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Sub. S. B. No. 31

Senator Roegner

**Cosponsors: Senators Coley, Antonio, Craig, Eklund, Hoagland, Huffman, M., Huffman, S., Kunze, Lehner, O'Brien, Rulli, Sykes, Terhar, Thomas, Uecker, Wilson
Representatives Hambley, Carruthers, Seitz, Stephens, Wiggam**

A BILL

To amend sections 149.43, 4123.88, and 5913.01 and 1
to enact sections 107.22 and 3701.25 of the 2
Revised Code to present section 149.45 of the 3
Revised Code to confirm its harmonization, to 4
include emergency service telecommunicators, 5
certain Ohio National Guard members, federal 6
judges, regional physician advisory board 7
members, and first responders as individuals 8
whose residential and familial information is 9
exempt from disclosure under the Public Records 10
Law, to address matters related to contact 11
tracing, and to require the Bureau of Workers' 12
Compensation or Industrial Commission to 13
disclose a claimant's name to a journalist upon 14
written request. 15

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

Section 1. That sections 149.43, 4123.88, and 5913.01 be 16
amended and sections 107.22 and 3701.25 of the Revised Code be 17

enacted to read as follows: 18

Sec. 107.22. If one or more infections of a contagious 19
disease are observed in this state, the governor shall be 20
subject to the following conditions when adopting or issuing an 21
order regarding efforts to trace and monitor contacts of 22
individuals infected with the contagious disease: 23

(A) The order shall not require an individual to comply 24
with the tracing and monitoring efforts. 25

(B) The order shall require the acquisition of written 26
consent from each individual contacted for participation in the 27
tracing and monitoring efforts before the next step in the 28
process may proceed. 29

(C) The order shall not establish or authorize penalties 30
for an individual's refusal to participate in the tracing and 31
monitoring process, including withholding medical treatment from 32
the individual based on the refusal. 33

(D) The order shall acknowledge all of the following: 34

(1) That participation in the tracing and monitoring 35
efforts is voluntary; 36

(2) That any record created during the tracing and 37
monitoring process is not a public record under section 149.43 38
of the Revised Code; 39

(3) That disclosure of protected health information by a 40
covered entity, as defined in section 3798.01 of the Revised 41
Code, during the tracing and monitoring process is subject to 42
section 3798.04 of the Revised Code; 43

(4) That disclosure of protected health information by the 44
director of health, the department of health, a board of health 45

of a city or general health district, or a person or government 46
entity under contract with any of the foregoing is subject to 47
section 3701.17 of the Revised Code. 48

Sec. 149.43. (A) As used in this section: 49

(1) "Public record" means records kept by any public 50
office, including, but not limited to, state, county, city, 51
village, township, and school district units, and records 52
pertaining to the delivery of educational services by an 53
alternative school in this state kept by the nonprofit or for- 54
profit entity operating the alternative school pursuant to 55
section 3313.533 of the Revised Code. "Public record" does not 56
mean any of the following: 57

(a) Medical records; 58

(b) Records pertaining to probation and parole 59
proceedings, to proceedings related to the imposition of 60
community control sanctions and post-release control sanctions, 61
or to proceedings related to determinations under section 62
2967.271 of the Revised Code regarding the release or maintained 63
incarceration of an offender to whom that section applies; 64

(c) Records pertaining to actions under section 2151.85 65
and division (C) of section 2919.121 of the Revised Code and to 66
appeals of actions arising under those sections; 67

(d) Records pertaining to adoption proceedings, including 68
the contents of an adoption file maintained by the department of 69
health under sections 3705.12 to 3705.124 of the Revised Code; 70

(e) Information in a record contained in the putative 71
father registry established by section 3107.062 of the Revised 72
Code, regardless of whether the information is held by the 73
department of job and family services or, pursuant to section 74

3111.69 of the Revised Code, the office of child support in the	75
department or a child support enforcement agency;	76
(f) Records specified in division (A) of section 3107.52	77
of the Revised Code;	78
(g) Trial preparation records;	79
(h) Confidential law enforcement investigatory records;	80
(i) Records containing information that is confidential	81
under section 2710.03 or 4112.05 of the Revised Code;	82
(j) DNA records stored in the DNA database pursuant to	83
section 109.573 of the Revised Code;	84
(k) Inmate records released by the department of	85
rehabilitation and correction to the department of youth	86
services or a court of record pursuant to division (E) of	87
section 5120.21 of the Revised Code;	88
(l) Records maintained by the department of youth services	89
pertaining to children in its custody released by the department	90
of youth services to the department of rehabilitation and	91
correction pursuant to section 5139.05 of the Revised Code;	92
(m) Intellectual property records;	93
(n) Donor profile records;	94
(o) Records maintained by the department of job and family	95
services pursuant to section 3121.894 of the Revised Code;	96
(p) Designated public service worker residential and	97
familial information;	98
(q) In the case of a county hospital operated pursuant to	99
Chapter 339. of the Revised Code or a municipal hospital	100
operated pursuant to Chapter 749. of the Revised Code,	101

information that constitutes a trade secret, as defined in	102
section 1333.61 of the Revised Code;	103
(r) Information pertaining to the recreational activities	104
of a person under the age of eighteen;	105
(s) In the case of a child fatality review board acting	106
under sections 307.621 to 307.629 of the Revised Code or a	107
review conducted pursuant to guidelines established by the	108
director of health under section 3701.70 of the Revised Code,	109
records provided to the board or director, statements made by	110
board members during meetings of the board or by persons	111
participating in the director's review, and all work products of	112
the board or director, and in the case of a child fatality	113
review board, child fatality review data submitted by the board	114
to the department of health or a national child death review	115
database, other than the report prepared pursuant to division	116
(A) of section 307.626 of the Revised Code;	117
(t) Records provided to and statements made by the	118
executive director of a public children services agency or a	119
prosecuting attorney acting pursuant to section 5153.171 of the	120
Revised Code other than the information released under that	121
section;	122
(u) Test materials, examinations, or evaluation tools used	123
in an examination for licensure as a nursing home administrator	124
that the board of executives of long-term services and supports	125
administers under section 4751.15 of the Revised Code or	126
contracts under that section with a private or government entity	127
to administer;	128
(v) Records the release of which is prohibited by state or	129
federal law;	130

(w) Proprietary information of or relating to any person	131
that is submitted to or compiled by the Ohio venture capital	132
authority created under section 150.01 of the Revised Code;	133
(x) Financial statements and data any person submits for	134
any purpose to the Ohio housing finance agency or the	135
controlling board in connection with applying for, receiving, or	136
accounting for financial assistance from the agency, and	137
information that identifies any individual who benefits directly	138
or indirectly from financial assistance from the agency;	139
(y) Records listed in section 5101.29 of the Revised Code;	140
(z) Discharges recorded with a county recorder under	141
section 317.24 of the Revised Code, as specified in division (B)	142
(2) of that section;	143
(aa) Usage information including names and addresses of	144
specific residential and commercial customers of a municipally	145
owned or operated public utility;	146
(bb) Records described in division (C) of section 187.04	147
of the Revised Code that are not designated to be made available	148
to the public as provided in that division;	149
(cc) Information and records that are made confidential,	150
privileged, and not subject to disclosure under divisions (B)	151
and (C) of section 2949.221 of the Revised Code;	152
(dd) Personal information, as defined in section 149.45 of	153
the Revised Code;	154
(ee) The confidential name, address, and other personally	155
identifiable information of a program participant in the address	156
confidentiality program established under sections 111.41 to	157
111.47 of the Revised Code, including the contents of any	158

application for absent voter's ballots, absent voter's ballot 159
identification envelope statement of voter, or provisional 160
ballot affirmation completed by a program participant who has a 161
confidential voter registration record, and records or portions 162
of records pertaining to that program that identify the number 163
of program participants that reside within a precinct, ward, 164
township, municipal corporation, county, or any other geographic 165
area smaller than the state. As used in this division, 166
"confidential address" and "program participant" have the 167
meaning defined in section 111.41 of the Revised Code. 168

(ff) Orders for active military service of an individual 169
serving or with previous service in the armed forces of the 170
United States, including a reserve component, or the Ohio 171
organized militia, except that, such order becomes a public 172
record on the day that is fifteen years after the published date 173
or effective date of the call to order; 174

(gg) The name, address, contact information, or other 175
personal information of an individual who is less than eighteen 176
years of age that is included in any record related to a traffic 177
accident involving a school vehicle in which the individual was 178
an occupant at the time of the accident; 179

(hh) Protected health information, as defined in 45 C.F.R. 180
160.103, that is in a claim for payment for a health care 181
product, service, or procedure, as well as any other health 182
claims data in another document that reveals the identity of an 183
individual who is the subject of the data or could be used to 184
reveal that individual's identity; 185

(ii) Any depiction by photograph, film, videotape, or 186
printed or digital image under either of the following 187
circumstances: 188

(i) The depiction is that of a victim of an offense the	189
release of which would be, to a reasonable person of ordinary	190
sensibilities, an offensive and objectionable intrusion into the	191
victim's expectation of bodily privacy and integrity.	192
(ii) The depiction captures or depicts the victim of a	193
sexually oriented offense, as defined in section 2950.01 of the	194
Revised Code, at the actual occurrence of that offense.	195
(jj) Restricted portions of a body-worn camera or	196
dashboard camera recording;	197
(kk) In the case of a fetal-infant mortality review board	198
acting under sections 3707.70 to 3707.77 of the Revised Code,	199
records, documents, reports, or other information presented to	200
the board or a person abstracting such materials on the board's	201
behalf, statements made by review board members during board	202
meetings, all work products of the board, and data submitted by	203
the board to the department of health or a national infant death	204
review database, other than the report prepared pursuant to	205
section 3707.77 of the Revised Code.	206
(ll) Records, documents, reports, or other information	207
presented to the pregnancy-associated mortality review board	208
established under section 3738.01 of the Revised Code,	209
statements made by board members during board meetings, all work	210
products of the board, and data submitted by the board to the	211
department of health, other than the biennial reports prepared	212
under section 3738.08 of the Revised Code;	213
(mm) Telephone numbers for a victim, as defined in section	214
2930.01 of the Revised Code, a witness to a crime, or a party to	215
a motor vehicle accident subject to the requirements of section	216
5502.11 of the Revised Code that are listed on any law	217

enforcement record or report. 218

A record that is not a public record under division (A) (1) 219
of this section and that, under law, is permanently retained 220
becomes a public record on the day that is seventy-five years 221
after the day on which the record was created, except for any 222
record protected by the attorney-client privilege, a trial 223
preparation record as defined in this section, a statement 224
prohibiting the release of identifying information signed under 225
section 3107.083 of the Revised Code, a denial of release form 226
filed pursuant to section 3107.46 of the Revised Code, or any 227
record that is exempt from release or disclosure under section 228
149.433 of the Revised Code. If the record is a birth 229
certificate and a biological parent's name redaction request 230
form has been accepted under section 3107.391 of the Revised 231
Code, the name of that parent shall be redacted from the birth 232
certificate before it is released under this paragraph. If any 233
other section of the Revised Code establishes a time period for 234
disclosure of a record that conflicts with the time period 235
specified in this section, the time period in the other section 236
prevails. 237

(2) "Confidential law enforcement investigatory record" 238
means any record that pertains to a law enforcement matter of a 239
criminal, quasi-criminal, civil, or administrative nature, but 240
only to the extent that the release of the record would create a 241
high probability of disclosure of any of the following: 242

(a) The identity of a suspect who has not been charged 243
with the offense to which the record pertains, or of an 244
information source or witness to whom confidentiality has been 245
reasonably promised; 246

(b) Information provided by an information source or 247

witness to whom confidentiality has been reasonably promised, 248
which information would reasonably tend to disclose the source's 249
or witness's identity; 250

(c) Specific confidential investigatory techniques or 251
procedures or specific investigatory work product; 252

(d) Information that would endanger the life or physical 253
safety of law enforcement personnel, a crime victim, a witness, 254
or a confidential information source. 255

(3) "Medical record" means any document or combination of 256
documents, except births, deaths, and the fact of admission to 257
or discharge from a hospital, that pertains to the medical 258
history, diagnosis, prognosis, or medical condition of a patient 259
and that is generated and maintained in the process of medical 260
treatment. 261

(4) "Trial preparation record" means any record that 262
contains information that is specifically compiled in reasonable 263
anticipation of, or in defense of, a civil or criminal action or 264
proceeding, including the independent thought processes and 265
personal trial preparation of an attorney. 266

(5) "Intellectual property record" means a record, other 267
than a financial or administrative record, that is produced or 268
collected by or for faculty or staff of a state institution of 269
higher learning in the conduct of or as a result of study or 270
research on an educational, commercial, scientific, artistic, 271
technical, or scholarly issue, regardless of whether the study 272
or research was sponsored by the institution alone or in 273
conjunction with a governmental body or private concern, and 274
that has not been publicly released, published, or patented. 275

(6) "Donor profile record" means all records about donors 276

or potential donors to a public institution of higher education 277
except the names and reported addresses of the actual donors and 278
the date, amount, and conditions of the actual donation. 279

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

(8) "Designated public service worker residential and 292
familial information" means any information that discloses any 293
of the following about a designated public service worker: 294

(a) The address of the actual personal residence of a 295
designated public service worker, except for the following 296
information: 297

(i) The address of the actual personal residence of a 298
prosecuting attorney or judge; and 299

(ii) The state or political subdivision in which a 300
designated public service worker resides. 301

(b) Information compiled from referral to or participation 302
in an employee assistance program; 303

(c) The social security number, the residential telephone 304
number, any bank account, debit card, charge card, or credit 305

card number, or the emergency telephone number of, or any 306
medical information pertaining to, a designated public service 307
worker; 308

(d) The name of any beneficiary of employment benefits, 309
including, but not limited to, life insurance benefits, provided 310
to a designated public service worker by the designated public 311
service worker's employer; 312

(e) The identity and amount of any charitable or 313
employment benefit deduction made by the designated public 314
service worker's employer from the designated public service 315
worker's compensation, unless the amount of the deduction is 316
required by state or federal law; 317

(f) The name, the residential address, the name of the 318
employer, the address of the employer, the social security 319
number, the residential telephone number, any bank account, 320
debit card, charge card, or credit card number, or the emergency 321
telephone number of the spouse, a former spouse, or any child of 322
a designated public service worker; 323

(g) A photograph of a peace officer who holds a position 324
or has an assignment that may include undercover or plain 325
clothes positions or assignments as determined by the peace 326
officer's appointing authority. 327

(9) As used in divisions (A) (7) and (15) to (17) of this 328
section: 329

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

the authority of, and perform the duties of the sheriff. 335

"Correctional employee" means any employee of the 336
department of rehabilitation and correction who in the course of 337
performing the employee's job duties has or has had contact with 338
inmates and persons under supervision. 339

"County or multicounty corrections officer" means any 340
corrections officer employed by any county or multicounty 341
correctional facility. 342

"Designated Ohio national guard member" means a member of 343
the Ohio national guard who is participating in duties related 344
to remotely piloted aircraft, including but not limited to, 345
pilots, sensor operators, and mission intelligence personnel, 346
duties related to special forces operations, or duties related 347
to cybersecurity, and is designated by the adjutant general as a 348
designated public service worker for those purposes. 349

"Youth services employee" means any employee of the 350
department of youth services who in the course of performing the 351
employee's job duties has or has had contact with children 352
committed to the custody of the department of youth services. 353

"Firefighter" means any regular, paid or volunteer, member 354
of a lawfully constituted fire department of a municipal 355
corporation, township, fire district, or village. 356

"EMT" means first responders, EMTs-basic, EMTs-I, and 357
paramedics that provide emergency medical services for a public 358
emergency medical service organization. "Emergency medical 359
service organization," "first responder," "EMT-basic," "EMT-I," 360
and "paramedic" have the meanings defined in section 4765.01 of 361
the Revised Code. 362

"Member of a regional physician advisory board" means a 363

member of a physician advisory board appointed under section 364
4765.05 of the Revised Code by the state board of emergency 365
medical, fire, and transportation services to serve as the 366
advisory board for a prehospital emergency medical services 367
region. 368

"Investigator of the bureau of criminal identification and 369
investigation" has the meaning defined in section 2903.11 of the 370
Revised Code. 371

"Emergency service telecommunicator" has the meaning 372
defined in section 4742.01 of the Revised Code. 373

"Federal law enforcement officer" has the meaning defined 374
in section 9.88 of the Revised Code. 375

(10) "Information pertaining to the recreational 376
activities of a person under the age of eighteen" means 377
information that is kept in the ordinary course of business by a 378
public office, that pertains to the recreational activities of a 379
person under the age of eighteen years, and that discloses any 380
of the following: 381

(a) The address or telephone number of a person under the 382
age of eighteen or the address or telephone number of that 383
person's parent, guardian, custodian, or emergency contact 384
person; 385

(b) The social security number, birth date, or 386
photographic image of a person under the age of eighteen; 387

(c) Any medical record, history, or information pertaining 388
to a person under the age of eighteen; 389

(d) Any additional information sought or required about a 390
person under the age of eighteen for the purpose of allowing 391

that person to participate in any recreational activity 392
conducted or sponsored by a public office or to use or obtain 393
admission privileges to any recreational facility owned or 394
operated by a public office. 395

(11) "Community control sanction" has the meaning defined 396
in section 2929.01 of the Revised Code. 397

(12) "Post-release control sanction" has the meaning 398
defined in section 2967.01 of the Revised Code. 399

(13) "Redaction" means obscuring or deleting any 400
information that is exempt from the duty to permit public 401
inspection or copying from an item that otherwise meets the 402
definition of a "record" in section 149.011 of the Revised Code. 403

(14) "Designee," "elected official," and "future official" 404
have the meanings defined in section 109.43 of the Revised Code. 405

(15) "Body-worn camera" means a visual and audio recording 406
device worn on the person of a peace officer while the peace 407
officer is engaged in the performance of the peace officer's 408
duties. 409

(16) "Dashboard camera" means a visual and audio recording 410
device mounted on a peace officer's vehicle or vessel that is 411
used while the peace officer is engaged in the performance of 412
the peace officer's duties. 413

(17) "Restricted portions of a body-worn camera or 414
dashboard camera recording" means any visual or audio portion of 415
a body-worn camera or dashboard camera recording that shows, 416
communicates, or discloses any of the following: 417

(a) The image or identity of a child or information that 418
could lead to the identification of a child who is a primary 419

subject of the recording when the law enforcement agency knows 420
or has reason to know the person is a child based on the law 421
enforcement agency's records or the content of the recording; 422

(b) The death of a person or a deceased person's body, 423
unless the death was caused by a peace officer or, subject to 424
division (H) (1) of this section, the consent of the decedent's 425
executor or administrator has been obtained; 426

(c) The death of a peace officer, firefighter, paramedic, 427
or other first responder, occurring while the decedent was 428
engaged in the performance of official duties, unless, subject 429
to division (H) (1) of this section, the consent of the 430
decedent's executor or administrator has been obtained; 431

(d) Grievous bodily harm, unless the injury was effected 432
by a peace officer or, subject to division (H) (1) of this 433
section, the consent of the injured person or the injured 434
person's guardian has been obtained; 435

(e) An act of severe violence against a person that 436
results in serious physical harm to the person, unless the act 437
and injury was effected by a peace officer or, subject to 438
division (H) (1) of this section, the consent of the injured 439
person or the injured person's guardian has been obtained; 440

(f) Grievous bodily harm to a peace officer, firefighter, 441
paramedic, or other first responder, occurring while the injured 442
person was engaged in the performance of official duties, 443
unless, subject to division (H) (1) of this section, the consent 444
of the injured person or the injured person's guardian has been 445
obtained; 446

(g) An act of severe violence resulting in serious 447
physical harm against a peace officer, firefighter, paramedic, 448

or other first responder, occurring while the injured person was 449
engaged in the performance of official duties, unless, subject 450
to division (H) (1) of this section, the consent of the injured 451
person or the injured person's guardian has been obtained; 452

(h) A person's nude body, unless, subject to division (H) 453
(1) of this section, the person's consent has been obtained; 454

(i) Protected health information, the identity of a person 455
in a health care facility who is not the subject of a law 456
enforcement encounter, or any other information in a health care 457
facility that could identify a person who is not the subject of 458
a law enforcement encounter; 459

(j) Information that could identify the alleged victim of 460
a sex offense, menacing by stalking, or domestic violence; 461

(k) Information, that does not constitute a confidential 462
law enforcement investigatory record, that could identify a 463
person who provides sensitive or confidential information to a 464
law enforcement agency when the disclosure of the person's 465
identity or the information provided could reasonably be 466
expected to threaten or endanger the safety or property of the 467
person or another person; 468

(l) Personal information of a person who is not arrested, 469
cited, charged, or issued a written warning by a peace officer; 470

(m) Proprietary police contingency plans or tactics that 471
are intended to prevent crime and maintain public order and 472
safety; 473

(n) A personal conversation unrelated to work between 474
peace officers or between a peace officer and an employee of a 475
law enforcement agency; 476

(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	477 478
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	479 480 481
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	482 483 484
As used in division (A) (17) of this section:	485
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	486 487
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	488 489
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	490 491
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	492 493
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	494 495 496 497
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	498 499
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	500 501
(B) (1) Upon request <u>by any person</u> and subject to division (B) (8) of this section, all public records responsive to the	502 503

request shall be promptly prepared and made available for 504
inspection to ~~any person~~ the requester at all reasonable times 505
during regular business hours. Subject to division (B) (8) of 506
this section, upon request by any person, a public office or 507
person responsible for public records shall make copies of the 508
requested public record available to the requester at cost and 509
within a reasonable period of time. If a public record contains 510
information that is exempt from the duty to permit public 511
inspection or to copy the public record, the public office or 512
the person responsible for the public record shall make 513
available all of the information within the public record that 514
is not exempt. When making that public record available for 515
public inspection or copying that public record, the public 516
office or the person responsible for the public record shall 517
notify the requester of any redaction or make the redaction 518
plainly visible. A redaction shall be deemed a denial of a 519
request to inspect or copy the redacted information, except if 520
federal or state law authorizes or requires a public office to 521
make the redaction. 522

(2) To facilitate broader access to public records, a 523
public office or the person responsible for public records shall 524
organize and maintain public records in a manner that they can 525
be made available for inspection or copying in accordance with 526
division (B) of this section. A public office also shall have 527
available a copy of its current records retention schedule at a 528
location readily available to the public. If a requester makes 529
an ambiguous or overly broad request or has difficulty in making 530
a request for copies or inspection of public records under this 531
section such that the public office or the person responsible 532
for the requested public record cannot reasonably identify what 533
public records are being requested, the public office or the 534

person responsible for the requested public record may deny the 535
request but shall provide the requester with an opportunity to 536
revise the request by informing the requester of the manner in 537
which records are maintained by the public office and accessed 538
in the ordinary course of the public office's or person's 539
duties. 540

(3) If a request is ultimately denied, in part or in 541
whole, the public office or the person responsible for the 542
requested public record shall provide the requester with an 543
explanation, including legal authority, setting forth why the 544
request was denied. If the initial request was provided in 545
writing, the explanation also shall be provided to the requester 546
in writing. The explanation shall not preclude the public office 547
or the person responsible for the requested public record from 548
relying upon additional reasons or legal authority in defending 549
an action commenced under division (C) of this section. 550

(4) Unless specifically required or authorized by state or 551
federal law or in accordance with division (B) of this section, 552
no public office or person responsible for public records may 553
limit or condition the availability of public records by 554
requiring disclosure of the requester's identity or the intended 555
use of the requested public record. Any requirement that the 556
requester disclose the requester's identity or the intended use 557
of the requested public record constitutes a denial of the 558
request. 559

(5) A public office or person responsible for public 560
records may ask a requester to make the request in writing, may 561
ask for the requester's identity, and may inquire about the 562
intended use of the information requested, but may do so only 563
after disclosing to the requester that a written request is not 564

mandatory, that the requester may decline to reveal the 565
requester's identity or the intended use, and when a written 566
request or disclosure of the identity or intended use would 567
benefit the requester by enhancing the ability of the public 568
office or person responsible for public records to identify, 569
locate, or deliver the public records sought by the requester. 570

(6) If any person requests a copy of a public record in 571
accordance with division (B) of this section, the public office 572
or person responsible for the public record may require ~~that~~ 573
~~person~~ the requester to pay in advance the cost involved in 574
providing the copy of the public record in accordance with the 575
choice made by the ~~person requesting the copy~~ requester under 576
this division. The public office or the person responsible for 577
the public record shall permit ~~that person~~ the requester to 578
choose to have the public record duplicated upon paper, upon the 579
same medium upon which the public office or person responsible 580
for the public record keeps it, or upon any other medium upon 581
which the public office or person responsible for the public 582
record determines that it reasonably can be duplicated as an 583
integral part of the normal operations of the public office or 584
person responsible for the public record. When the ~~person~~ 585
~~requesting the copy~~ requester makes a choice under this 586
division, the public office or person responsible for the public 587
record shall provide a copy of it in accordance with the choice 588
made by ~~that person~~ the requester. Nothing in this section 589
requires a public office or person responsible for the public 590
record to allow the ~~person requesting~~ requester of a copy of the 591
public record to make the copies of the public record. 592

(7) (a) Upon a request made in accordance with division (B) 593
of this section and subject to division (B) (6) of this section, 594
a public office or person responsible for public records shall 595

transmit a copy of a public record to any person by United 596
States mail or by any other means of delivery or transmission 597
within a reasonable period of time after receiving the request 598
for the copy. The public office or person responsible for the 599
public record may require the person making the request to pay 600
in advance the cost of postage if the copy is transmitted by 601
United States mail or the cost of delivery if the copy is 602
transmitted other than by United States mail, and to pay in 603
advance the costs incurred for other supplies used in the 604
mailing, delivery, or transmission. 605

(b) Any public office may adopt a policy and procedures 606
that it will follow in transmitting, within a reasonable period 607
of time after receiving a request, copies of public records by 608
United States mail or by any other means of delivery or 609
transmission pursuant to division (B) (7) of this section. A 610
public office that adopts a policy and procedures under division 611
(B) (7) of this section shall comply with them in performing its 612
duties under that division. 613

(c) In any policy and procedures adopted under division 614
(B) (7) of this section: 615

(i) A public office may limit the number of records 616
requested by a person that the office will physically deliver by 617
United States mail or by another delivery service to ten per 618
month, unless the person certifies to the office in writing that 619
the person does not intend to use or forward the requested 620
records, or the information contained in them, for commercial 621
purposes; 622

(ii) A public office that chooses to provide some or all 623
of its public records on a web site that is fully accessible to 624
and searchable by members of the public at all times, other than 625

during acts of God outside the public office's control or 626
maintenance, and that charges no fee to search, access, 627
download, or otherwise receive records provided on the web site, 628
may limit to ten per month the number of records requested by a 629
person that the office will deliver in a digital format, unless 630
the requested records are not provided on the web site and 631
unless the person certifies to the office in writing that the 632
person does not intend to use or forward the requested records, 633
or the information contained in them, for commercial purposes. 634

(iii) For purposes of division (B) (7) of this section, 635
"commercial" shall be narrowly construed and does not include 636
reporting or gathering news, reporting or gathering information 637
to assist citizen oversight or understanding of the operation or 638
activities of government, or nonprofit educational research. 639

(8) A public office or person responsible for public 640
records is not required to permit a person who is incarcerated 641
pursuant to a criminal conviction or a juvenile adjudication to 642
inspect or to obtain a copy of any public record concerning a 643
criminal investigation or prosecution or concerning what would 644
be a criminal investigation or prosecution if the subject of the 645
investigation or prosecution were an adult, unless the request 646
to inspect or to obtain a copy of the record is for the purpose 647
of acquiring information that is subject to release as a public 648
record under this section and the judge who imposed the sentence 649
or made the adjudication with respect to the person, or the 650
judge's successor in office, finds that the information sought 651
in the public record is necessary to support what appears to be 652
a justiciable claim of the person. 653

(9) (a) Upon written request made and signed by a 654
journalist, a public office, or person responsible for public 655

records, having custody of the records of the agency employing a 656
specified designated public service worker shall disclose to the 657
journalist the address of the actual personal residence of the 658
designated public service worker and, if the designated public 659
service worker's spouse, former spouse, or child is employed by 660
a public office, the name and address of the employer of the 661
designated public service worker's spouse, former spouse, or 662
child. The request shall include the journalist's name and title 663
and the name and address of the journalist's employer and shall 664
state that disclosure of the information sought would be in the 665
public interest. 666

(b) Division (B) (9) (a) of this section also applies to 667
journalist requests for: 668

(i) Customer information maintained by a municipally owned 669
or operated public utility, other than social security numbers 670
and any private financial information such as credit reports, 671
payment methods, credit card numbers, and bank account 672
information; 673

(ii) Information about minors involved in a school vehicle 674
accident as provided in division (A) (1) (gg) of this section, 675
other than personal information as defined in section 149.45 of 676
the Revised Code. 677

(c) As used in division (B) (9) of this section, 678
"journalist" means a person engaged in, connected with, or 679
employed by any news medium, including a newspaper, magazine, 680
press association, news agency, or wire service, a radio or 681
television station, or a similar medium, for the purpose of 682
gathering, processing, transmitting, compiling, editing, or 683
disseminating information for the general public. 684

(10) Upon a request made by a victim, victim's attorney, 685
or victim's representative, as that term is used in section 686
2930.02 of the Revised Code, a public office or person 687
responsible for public records shall transmit a copy of a 688
depiction of the victim as described in division (A) (1) (gg) of 689
this section to the victim, victim's attorney, or victim's 690
representative. 691

(C) (1) If a person allegedly is aggrieved by the failure 692
of a public office or the person responsible for public records 693
to promptly prepare a public record and to make it available to 694
the person for inspection in accordance with division (B) of 695
this section or by any other failure of a public office or the 696
person responsible for public records to comply with an 697
obligation in accordance with division (B) of this section, the 698
person allegedly aggrieved may do only one of the following, and 699
not both: 700

(a) File a complaint with the clerk of the court of claims 701
or the clerk of the court of common pleas under section 2743.75 702
of the Revised Code; 703

(b) Commence a mandamus action to obtain a judgment that 704
orders the public office or the person responsible for the 705
public record to comply with division (B) of this section, that 706
awards court costs and reasonable attorney's fees to the person 707
that instituted the mandamus action, and, if applicable, that 708
includes an order fixing statutory damages under division (C) (2) 709
of this section. The mandamus action may be commenced in the 710
court of common pleas of the county in which division (B) of 711
this section allegedly was not complied with, in the supreme 712
court pursuant to its original jurisdiction under Section 2 of 713
Article IV, Ohio Constitution, or in the court of appeals for 714

the appellate district in which division (B) of this section 715
allegedly was not complied with pursuant to its original 716
jurisdiction under Section 3 of Article IV, Ohio Constitution. 717

(2) If a requester transmits a written request by hand 718
delivery, electronic submission, or certified mail to inspect or 719
receive copies of any public record in a manner that fairly 720
describes the public record or class of public records to the 721
public office or person responsible for the requested public 722
records, except as otherwise provided in this section, the 723
requester shall be entitled to recover the amount of statutory 724
damages set forth in this division if a court determines that 725
the public office or the person responsible for public records 726
failed to comply with an obligation in accordance with division 727
(B) of this section. 728

The amount of statutory damages shall be fixed at one 729
hundred dollars for each business day during which the public 730
office or person responsible for the requested public records 731
failed to comply with an obligation in accordance with division 732
(B) of this section, beginning with the day on which the 733
requester files a mandamus action to recover statutory damages, 734
up to a maximum of one thousand dollars. The award of statutory 735
damages shall not be construed as a penalty, but as compensation 736
for injury arising from lost use of the requested information. 737
The existence of this injury shall be conclusively presumed. The 738
award of statutory damages shall be in addition to all other 739
remedies authorized by this section. 740

The court may reduce an award of statutory damages or not 741
award statutory damages if the court determines both of the 742
following: 743

(a) That, based on the ordinary application of statutory 744

law and case law as it existed at the time of the conduct or 745
threatened conduct of the public office or person responsible 746
for the requested public records that allegedly constitutes a 747
failure to comply with an obligation in accordance with division 748
(B) of this section and that was the basis of the mandamus 749
action, a well-informed public office or person responsible for 750
the requested public records reasonably would believe that the 751
conduct or threatened conduct of the public office or person 752
responsible for the requested public records did not constitute 753
a failure to comply with an obligation in accordance with 754
division (B) of this section; 755

(b) That a well-informed public office or person 756
responsible for the requested public records reasonably would 757
believe that the conduct or threatened conduct of the public 758
office or person responsible for the requested public records 759
would serve the public policy that underlies the authority that 760
is asserted as permitting that conduct or threatened conduct. 761

(3) In a mandamus action filed under division (C) (1) of 762
this section, the following apply: 763

(a) (i) If the court orders the public office or the person 764
responsible for the public record to comply with division (B) of 765
this section, the court shall determine and award to the relator 766
all court costs, which shall be construed as remedial and not 767
punitive. 768

(ii) If the court makes a determination described in 769
division (C) (3) (b) (iii) of this section, the court shall 770
determine and award to the relator all court costs, which shall 771
be construed as remedial and not punitive. 772

(b) If the court renders a judgment that orders the public 773

office or the person responsible for the public record to comply 774
with division (B) of this section or if the court determines any 775
of the following, the court may award reasonable attorney's fees 776
to the relator, subject to division (C) (4) of this section: 777

(i) The public office or the person responsible for the 778
public records failed to respond affirmatively or negatively to 779
the public records request in accordance with the time allowed 780
under division (B) of this section. 781

(ii) The public office or the person responsible for the 782
public records promised to permit the relator to inspect or 783
receive copies of the public records requested within a 784
specified period of time but failed to fulfill that promise 785
within that specified period of time. 786

(iii) The public office or the person responsible for the 787
public records acted in bad faith when the office or person 788
voluntarily made the public records available to the relator for 789
the first time after the relator commenced the mandamus action, 790
but before the court issued any order concluding whether or not 791
the public office or person was required to comply with division 792
(B) of this section. No discovery may be conducted on the issue 793
of the alleged bad faith of the public office or person 794
responsible for the public records. This division shall not be 795
construed as creating a presumption that the public office or 796
the person responsible for the public records acted in bad faith 797
when the office or person voluntarily made the public records 798
available to the relator for the first time after the relator 799
commenced the mandamus action, but before the court issued any 800
order described in this division. 801

(c) The court shall not award attorney's fees to the 802
relator if the court determines both of the following: 803

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

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

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

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

(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.

(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. 833

(d) The court may reduce the amount of fees awarded if the 834
court determines that, given the factual circumstances involved 835
with the specific public records request, an alternative means 836
should have been pursued to more effectively and efficiently 837
resolve the dispute that was subject to the mandamus action 838
filed under division (C) (1) of this section. 839

(5) If the court does not issue a writ of mandamus under 840
division (C) of this section and the court determines at that 841
time that the bringing of the mandamus action was frivolous 842
conduct as defined in division (A) of section 2323.51 of the 843
Revised Code, the court may award to the public office all court 844
costs, expenses, and reasonable attorney's fees, as determined 845
by the court. 846

(D) Chapter 1347. of the Revised Code does not limit the 847
provisions of this section. 848

(E) (1) To ensure that all employees of public offices are 849
appropriately educated about a public office's obligations under 850
division (B) of this section, all elected officials or their 851
appropriate designees shall attend training approved by the 852
attorney general as provided in section 109.43 of the Revised 853
Code. A future official may satisfy the requirements of this 854
division by attending the training before taking office, 855
provided that the future official may not send a designee in the 856
future official's place. 857

(2) All public offices shall adopt a public records policy 858
in compliance with this section for responding to public records 859
requests. In adopting a public records policy under this 860
division, a public office may obtain guidance from the model 861

public records policy developed and provided to the public 862
office by the attorney general under section 109.43 of the 863
Revised Code. Except as otherwise provided in this section, the 864
policy may not limit the number of public records that the 865
public office will make available to a single person, may not 866
limit the number of public records that it will make available 867
during a fixed period of time, and may not establish a fixed 868
period of time before it will respond to a request for 869
inspection or copying of public records, unless that period is 870
less than eight hours. 871

The public office shall distribute the public records 872
policy adopted by the public office under this division to the 873
employee of the public office who is the records custodian or 874
records manager or otherwise has custody of the records of that 875
office. The public office shall require that employee to 876
acknowledge receipt of the copy of the public records policy. 877
The public office shall create a poster that describes its 878
public records policy and shall post the poster in a conspicuous 879
place in the public office and in all locations where the public 880
office has branch offices. The public office may post its public 881
records policy on the internet web site of the public office if 882
the public office maintains an internet web site. A public 883
office that has established a manual or handbook of its general 884
policies and procedures for all employees of the public office 885
shall include the public records policy of the public office in 886
the manual or handbook. 887

(F) (1) The bureau of motor vehicles may adopt rules 888
pursuant to Chapter 119. of the Revised Code to reasonably limit 889
the number of bulk commercial special extraction requests made 890
by a person for the same records or for updated records during a 891
calendar year. The rules may include provisions for charges to 892

be made for bulk commercial special extraction requests for the 893
actual cost of the bureau, plus special extraction costs, plus 894
ten per cent. The bureau may charge for expenses for redacting 895
information, the release of which is prohibited by law. 896

(2) As used in division (F)(1) of this section: 897

(a) "Actual cost" means the cost of depleted supplies, 898
records storage media costs, actual mailing and alternative 899
delivery costs, or other transmitting costs, and any direct 900
equipment operating and maintenance costs, including actual 901
costs paid to private contractors for copying services. 902

(b) "Bulk commercial special extraction request" means a 903
request for copies of a record for information in a format other 904
than the format already available, or information that cannot be 905
extracted without examination of all items in a records series, 906
class of records, or database by a person who intends to use or 907
forward the copies for surveys, marketing, solicitation, or 908
resale for commercial purposes. "Bulk commercial special 909
extraction request" does not include a request by a person who 910
gives assurance to the bureau that the person making the request 911
does not intend to use or forward the requested copies for 912
surveys, marketing, solicitation, or resale for commercial 913
purposes. 914

(c) "Commercial" means profit-seeking production, buying, 915
or selling of any good, service, or other product. 916

(d) "Special extraction costs" means the cost of the time 917
spent by the lowest paid employee competent to perform the task, 918
the actual amount paid to outside private contractors employed 919
by the bureau, or the actual cost incurred to create computer 920
programs to make the special extraction. "Special extraction 921

costs" include any charges paid to a public agency for computer 922
or records services. 923

(3) For purposes of divisions (F) (1) and (2) of this 924
section, "surveys, marketing, solicitation, or resale for 925
commercial purposes" shall be narrowly construed and does not 926
include reporting or gathering news, reporting or gathering 927
information to assist citizen oversight or understanding of the 928
operation or activities of government, or nonprofit educational 929
research. 930

(G) A request by a defendant, counsel of a defendant, or 931
any agent of a defendant in a criminal action that public 932
records related to that action be made available under this 933
section shall be considered a demand for discovery pursuant to 934
the Criminal Rules, except to the extent that the Criminal Rules 935
plainly indicate a contrary intent. The defendant, counsel of 936
the defendant, or agent of the defendant making a request under 937
this division shall serve a copy of the request on the 938
prosecuting attorney, director of law, or other chief legal 939
officer responsible for prosecuting the action. 940

(H) (1) Any portion of a body-worn camera or dashboard 941
camera recording described in divisions (A) (17) (b) to (h) of 942
this section may be released by consent of the subject of the 943
recording or a representative of that person, as specified in 944
those divisions, only if either of the following applies: 945

(a) The recording will not be used in connection with any 946
probable or pending criminal proceedings; 947

(b) The recording has been used in connection with a 948
criminal proceeding that was dismissed or for which a judgment 949
has been entered pursuant to Rule 32 of the Rules of Criminal 950

Procedure, and will not be used again in connection with any 951
probable or pending criminal proceedings. 952

(2) If a public office denies a request to release a 953
restricted portion of a body-worn camera or dashboard camera 954
recording, as defined in division (A)(17) of this section, any 955
person may file a mandamus action pursuant to this section or a 956
complaint with the clerk of the court of claims pursuant to 957
section 2743.75 of the Revised Code, requesting the court to 958
order the release of all or portions of the recording. If the 959
court considering the request determines that the filing 960
articulates by clear and convincing evidence that the public 961
interest in the recording substantially outweighs privacy 962
interests and other interests asserted to deny release, the 963
court shall order the public office to release the recording. 964

Sec. 3701.25. (A) As used in this section: 965

(1) "Board of health" means the board of health of a city 966
or general health district or the authority having the duties of 967
a board of health under section 3709.05 of the Revised Code. 968

(2) "Department" or "division" have the same meanings as 969
in section 121.01 of the Revised Code. 970

(B) If a department, division, board of health, or a 971
person or government entity under contract with any of the 972
foregoing, including a health care facility, engages in efforts 973
to trace and monitor the contacts of individuals infected with a 974
contagious disease, all of the following apply: 975

(1) No individual shall be required to comply with tracing 976
and monitoring efforts. 977

(2) Each individual contacted for participation in tracing 978
and monitoring efforts must provide written consent before the 979

next step in the process may proceed. 980

(3) No penalty shall be imposed on an individual for 981
refusing to participate in the tracing and monitoring process, 982
including withholding medical treatment from the individual 983
based on the refusal. 984

(4) Any record created during the tracing and monitoring 985
process is not a public record under section 149.43 of the 986
Revised Code. The department, division, board of health, or 987
person or government entity under contract with any of the 988
foregoing is subject to section 3701.17 of the Revised Code with 989
respect to the disclosure of protected health information 990
collected during the tracing and monitoring process. 991

Sec. 4123.88. (A) No person shall orally or in writing, 992
directly or indirectly, or through any agent or other person 993
fraudulently hold the person's self out or represent the 994
person's self or any of the person's partners or associates as 995
authorized by a claimant or employer to take charge of, or 996
represent the claimant or employer in respect of, any claim or 997
matter in connection therewith before the bureau of workers' 998
compensation or the industrial commission or its district or 999
staff hearing officers. No person shall directly or indirectly 1000
solicit authority, or pay or give anything of value to another 1001
person to solicit authority, or accept or receive pay or 1002
anything of value from another person for soliciting authority, 1003
from a claimant or employer to take charge of, or represent the 1004
claimant or employer in respect of, any claim or appeal which is 1005
or may be filed with the bureau or commission. No person shall, 1006
without prior authority from the bureau, a member of the 1007
commission, the claimant, or the employer, examine or directly 1008
or indirectly cause or employ another person to examine any 1009

claim file or any other file pertaining thereto. No person shall 1010
forge an authorization for the purpose of examining or cause 1011
another person to examine any such file. No district or staff 1012
hearing officer or other employee of the bureau or commission, 1013
notwithstanding the provisions of section 4123.27 of the Revised 1014
Code, shall divulge any information in respect of any claim or 1015
appeal which is or may be filed with a district or staff hearing 1016
officer, the bureau, or commission to any person other than 1017
members of the commission or to the superior of the employee 1018
except upon authorization of the administrator of workers' 1019
compensation or a member of the commission or upon authorization 1020
of the claimant or employer. 1021

(B) The records described or referred to in division (A) 1022
of this section are not public records as defined in division 1023
(A) (1) of section 149.43 of the Revised Code. Any information 1024
directly or indirectly identifying the address or telephone 1025
number of a claimant, regardless of whether the claimant's claim 1026
is active or closed, is not a public record. No person shall 1027
solicit or obtain any such information from any such employee 1028
without first having obtained an authorization therefor as 1029
provided in this section. 1030

(C) Except as otherwise specified in division (D) of this 1031
section, information kept by the commission or the bureau 1032
pursuant to this section is for the exclusive use and 1033
information of the commission and the bureau in the discharge of 1034
their official duties, and shall not be open to the public nor 1035
be used in any court in any action or proceeding pending 1036
therein, unless the commission or the bureau is a party to the 1037
action or proceeding. The information, however, may be tabulated 1038
and published by the commission or the bureau in statistical 1039
form for the use and information of other state agencies and the 1040

public. 1041

(D) (1) Upon receiving a written request made and signed by 1042
an individual whose primary occupation is as a journalist, the 1043
commission or the bureau shall disclose to the individual the 1044
name or names, address or addresses, and telephone number or 1045
numbers of claimants, regardless of whether their claims are 1046
active or closed, ~~and the dependents of those claimants.~~ 1047

(2) An individual described in division (D) (1) of this 1048
section is permitted to request the information described in 1049
that division for multiple workers ~~or dependents~~ in one written 1050
request. 1051

(3) An individual described in division (D) (1) of this 1052
section shall include all of the following in the written 1053
request: 1054

(a) The individual's name, title, and signature; 1055

(b) The name and title of the individual's employer; 1056

(c) A statement that the disclosure of the information 1057
sought is in the public interest. 1058

(4) Neither the commission nor the bureau may inquire as 1059
to the specific public interest served by the disclosure of 1060
information requested by an individual under division (D) of 1061
this section. 1062

(E) As used in this section, "journalist" has the same 1063
meaning as in division (B) (9) of section 149.43 of the Revised 1064
Code. 1065

Sec. 5913.01. (A) The adjutant general is the commander 1066
and administrative head of the Ohio organized militia. The 1067
adjutant general shall: 1068

- (1) Be provided offices and shall keep them open during usual business hours; 1069
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- (2) Have and maintain custody of all military records, correspondence, and other documents of the Ohio organized militia; 1071
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- (3) Superintend the preparation of all returns and reports required by the United States from the state on military matters; 1074
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- (4) Keep a roster of all officers of the Ohio organized militia, including retired officers; 1077
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- (5) Whenever necessary, cause the military provisions of the Revised Code and the orders, regulations, pamphlets, circulars, and memorandums of the adjutant general's department to be printed and distributed to the organizations of the Ohio organized militia; 1079
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- (6) Prepare and issue all necessary Ohio organized militia forms and attest to all commissions issued to officers of the Ohio organized militia; 1084
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- (7) Have a seal, and all copies of orders, records, and papers in the adjutant general's office certified and authenticated with that seal shall be competent evidence in like manner as if the originals were produced. All orders issued from the adjutant general's office shall bear a duplicate of the seal. 1087
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- (8) Keep and preserve the arms, ordnance, equipment, and all other military property belonging to the state or issued to the state by the federal government and issue any regulations necessary to keep, preserve, and repair the property as conditions demand; 1093
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(9) Issue adjutant general's property to the units of the Ohio organized militia as the necessity of the service or organizational or allowance tables requires;

(10) Submit an annual report to the governor at such time as the governor requires of the transaction of the adjutant general's department, setting forth the strength and condition of the Ohio organized militia and other matters that the adjutant general chooses;

(11) Designate members of the Ohio national guard, who are participating in duties related to remotely piloted aircraft, including but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, as designated public service workers under section 149.43 of the Revised Code;

(12) Command the joint force headquarters of the Ohio national guard.

(B) The adjutant general shall issue and distribute all orders issued in the name of the governor as the commander in chief of the Ohio organized militia and perform the duties that the governor directs and other duties prescribed by law.

(C) The adjutant general may enter into cooperative agreements, contractual arrangements, or agreements for the acceptance of grants with the United States or any agency or department of the United States, other states, any department or political subdivision of this state, or any person or body politic, to accomplish the purposes of the adjutant general's department. The adjutant general shall cooperate with, and not infringe upon, the rights of other state departments, divisions, boards, commissions, and agencies, political subdivisions, and

other public officials and public and private agencies when the 1127
interests of the adjutant general's department and those other 1128
entities overlap. 1129

The funds made available by the United States for the 1130
exclusive use of the department shall be expended only by the 1131
department and only for the purposes for which the federal funds 1132
were appropriated. In accepting federal funds, the department 1133
agrees to abide by the terms and conditions of the grant or 1134
cooperative agreement and further agrees to expend the federal 1135
funds in accordance with the laws and regulations of the United 1136
States. 1137

Section 2. That existing sections 149.43, 4123.88, and 1138
5913.01 of the Revised Code are hereby repealed. 1139

Section 3. (A) Section 149.45 of the Revised Code is 1140
presented below without amendment to confirm harmonization of 1141
the section, under division (B) of section 1.52 of the Revised 1142
Code, as amended by H.B. 341, S.B. 214, and S.B. 229 of the 1143
132nd General Assembly: 1144

Sec. 149.45. (A) As used in this section: 1145

(1) "Personal information" means any of the following: 1146

(a) An individual's social security number; 1147

(b) An individual's state or federal tax identification 1148
number; 1149

(c) An individual's driver's license number or state 1150
identification number; 1151

(d) An individual's checking account number, savings 1152
account number, credit card number, or debit card number; 1153

(e) An individual's demand deposit account number, money 1154
market account number, mutual fund account number, or any other 1155
financial or medical account number. 1156

(2) "Public record," "designated public service worker," 1157
and "designated public service worker residential and familial 1158
information" have the meanings defined in section 149.43 of the 1159
Revised Code. 1160

(3) "Truncate" means to redact all but the last four 1161
digits of an individual's social security number. 1162

(B) (1) No public office or person responsible for a public 1163
office's public records shall make available to the general 1164
public on the internet any document that contains an 1165
individual's social security number without otherwise redacting, 1166
encrypting, or truncating the social security number. 1167

(2) A public office or person responsible for a public 1168
office's public records that, prior to October 17, 2011, made 1169
available to the general public on the internet any document 1170
that contains an individual's social security number shall 1171
redact, encrypt, or truncate the social security number from 1172
that document. 1173

(3) Divisions (B) (1) and (2) of this section do not apply 1174
to documents that are only accessible through the internet with 1175
a password. 1176

(C) (1) An individual may request that a public office or a 1177
person responsible for a public office's public records redact 1178
personal information of that individual from any record made 1179
available to the general public on the internet. An individual 1180
who makes a request for redaction pursuant to this division 1181
shall make the request in writing on a form developed by the 1182

attorney general and shall specify the personal information to 1183
be redacted and provide any information that identifies the 1184
location of that personal information within a document that 1185
contains that personal information. 1186

(2) Upon receiving a request for a redaction pursuant to 1187
division (C) (1) of this section, a public office or a person 1188
responsible for a public office's public records shall act 1189
within five business days in accordance with the request to 1190
redact the personal information of the individual from any 1191
record made available to the general public on the internet, if 1192
practicable. If a redaction is not practicable, the public 1193
office or person responsible for the public office's public 1194
records shall verbally or in writing within five business days 1195
after receiving the written request explain to the individual 1196
why the redaction is impracticable. 1197

(3) The attorney general shall develop a form to be used 1198
by an individual to request a redaction pursuant to division (C) 1199
(1) of this section. The form shall include a place to provide 1200
any information that identifies the location of the personal 1201
information to be redacted. 1202

(D) (1) A designated public service worker may request that 1203
a public office, other than a county auditor, or a person 1204
responsible for the public records of a public office, other 1205
than a county auditor, redact the designated public service 1206
worker's address from any record made available to the general 1207
public on the internet that includes designated public service 1208
worker residential and familial information of the designated 1209
public service worker making the request. A designated public 1210
service worker who makes a request for a redaction pursuant to 1211
this division shall make the request in writing and on a form 1212

developed by the attorney general. 1213

(2) Upon receiving a written request for a redaction 1214
pursuant to division (D)(1) of this section, a public office, 1215
other than a county auditor, or a person responsible for the 1216
public records of a public office, other than a county auditor, 1217
shall act within five business days in accordance with the 1218
request to redact the address of the designated public service 1219
worker making the request from any record made available to the 1220
general public on the internet that includes designated public 1221
service worker residential and familial information of the 1222
designated public service worker making the request, if 1223
practicable. If a redaction is not practicable, the public 1224
office or person responsible for the public office's public 1225
records shall verbally or in writing within five business days 1226
after receiving the written request explain to the designated 1227
public service worker why the redaction is impracticable. 1228

(3) Except as provided in this section and section 319.28 1229
of the Revised Code, a public office, other than an employer of 1230
a designated public service worker, or a person responsible for 1231
the public records of the employer, is not required to redact 1232
designated public service worker residential and familial 1233
information of the designated public service worker from other 1234
records maintained by the public office. 1235

(4) The attorney general shall develop a form to be used 1236
by a designated public service worker to request a redaction 1237
pursuant to division (D)(1) of this section. The form shall 1238
include a place to provide any information that identifies the 1239
location of the address of the designated public service worker 1240
to be redacted. 1241

(E) (1) If a public office or a person responsible for a 1242

public office's public records becomes aware that an electronic 1243
record of that public office that is made available to the 1244
general public on the internet contains an individual's social 1245
security number that was mistakenly not redacted, encrypted, or 1246
truncated as required by division (B) (1) or (2) of this section, 1247
the public office or person responsible for the public office's 1248
public records shall redact, encrypt, or truncate the 1249
individual's social security number within a reasonable period 1250
of time. 1251

(2) A public office or a person responsible for a public 1252
office's public records is not liable in damages in a civil 1253
action for any harm an individual allegedly sustains as a result 1254
of the inclusion of that individual's personal information on 1255
any record made available to the general public on the internet 1256
or any harm a designated public service worker sustains as a 1257
result of the inclusion of the designated public service 1258
worker's address on any record made available to the general 1259
public on the internet in violation of this section, unless the 1260
public office or person responsible for the public office's 1261
public records acted with malicious purpose, in bad faith, or in 1262
a wanton or reckless manner or unless division (A) (6) (a) or (c) 1263
of section 2744.03 of the Revised Code applies. 1264

The foregoing presentation supersedes section 149.45 of 1265
the Revised Code as it results, respectively, from H.B. 341, 1266
S.B. 214, and S.B. 229 of the 132nd General Assembly. 1267

(B) Section 149.45 of the Revised Code was amended 1268
together with, and in relation to, section 149.43 of the Revised 1269
Code by H.B. 341 of the 132nd General Assembly. Section 149.43 1270
of the Revised Code is presented in Section 1 of this act. 1271