461
download, or otherwise receive records provided on the web site, 462
may limit to ten per month the number of records requested by a 463
person that the office will deliver in a digital format, unless 464
the requested records are not provided on the web site and 465
unless the person certifies to the office in writing that the 466
person does not intend to use or forward the requested records, 467
or the information contained in them, for commercial purposes. 468

(iii) For purposes of division (B)(7) of this section, 469
"commercial" shall be narrowly construed and does not include 470
reporting or gathering news, reporting or gathering information 471
to assist citizen oversight or understanding of the operation or 472
activities of government, or nonprofit educational research. 473

(8) A public office or person responsible for public 474
records is not required to permit a person who is incarcerated 475
pursuant to a criminal conviction or a juvenile adjudication to 476
inspect or to obtain a copy of any public record concerning a 477
criminal investigation or prosecution or concerning what would 478
be a criminal investigation or prosecution if the subject of the 479
investigation or prosecution were an adult, unless the request 480
to inspect or to obtain a copy of the record is for the purpose 481
of acquiring information that is subject to release as a public 482
record under this section and the judge who imposed the sentence 483
or made the adjudication with respect to the person, or the 484
judge's successor in office, finds that the information sought 485
in the public record is necessary to support what appears to be 486
a justiciable claim of the person. 487

(9) (a) Upon written request made and signed by a 488
journalist ~~on or after December 16, 1999,~~ a public office, or 489
person responsible for public records, having custody of the 490
records of the agency employing a specified ~~peace officer,~~ 491
~~parole officer, probation officer, bailiff, prosecuting~~ 492
~~attorney, assistant prosecuting attorney, correctional employee,~~ 493
~~community based correctional facility employee, youth services~~ 494
~~employee, firefighter, EMT, investigator of the bureau of~~ 495
~~criminal identification and investigation, or federal law~~ 496
~~enforcement officer~~ designated public service worker shall 497
disclose to the journalist the address of the actual personal 498
residence of the ~~peace officer, parole officer, probation~~ 499
~~officer, bailiff, prosecuting attorney, assistant prosecuting~~ 500
~~attorney, correctional employee, community based correctional~~ 501
~~facility employee, youth services employee, firefighter, EMT,~~ 502
~~investigator of the bureau of criminal identification and~~ 503
~~investigation, or federal law enforcement officer~~ designated 504
public service worker and, if the ~~peace officer's, parole~~ 505
~~officer's, probation officer's, bailiff's, prosecuting~~ 506
~~attorney's, assistant prosecuting attorney's, correctional~~ 507
~~employee's, community based correctional facility employee's,~~ 508
~~youth services employee's, firefighter's, EMT's, investigator of~~ 509
~~the bureau of criminal identification and investigation's, or~~ 510
~~federal law enforcement officer's~~ designated public service 511
worker's spouse, former spouse, or child is employed by a public 512
office, the name and address of the employer of the ~~peace~~ 513
~~officer's, parole officer's, probation officer's, bailiff's,~~ 514
~~prosecuting attorney's, assistant prosecuting attorney's,~~ 515
~~correctional employee's, community based correctional facility~~ 516
~~employee's, youth services employee's, firefighter's, EMT's,~~ 517
~~investigator of the bureau of criminal identification and~~ 518
~~investigation's, or federal law enforcement officer's~~ designated 519

public service worker's spouse, former spouse, or child. The 520
request shall include the journalist's name and title and the 521
name and address of the journalist's employer and shall state 522
that disclosure of the information sought would be in the public 523
interest. 524

(b) Division (B) (9) (a) of this section also applies to 525
journalist requests for customer information maintained by a 526
municipally owned or operated public utility, other than social 527
security numbers and any private financial information such as 528
credit reports, payment methods, credit card numbers, and bank 529
account information. 530

(c) As used in division (B) (9) of this section, 531
"journalist" means a person engaged in, connected with, or 532
employed by any news medium, including a newspaper, magazine, 533
press association, news agency, or wire service, a radio or 534
television station, or a similar medium, for the purpose of 535
gathering, processing, transmitting, compiling, editing, or 536
disseminating information for the general public. 537

(C) (1) If a person allegedly is aggrieved by the failure 538
of a public office or the person responsible for public records 539
to promptly prepare a public record and to make it available to 540
the person for inspection in accordance with division (B) of 541
this section or by any other failure of a public office or the 542
person responsible for public records to comply with an 543
obligation in accordance with division (B) of this section, the 544
person allegedly aggrieved may do only one of the following, and 545
not both: 546

(a) File a complaint with the clerk of the court of claims 547
or the clerk of the court of common pleas under section 2743.75 548
of the Revised Code; 549

(b) Commence a mandamus action to obtain a judgment that 550
orders the public office or the person responsible for the 551
public record to comply with division (B) of this section, that 552
awards court costs and reasonable attorney's fees to the person 553
that instituted the mandamus action, and, if applicable, that 554
includes an order fixing statutory damages under division (C) (2) 555
of this section. The mandamus action may be commenced in the 556
court of common pleas of the county in which division (B) of 557
this section allegedly was not complied with, in the supreme 558
court pursuant to its original jurisdiction under Section 2 of 559
Article IV, Ohio Constitution, or in the court of appeals for 560
the appellate district in which division (B) of this section 561
allegedly was not complied with pursuant to its original 562
jurisdiction under Section 3 of Article IV, Ohio Constitution. 563

(2) If a requester transmits a written request by hand 564
delivery or certified mail to inspect or receive copies of any 565
public record in a manner that fairly describes the public 566
record or class of public records to the public office or person 567
responsible for the requested public records, except as 568
otherwise provided in this section, the requester shall be 569
entitled to recover the amount of statutory damages set forth in 570
this division if a court determines that the public office or 571
the person responsible for public records failed to comply with 572
an obligation in accordance with division (B) of this section. 573

The amount of statutory damages shall be fixed at one 574
hundred dollars for each business day during which the public 575
office or person responsible for the requested public records 576
failed to comply with an obligation in accordance with division 577
(B) of this section, beginning with the day on which the 578
requester files a mandamus action to recover statutory damages, 579
up to a maximum of one thousand dollars. The award of statutory 580

damages shall not be construed as a penalty, but as compensation 581
for injury arising from lost use of the requested information. 582
The existence of this injury shall be conclusively presumed. The 583
award of statutory damages shall be in addition to all other 584
remedies authorized by this section. 585

The court may reduce an award of statutory damages or not 586
award statutory damages if the court determines both of the 587
following: 588

(a) That, based on the ordinary application of statutory 589
law and case law as it existed at the time of the conduct or 590
threatened conduct of the public office or person responsible 591
for the requested public records that allegedly constitutes a 592
failure to comply with an obligation in accordance with division 593
(B) of this section and that was the basis of the mandamus 594
action, a well-informed public office or person responsible for 595
the requested public records reasonably would believe that the 596
conduct or threatened conduct of the public office or person 597
responsible for the requested public records did not constitute 598
a failure to comply with an obligation in accordance with 599
division (B) of this section; 600

(b) That a well-informed public office or person 601
responsible for the requested public records reasonably would 602
believe that the conduct or threatened conduct of the public 603
office or person responsible for the requested public records 604
would serve the public policy that underlies the authority that 605
is asserted as permitting that conduct or threatened conduct. 606

(3) In a mandamus action filed under division (C) (1) of 607
this section, the following apply: 608

(a) (i) If the court orders the public office or the person 609

responsible for the public record to comply with division (B) of 610
this section, the court shall determine and award to the relator 611
all court costs, which shall be construed as remedial and not 612
punitive. 613

(ii) If the court makes a determination described in 614
division (C) (3) (b) (iii) of this section, the court shall 615
determine and award to the relator all court costs, which shall 616
be construed as remedial and not punitive. 617

(b) If the court renders a judgment that orders the public 618
office or the person responsible for the public record to comply 619
with division (B) of this section or if the court determines any 620
of the following, the court may award reasonable attorney's fees 621
to the relator, subject to ~~the provisions of~~ division (C) (4) of 622
this section: 623

(i) The public office or the person responsible for the 624
public records failed to respond affirmatively or negatively to 625
the public records request in accordance with the time allowed 626
under division (B) of this section. 627

(ii) The public office or the person responsible for the 628
public records promised to permit the relator to inspect or 629
receive copies of the public records requested within a 630
specified period of time but failed to fulfill that promise 631
within that specified period of time. 632

(iii) The public office or the person responsible for the 633
public records acted in bad faith when the office or person 634
voluntarily made the public records available to the relator for 635
the first time after the relator commenced the mandamus action, 636
but before the court issued any order concluding whether or not 637
the public office or person was required to comply with division 638

(B) of this section. No discovery may be conducted on the issue 639
of the alleged bad faith of the public office or person 640
responsible for the public records. This division shall not be 641
construed as creating a presumption that the public office or 642
the person responsible for the public records acted in bad faith 643
when the office or person voluntarily made the public records 644
available to the relator for the first time after the relator 645
commenced the mandamus action, but before the court issued any 646
order described in this division. 647

(c) The court shall not award attorney's fees to the 648
relator if the court determines both of the following: 649

(i) That, based on the ordinary application of statutory 650
law and case law as it existed at the time of the conduct or 651
threatened conduct of the public office or person responsible 652
for the requested public records that allegedly constitutes a 653
failure to comply with an obligation in accordance with division 654
(B) of this section and that was the basis of the mandamus 655
action, a well-informed public office or person responsible for 656
the requested public records reasonably would believe that the 657
conduct or threatened conduct of the public office or person 658
responsible for the requested public records did not constitute 659
a failure to comply with an obligation in accordance with 660
division (B) of this section; 661

(ii) That a well-informed public office or person 662
responsible for the requested public records reasonably would 663
believe that the conduct or threatened conduct of the public 664
office or person responsible for the requested public records 665
would serve the public policy that underlies the authority that 666
is asserted as permitting that conduct or threatened conduct. 667

(4) All of the following apply to any award of reasonable 668

attorney's fees awarded under division (C) (3) (b) of this section: 669
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(a) The fees shall be construed as remedial and not punitive. 671
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(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. 673
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(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. 677
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(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. 680
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(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. 686
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 693
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(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their 695
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appropriate designees shall attend training approved by the 698
attorney general as provided in section 109.43 of the Revised 699
Code. In addition, all public offices shall adopt a public 700
records policy in compliance with this section for responding to 701
public records requests. In adopting a public records policy 702
under this division, a public office may obtain guidance from 703
the model public records policy developed and provided to the 704
public office by the attorney general under section 109.43 of 705
the Revised Code. Except as otherwise provided in this section, 706
the policy may not limit the number of public records that the 707
public office will make available to a single person, may not 708
limit the number of public records that it will make available 709
during a fixed period of time, and may not establish a fixed 710
period of time before it will respond to a request for 711
inspection or copying of public records, unless that period is 712
less than eight hours. 713

(2) The public office shall distribute the public records 714
policy adopted by the public office under division (E) (1) of 715
this section to the employee of the public office who is the 716
records custodian or records manager or otherwise has custody of 717
the records of that office. The public office shall require that 718
employee to acknowledge receipt of the copy of the public 719
records policy. The public office shall create a poster that 720
describes its public records policy and shall post the poster in 721
a conspicuous place in the public office and in all locations 722
where the public office has branch offices. The public office 723
may post its public records policy on the internet web site of 724
the public office if the public office maintains an internet web 725
site. A public office that has established a manual or handbook 726
of its general policies and procedures for all employees of the 727
public office shall include the public records policy of the 728

public office in the manual or handbook. 729

(F) (1) The bureau of motor vehicles may adopt rules 730
pursuant to Chapter 119. of the Revised Code to reasonably limit 731
the number of bulk commercial special extraction requests made 732
by a person for the same records or for updated records during a 733
calendar year. The rules may include provisions for charges to 734
be made for bulk commercial special extraction requests for the 735
actual cost of the bureau, plus special extraction costs, plus 736
ten per cent. The bureau may charge for expenses for redacting 737
information, the release of which is prohibited by law. 738

(2) As used in division (F) (1) of this section: 739

(a) "Actual cost" means the cost of depleted supplies, 740
records storage media costs, actual mailing and alternative 741
delivery costs, or other transmitting costs, and any direct 742
equipment operating and maintenance costs, including actual 743
costs paid to private contractors for copying services. 744

(b) "Bulk commercial special extraction request" means a 745
request for copies of a record for information in a format other 746
than the format already available, or information that cannot be 747
extracted without examination of all items in a records series, 748
class of records, or database by a person who intends to use or 749
forward the copies for surveys, marketing, solicitation, or 750
resale for commercial purposes. "Bulk commercial special 751
extraction request" does not include a request by a person who 752
gives assurance to the bureau that the person making the request 753
does not intend to use or forward the requested copies for 754
surveys, marketing, solicitation, or resale for commercial 755
purposes. 756

(c) "Commercial" means profit-seeking production, buying, 757

or selling of any good, service, or other product. 758

(d) "Special extraction costs" means the cost of the time 759
spent by the lowest paid employee competent to perform the task, 760
the actual amount paid to outside private contractors employed 761
by the bureau, or the actual cost incurred to create computer 762
programs to make the special extraction. "Special extraction 763
costs" include any charges paid to a public agency for computer 764
or records services. 765

(3) For purposes of divisions (F)(1) and (2) of this 766
section, "surveys, marketing, solicitation, or resale for 767
commercial purposes" shall be narrowly construed and does not 768
include reporting or gathering news, reporting or gathering 769
information to assist citizen oversight or understanding of the 770
operation or activities of government, or nonprofit educational 771
research. 772

(G) A request by a defendant, counsel of a defendant, or 773
any agent of a defendant in a criminal action that public 774
records related to that action be made available under this 775
section shall be considered a demand for discovery pursuant to 776
the Criminal Rules, except to the extent that the Criminal Rules 777
plainly indicate a contrary intent. The defendant, counsel of 778
the defendant, or agent of the defendant making a request under 779
this division shall serve a copy of the request on the 780
prosecuting attorney, director of law, or other chief legal 781
officer responsible for prosecuting the action. 782

Sec. 149.45. (A) As used in this section: 783

(1) "Personal information" means any of the following: 784

(a) An individual's social security number; 785

(b) An individual's state or federal tax identification 786

number; 787

(c) An individual's driver's license number or state 788
identification number; 789

(d) An individual's checking account number, savings 790
account number, credit card number, or debit card number; 791

(e) An individual's demand deposit account number, money 792
market account number, mutual fund account number, or any other 793
financial or medical account number. 794

(2) "Public record," "designated public service worker," 795
and ~~"peace officer, parole officer, probation officer, bailiff,~~ 796
~~prosecuting attorney, assistant prosecuting attorney,~~ 797
~~correctional employee, youth services employee, firefighter,~~ 798
~~EMT, investigator of the bureau of criminal identification and~~ 799
~~investigation, or federal law enforcement officer~~ designated 800
public service worker residential and familial information" have 801
the ~~same~~ meanings as defined in section 149.43 of the Revised 802
Code. 803

(3) "Truncate" means to redact all but the last four 804
digits of an individual's social security number. 805

(B) (1) No public office or person responsible for a public 806
office's public records shall make available to the general 807
public on the internet any document that contains an 808
individual's social security number without otherwise redacting, 809
encrypting, or truncating the social security number. 810

(2) A public office or person responsible for a public 811
office's public records that, prior to October 17, 2011, made 812
available to the general public on the internet any document 813
that contains an individual's social security number shall 814
redact, encrypt, or truncate the social security number from 815

that document. 816

(3) Divisions (B) (1) and (2) of this section do not apply 817
to documents that are only accessible through the internet with 818
a password. 819

(C) (1) An individual may request that a public office or a 820
person responsible for a public office's public records redact 821
personal information of that individual from any record made 822
available to the general public on the internet. An individual 823
who makes a request for redaction pursuant to this division 824
shall make the request in writing on a form developed by the 825
attorney general and shall specify the personal information to 826
be redacted and provide any information that identifies the 827
location of that personal information within a document that 828
contains that personal information. 829

(2) Upon receiving a request for a redaction pursuant to 830
division (C) (1) of this section, a public office or a person 831
responsible for a public office's public records shall act 832
within five business days in accordance with the request to 833
redact the personal information of the individual from any 834
record made available to the general public on the internet, if 835
practicable. If a redaction is not practicable, the public 836
office or person responsible for the public office's public 837
records shall verbally or in writing within five business days 838
after receiving the written request explain to the individual 839
why the redaction is impracticable. 840

(3) The attorney general shall develop a form to be used 841
by an individual to request a redaction pursuant to division (C) 842
(1) of this section. The form shall include a place to provide 843
any information that identifies the location of the personal 844
information to be redacted. 845

(D) (1) A ~~peace officer, parole officer, probation officer,~~ 846
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 847
~~correctional employee, youth services employee, firefighter,~~ 848
~~EMT, investigator of the bureau of criminal identification and~~ 849
~~investigation, or federal law enforcement officer~~ designated 850
public service worker may request that a public office, other 851
than a county auditor, or a person responsible for the public 852
records of a public office, other than a county auditor, redact 853
the designated public service worker's address ~~of the person~~ 854
 ~~making the request~~ from any record made available to the general 855
public on the internet that includes ~~peace officer, parole~~ 856
 ~~officer, probation officer, bailiff, prosecuting attorney,~~ 857
 ~~assistant prosecuting attorney, correctional employee, youth~~ 858
 ~~services employee, firefighter, EMT, investigator of the bureau~~ 859
 ~~of criminal identification and investigation, or federal law~~ 860
 ~~enforcement officer~~ designated public service worker residential 861
and familial information of the ~~person~~ designated public service 862
 worker making the request. A ~~person~~ designated public service 863
 worker who makes a request for a redaction pursuant to this 864
division shall make the request in writing and on a form 865
developed by the attorney general. 866

(2) Upon receiving a written request for a redaction 867
pursuant to division (D) (1) of this section, a public office, other 868
than a county auditor, or a person responsible for the 869
public records of a public office, other than a county auditor, 870
shall act within five business days in accordance with the 871
request to redact the address of the ~~peace officer, parole~~ 872
 ~~officer, probation officer, bailiff, prosecuting attorney,~~ 873
 ~~assistant prosecuting attorney, correctional employee, youth~~ 874
 ~~services employee, firefighter, EMT, investigator of the bureau~~ 875
 ~~of criminal identification and investigation, or federal law~~ 876

~~enforcement officer~~ designated public service worker making the 877
request from any record made available to the general public on 878
the internet that includes ~~peace officer, parole officer,~~ 879
~~probation officer, bailiff, prosecuting attorney, assistant~~ 880
~~prosecuting attorney, correctional employee, youth services~~ 881
~~employee, firefighter, EMT, investigator of the bureau of~~ 882
~~criminal identification and investigation, or federal law~~ 883
~~enforcement officer~~ designated public service worker residential 884
and familial information of the ~~person~~ designated public service 885
worker making the request, if practicable. If a redaction is not 886
practicable, the public office or person responsible for the 887
public office's public records shall verbally or in writing 888
within five business days after receiving the written request 889
explain to the ~~peace officer, parole officer, probation officer,~~ 890
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 891
~~correctional employee, youth services employee, firefighter,~~ 892
~~EMT, investigator of the bureau of criminal identification and~~ 893
~~investigation, or federal law enforcement officer~~ designated 894
public service worker why the redaction is impracticable. 895

(3) Except as provided in this section and section 319.28 896
of the Revised Code, a public office, other than an employer of 897
a ~~peace officer, parole officer, probation officer, bailiff,~~ 898
~~prosecuting attorney, assistant prosecuting attorney,~~ 899
~~correctional employee, youth services employee, firefighter,~~ 900
~~EMT, investigator of the bureau of criminal identification and~~ 901
~~investigation, or federal law enforcement officer~~ designated 902
public service worker, or a person responsible for the public 903
records of the employer, is not required to redact the 904
designated public service worker residential and familial 905
information of the ~~peace officer, parole officer, probation~~ 906
~~officer, bailiff, prosecuting attorney, assistant prosecuting~~ 907

~~attorney, correctional employee, youth services employee,~~ 908
~~firefighter, EMT, investigator of the bureau of criminal~~ 909
~~identification and investigation, or federal law enforcement~~ 910
~~officer~~ designated public service worker from other records 911
maintained by the public office. 912

(4) The attorney general shall develop a form to be used 913
by a ~~peace officer, parole officer, probation officer, bailiff,~~ 914
~~prosecuting attorney, assistant prosecuting attorney,~~ 915
~~correctional employee, youth services employee, firefighter,~~ 916
~~EMT, investigator of the bureau of criminal identification and~~ 917
~~investigation, or federal law enforcement officer~~ designated 918
public service worker to request a redaction pursuant to 919
division (D)(1) of this section. The form shall include a place 920
to provide any information that identifies the location of the 921
address of a ~~peace officer, parole officer, probation officer,~~ 922
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 923
~~correctional employee, youth services employee, firefighter,~~ 924
~~EMT, investigator of the bureau of criminal identification and~~ 925
~~investigation, or federal law enforcement officer~~ the designated 926
public service worker to be redacted. 927

(E)(1) If a public office or a person responsible for a 928
public office's public records becomes aware that an electronic 929
record of that public office that is made available to the 930
general public on the internet contains an individual's social 931
security number that was mistakenly not redacted, encrypted, or 932
truncated as required by division (B)(1) or (2) of this section, 933
the public office or person responsible for the public office's 934
public records shall redact, encrypt, or truncate the 935
individual's social security number within a reasonable period 936
of time. 937

(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a ~~peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer designated public service worker~~ sustains as a result of the inclusion of the designated public service worker's address ~~of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer~~ on any record made available to the general public on the internet in violation of this section, unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner or unless division (A) (6) (a) or (c) of section 2744.03 of the Revised Code applies.

Section 2. That existing sections 149.43 and 149.45 of the Revised Code are hereby repealed.

Section 3. Section 149.45 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 317 and Sub. H.B. 359 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section

in effect prior to the effective date of the section as
presented in this act.

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