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Sub. H. B. No. 265

Representatives Wiggam, Hall

Cosponsors: Representatives Plummer, Williams, Willis, Gross, Young, T., Click, Abrams, Bird, Brennan, Creech, Dell'Aquila, Demetriou, Dobos, Ghanbari, Grim, Holmes, John, Johnson, Jones, LaRe, Lorenz, Mathews, Miller, J., Miller, K., Miller, M., Mohamed, Patton, Pavliga, Peterson, Piccolantonio, Richardson, Robb Blasdel, Roemer, Russo, Santucci, Thomas, C., Upchurch, White

A BILL

To amend sections 149.43, 149.45, 319.28, and 319.54 of the Revised Code to exempt redaction request forms, affidavits, and the records of the work schedules of designated public service workers from disclosure under public records law. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 149.43, 149.45, 319.28, and 319.54 of the Revised Code be amended to read as follows: 7
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Sec. 149.43. (A) As used in this section: 9

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to 10
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section 3313.533 of the Revised Code. "Public record" does not	16
mean any of the following:	17
(a) Medical records;	18
(b) Records pertaining to probation and parole	19
proceedings, to proceedings related to the imposition of	20
community control sanctions and post-release control sanctions,	21
or to proceedings related to determinations under section	22
2967.271 of the Revised Code regarding the release or maintained	23
incarceration of an offender to whom that section applies;	24
(c) Records pertaining to actions under section 2151.85	25
and division (C) of section 2919.121 of the Revised Code and to	26
appeals of actions arising under those sections;	27
(d) Records pertaining to adoption proceedings, including	28
the contents of an adoption file maintained by the department of	29
health under sections 3705.12 to 3705.124 of the Revised Code;	30
(e) Information in a record contained in the putative	31
father registry established by section 3107.062 of the Revised	32
Code, regardless of whether the information is held by the	33
department of job and family services or, pursuant to section	34
3111.69 of the Revised Code, the office of child support in the	35
department or a child support enforcement agency;	36
(f) Records specified in division (A) of section 3107.52	37
of the Revised Code;	38
(g) Trial preparation records;	39
(h) Confidential law enforcement investigatory records;	40
(i) Records containing information that is confidential	41
under section 2710.03 or 4112.05 of the Revised Code;	42

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	43 44
(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;	45 46 47 48
(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;	49 50 51 52
(m) Intellectual property records;	53
(n) Donor profile records;	54
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	55 56
(p) Designated public service worker residential and familial information;	57 58
(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;	59 60 61 62 63
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	64 65
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by	66 67 68 69 70

board members during meetings of the board or by persons 71
participating in the director's review, and all work products of 72
the board or director, and in the case of a child fatality 73
review board, child fatality review data submitted by the board 74
to the department of health or a national child death review 75
database, other than the report prepared pursuant to division 76
(A) of section 307.626 of the Revised Code; 77

(t) Records provided to and statements made by the 78
executive director of a public children services agency or a 79
prosecuting attorney acting pursuant to section 5153.171 of the 80
Revised Code other than the information released under that 81
section; 82

(u) Test materials, examinations, or evaluation tools used 83
in an examination for licensure as a nursing home administrator 84
that the board of executives of long-term services and supports 85
administers under section 4751.15 of the Revised Code or 86
contracts under that section with a private or government entity 87
to administer; 88

(v) Records the release of which is prohibited by state or 89
federal law; 90

(w) Proprietary information of or relating to any person 91
that is submitted to or compiled by the Ohio venture capital 92
authority created under section 150.01 of the Revised Code; 93

(x) Financial statements and data any person submits for 94
any purpose to the Ohio housing finance agency or the 95
controlling board in connection with applying for, receiving, or 96
accounting for financial assistance from the agency, and 97
information that identifies any individual who benefits directly 98
or indirectly from financial assistance from the agency; 99

(y) Records listed in section 5101.29 of the Revised Code;	100
(z) Discharges recorded with a county recorder under	101
section 317.24 of the Revised Code, as specified in division (B)	102
(2) of that section;	103
(aa) Usage information including names and addresses of	104
specific residential and commercial customers of a municipally	105
owned or operated public utility;	106
(bb) Records described in division (C) of section 187.04	107
of the Revised Code that are not designated to be made available	108
to the public as provided in that division;	109
(cc) Information and records that are made confidential,	110
privileged, and not subject to disclosure under divisions (B)	111
and (C) of section 2949.221 of the Revised Code;	112
(dd) Personal information, as defined in section 149.45 of	113
the Revised Code;	114
(ee) The confidential name, address, and other personally	115
identifiable information of a program participant in the address	116
confidentiality program established under sections 111.41 to	117
111.47 of the Revised Code, including the contents of any	118
application for absent voter's ballots, absent voter's ballot	119
identification envelope statement of voter, or provisional	120
ballot affirmation completed by a program participant who has a	121
confidential voter registration record; records or portions of	122
records pertaining to that program that identify the number of	123
program participants that reside within a precinct, ward,	124
township, municipal corporation, county, or any other geographic	125
area smaller than the state; and any real property	126
confidentiality notice filed under section 111.431 of the	127
Revised Code and the information described in division (C) of	128

that section. As used in this division, "confidential address" 129
and "program participant" have the meaning defined in section 130
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

(gg) The name, address, contact information, or other 138
personal information of an individual who is less than eighteen 139
years of age that is included in any record related to a traffic 140
accident involving a school vehicle in which the individual was 141
an occupant at the time of the accident; 142

(hh) Protected health information, as defined in 45 C.F.R. 143
160.103, that is in a claim for payment for a health care 144
product, service, or procedure, as well as any other health 145
claims data in another document that reveals the identity of an 146
individual who is the subject of the data or could be used to 147
reveal that individual's identity; 148

(ii) Any depiction by photograph, film, videotape, or 149
printed or digital image under either of the following 150
circumstances: 151

(i) The depiction is that of a victim of an offense the 152
release of which would be, to a reasonable person of ordinary 153
sensibilities, an offensive and objectionable intrusion into the 154
victim's expectation of bodily privacy and integrity. 155

(ii) The depiction captures or depicts the victim of a 156
sexually oriented offense, as defined in section 2950.01 of the 157

Revised Code, at the actual occurrence of that offense.	158
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	159 160
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	161 162 163 164 165 166 167 168 169
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;	170 171 172 173 174 175 176
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	177 178 179 180
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section	181 182 183 184 185 186

4717.41 of the Revised Code.	187
(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.	188 189 190 191 192 193 194
(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;	195 196 197 198 199 200 201
(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than a report prepared pursuant to section 307.656 of the Revised Code;	202 203 204 205 206 207 208
(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;	209 210 211
(ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created;	212 213 214 215

(tt) Records of the past, current, and future work 216
schedule of a designated public service worker. As used in 217
division (A) (1) (tt) of this section, "work schedule" does not 218
include the docket of cases of a court, judge, or magistrate; 219

(uu) A request form or confirmation letter submitted to a 220
public office under section 149.45 of the Revised Code; 221

(vv) An affidavit or confirmation letter submitted under 222
section 319.28 of the Revised Code.- 223

A record that is not a public record under division (A) (1) 224
of this section and that, under law, is permanently retained 225
becomes a public record on the day that is seventy-five years 226
after the day on which the record was created, or in the case of 227
a record that is not a public record under division (A) (1) (tt) 228
of this section that is retained, three years after the day on 229
which the record was created, except for any record protected by 230
the attorney-client privilege, a trial preparation record as 231
defined in this section, a statement prohibiting the release of 232
identifying information signed under section 3107.083 of the 233
Revised Code, a denial of release form filed pursuant to section 234
3107.46 of the Revised Code, or any record that is exempt from 235
release or disclosure under section 149.433 of the Revised Code. 236
If the record is a birth certificate and a biological parent's 237
name redaction request form has been accepted under section 238
3107.391 of the Revised Code, the name of that parent shall be 239
redacted from the birth certificate before it is released under 240
this paragraph. If any other section of the Revised Code 241
establishes a time period for disclosure of a record that 242
conflicts with the time period specified in this section, the 243
time period in the other section prevails. 244

(2) "Confidential law enforcement investigatory record" 245

means any record that pertains to a law enforcement matter of a 246
criminal, quasi-criminal, civil, or administrative nature, but 247
only to the extent that the release of the record would create a 248
high probability of disclosure of any of the following: 249

(a) The identity of a suspect who has not been charged 250
with the offense to which the record pertains, or of an 251
information source or witness to whom confidentiality has been 252
reasonably promised; 253

(b) Information provided by an information source or 254
witness to whom confidentiality has been reasonably promised, 255
which information would reasonably tend to disclose the source's 256
or witness's identity; 257

(c) Specific confidential investigatory techniques or 258
procedures or specific investigatory work product; 259

(d) Information that would endanger the life or physical 260
safety of law enforcement personnel, a crime victim, a witness, 261
or a confidential information source. 262

(3) "Medical record" means any document or combination of 263
documents, except births, deaths, and the fact of admission to 264
or discharge from a hospital, that pertains to the medical 265
history, diagnosis, prognosis, or medical condition of a patient 266
and that is generated and maintained in the process of medical 267
treatment. 268

(4) "Trial preparation record" means any record that 269
contains information that is specifically compiled in reasonable 270
anticipation of, or in defense of, a civil or criminal action or 271
proceeding, including the independent thought processes and 272
personal trial preparation of an attorney. 273

(5) "Intellectual property record" means a record, other 274

than a financial or administrative record, that is produced or 275
collected by or for faculty or staff of a state institution of 276
higher learning in the conduct of or as a result of study or 277
research on an educational, commercial, scientific, artistic, 278
technical, or scholarly issue, regardless of whether the study 279
or research was sponsored by the institution alone or in 280
conjunction with a governmental body or private concern, and 281
that has not been publicly released, published, or patented. 282

(6) "Donor profile record" means all records about donors 283
or potential donors to a public institution of higher education 284
except the names and reported addresses of the actual donors and 285
the date, amount, and conditions of the actual donation. 286

(7) "Designated public service worker" means a peace 287
officer, parole officer, probation officer, bailiff, prosecuting 288
attorney, assistant prosecuting attorney, correctional employee, 289
county or multicounty corrections officer, community-based 290
correctional facility employee, designated Ohio national guard 291
member, protective services worker, youth services employee, 292
firefighter, EMT, medical director or member of a cooperating 293
physician advisory board of an emergency medical service 294
organization, state board of pharmacy employee, investigator of 295
the bureau of criminal identification and investigation, 296
emergency service telecommunicator, forensic mental health 297
provider, mental health evaluation provider, regional 298
psychiatric hospital employee, judge, magistrate, or federal law 299
enforcement officer. 300

(8) "Designated public service worker residential and 301
familial information" means any information that discloses any 302
of the following about a designated public service worker: 303

(a) The address of the actual personal residence of a 304

designated public service worker, except for the following 305
information: 306

(i) The address of the actual personal residence of a 307
prosecuting attorney or judge; and 308

(ii) The state or political subdivision in which a 309
designated public service worker resides. 310

(b) Information compiled from referral to or participation 311
in an employee assistance program; 312

(c) The social security number, the residential telephone 313
number, any bank account, debit card, charge card, or credit 314
card number, or the emergency telephone number of, or any 315
medical information pertaining to, a designated public service 316
worker; 317

(d) The name of any beneficiary of employment benefits, 318
including, but not limited to, life insurance benefits, provided 319
to a designated public service worker by the designated public 320
service worker's employer; 321

(e) The identity and amount of any charitable or 322
employment benefit deduction made by the designated public 323
service worker's employer from the designated public service 324
worker's compensation, unless the amount of the deduction is 325
required by state or federal law; 326

(f) The name, the residential address, the name of the 327
employer, the address of the employer, the social security 328
number, the residential telephone number, any bank account, 329
debit card, charge card, or credit card number, or the emergency 330
telephone number of the spouse, a former spouse, or any child of 331
a designated public service worker; 332

(g) A photograph of a peace officer who holds a position 333
or has an assignment that may include undercover or plain 334
clothes positions or assignments as determined by the peace 335
officer's appointing authority. 336

(9) As used in divisions (A) (7) and (15) to (17) of this 337
section: 338

"Peace officer" has the meaning defined in section 109.71 339
of the Revised Code and also includes the superintendent and 340
troopers of the state highway patrol; it does not include the 341
sheriff of a county or a supervisory employee who, in the 342
absence of the sheriff, is authorized to stand in for, exercise 343
the authority of, and perform the duties of the sheriff. 344

"Correctional employee" means any employee of the 345
department of rehabilitation and correction who in the course of 346
performing the employee's job duties has or has had contact with 347
inmates and persons under supervision. 348

"County or multicounty corrections officer" means any 349
corrections officer employed by any county or multicounty 350
correctional facility. 351

"Designated Ohio national guard member" means a member of 352
the Ohio national guard who is participating in duties related 353
to remotely piloted aircraft, including, but not limited to, 354
pilots, sensor operators, and mission intelligence personnel, 355
duties related to special forces operations, or duties related 356
to cybersecurity, and is designated by the adjutant general as a 357
designated public service worker for those purposes. 358

"Protective services worker" means any employee of a 359
county agency who is responsible for child protective services, 360
child support services, or adult protective services. 361

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

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

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

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

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

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

"Mental health evaluation provider" means an individual

who, under Chapter 5122. of the Revised Code, examines a 391
respondent who is alleged to be a mentally ill person subject to 392
court order, as defined in section 5122.01 of the Revised Code, 393
and reports to the probate court the respondent's mental 394
condition. 395

"Regional psychiatric hospital employee" means any 396
employee of the department of mental health and addiction 397
services who, in the course of performing the employee's duties, 398
has contact with patients committed to the department of mental 399
health and addiction services by a court order pursuant to 400
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 401
Code. 402

"Federal law enforcement officer" has the meaning defined 403
in section 9.88 of the Revised Code. 404

(10) "Information pertaining to the recreational 405
activities of a person under the age of eighteen" means 406
information that is kept in the ordinary course of business by a 407
public office, that pertains to the recreational activities of a 408
person under the age of eighteen years, and that discloses any 409
of the following: 410

(a) The address or telephone number of a person under the 411
age of eighteen or the address or telephone number of that 412
person's parent, guardian, custodian, or emergency contact 413
person; 414

(b) The social security number, birth date, or 415
photographic image of a person under the age of eighteen; 416

(c) Any medical record, history, or information pertaining 417
to a person under the age of eighteen; 418

(d) Any additional information sought or required about a 419

person under the age of eighteen for the purpose of allowing 420
that person to participate in any recreational activity 421
conducted or sponsored by a public office or to use or obtain 422
admission privileges to any recreational facility owned or 423
operated by a public office. 424

(11) "Community control sanction" has the meaning defined 425
in section 2929.01 of the Revised Code. 426

(12) "Post-release control sanction" has the meaning 427
defined in section 2967.01 of the Revised Code. 428

(13) "Redaction" means obscuring or deleting any 429
information that is exempt from the duty to permit public 430
inspection or copying from an item that otherwise meets the 431
definition of a "record" in section 149.011 of the Revised Code. 432

(14) "Designee," "elected official," and "future official" 433
have the meanings defined in section 109.43 of the Revised Code. 434

(15) "Body-worn camera" means a visual and audio recording 435
device worn on the person of a correctional employee, youth 436
services employee, or peace officer while the correctional 437
employee, youth services employee, or peace officer is engaged 438
in the performance of official duties. 439

(16) "Dashboard camera" means a visual and audio recording 440
device mounted on a peace officer's vehicle or vessel that is 441
used while the peace officer is engaged in the performance of 442
the peace officer's duties. 443

(17) "Restricted portions of a body-worn camera or 444
dashboard camera recording" means any visual or audio portion of 445
a body-worn camera or dashboard camera recording that shows, 446
communicates, or discloses any of the following: 447

(a) The image or identity of a child or information that 448
could lead to the identification of a child who is a primary 449
subject of the recording when the department of rehabilitation 450
and correction, department of youth services, or the law 451
enforcement agency knows or has reason to know the person is a 452
child based on the department's or law enforcement agency's 453
records or the content of the recording; 454

(b) The death of a person or a deceased person's body, 455
unless the death was caused by a correctional employee, youth 456
services employee, or peace officer or, subject to division (H) 457
(1) of this section, the consent of the decedent's executor or 458
administrator has been obtained; 459

(c) The death of a correctional employee, youth services 460
employee, peace officer, firefighter, paramedic, or other first 461
responder, occurring while the decedent was engaged in the 462
performance of official duties, unless, subject to division (H) 463
(1) of this section, the consent of the decedent's executor or 464
administrator has been obtained; 465

(d) Grievous bodily harm, unless the injury was effected 466
by a correctional employee, youth services employee, or peace 467
officer or, subject to division (H) (1) of this section, the 468
consent of the injured person or the injured person's guardian 469
has been obtained; 470

(e) An act of severe violence against a person that 471
results in serious physical harm to the person, unless the act 472
and injury was effected by a correctional employee, youth 473
services employee, or peace officer or, subject to division (H) 474
(1) of this section, the consent of the injured person or the 475
injured person's guardian has been obtained; 476

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

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

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

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

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

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could

reasonably be expected to threaten or endanger the safety or	506
property of the person or another person;	507
(1) Personal information of a person who is not arrested,	508
cited, charged, or issued a written warning by a peace officer;	509
(m) Proprietary correctional, youth services, or police	510
contingency plans or tactics that are intended to prevent crime	511
and maintain public order and safety;	512
(n) A personal conversation unrelated to work between	513
correctional employees, youth services employees, or peace	514
officers or between a correctional employee, youth services	515
employee, or peace officer and an employee of a law enforcement	516
agency;	517
(o) A conversation between a correctional employee, youth	518
services employee, or peace officer and a member of the public	519
that does not concern correctional, youth services, or law	520
enforcement activities;	521
(p) The interior of a residence, unless the interior of a	522
residence is the location of an adversarial encounter with, or a	523
use of force by, a correctional employee, youth services	524
employee, or peace officer;	525
(q) Any portion of the interior of a private business that	526
is not open to the public, unless an adversarial encounter with,	527
or a use of force by, a correctional employee, youth services	528
employee, or peace officer occurs in that location.	529
As used in division (A) (17) of this section:	530
"Grievous bodily harm" has the same meaning as in section	531
5924.120 of the Revised Code.	532
"Health care facility" has the same meaning as in section	533

1337.11 of the Revised Code. 534

"Protected health information" has the same meaning as in 535
45 C.F.R. 160.103. 536

"Law enforcement agency" means a government entity that 537
employs peace officers to perform law enforcement duties. 538

"Personal information" means any government-issued 539
identification number, date of birth, address, financial 540
information, or criminal justice information from the law 541
enforcement automated data system or similar databases. 542

"Sex offense" has the same meaning as in section 2907.10 543
of the Revised Code. 544

"Firefighter," "paramedic," and "first responder" have the 545
same meanings as in section 4765.01 of the Revised Code. 546

(B) (1) Upon request by any person and subject to division 547
(B) (8) of this section, all public records responsive to the 548
request shall be promptly prepared and made available for 549
inspection to the requester at all reasonable times during 550
regular business hours. Subject to division (B) (8) of this 551
section, upon request by any person, a public office or person 552
responsible for public records shall make copies of the 553
requested public record available to the requester at cost and 554
within a reasonable period of time. If a public record contains 555
information that is exempt from the duty to permit public 556
inspection or to copy the public record, the public office or 557
the person responsible for the public record shall make 558
available all of the information within the public record that 559
is not exempt. When making that public record available for 560
public inspection or copying that public record, the public 561
office or the person responsible for the public record shall 562

notify the requester of any redaction or make the redaction 563
plainly visible. A redaction shall be deemed a denial of a 564
request to inspect or copy the redacted information, except if 565
federal or state law authorizes or requires a public office to 566
make the redaction. When the auditor of state receives a request 567
to inspect or to make a copy of a record that was provided to 568
the auditor of state for purposes of an audit, but the original 569
public office has asserted to the auditor of state that the 570
record is not a public record, the auditor of state may handle 571
the requests by directing the requestor to the original public 572
office that provided the record to the auditor of state. 573

(2) To facilitate broader access to public records, a 574
public office or the person responsible for public records shall 575
organize and maintain public records in a manner that they can 576
be made available for inspection or copying in accordance with 577
division (B) of this section. A public office also shall have 578
available a copy of its current records retention schedule at a 579
location readily available to the public. If a requester makes 580
an ambiguous or overly broad request or has difficulty in making 581
a request for copies or inspection of public records under this 582
section such that the public office or the person responsible 583
for the requested public record cannot reasonably identify what 584
public records are being requested, the public office or the 585
person responsible for the requested public record may deny the 586
request but shall provide the requester with an opportunity to 587
revise the request by informing the requester of the manner in 588
which records are maintained by the public office and accessed 589
in the ordinary course of the public office's or person's 590
duties. 591

(3) If a request is ultimately denied, in part or in 592
whole, the public office or the person responsible for the 593

requested public record shall provide the requester with an 594
explanation, including legal authority, setting forth why the 595
request was denied. If the initial request was provided in 596
writing, the explanation also shall be provided to the requester 597
in writing. The explanation shall not preclude the public office 598
or the person responsible for the requested public record from 599
relying upon additional reasons or legal authority in defending 600
an action commenced under division (C) of this section. 601

(4) Unless specifically required or authorized by state or 602
federal law or in accordance with division (B) of this section, 603
no public office or person responsible for public records may 604
limit or condition the availability of public records by 605
requiring disclosure of the requester's identity or the intended 606
use of the requested public record. Any requirement that the 607
requester disclose the requester's identity or the intended use 608
of the requested public record constitutes a denial of the 609
request. 610

(5) A public office or person responsible for public 611
records may ask a requester to make the request in writing, may 612
ask for the requester's identity, and may inquire about the 613
intended use of the information requested, but may do so only 614
after disclosing to the requester that a written request is not 615
mandatory, that the requester may decline to reveal the 616
requester's identity or the intended use, and when a written 617
request or disclosure of the identity or intended use would 618
benefit the requester by enhancing the ability of the public 619
office or person responsible for public records to identify, 620
locate, or deliver the public records sought by the requester. 621

(6) If any person requests a copy of a public record in 622
accordance with division (B) of this section, the public office 623

or person responsible for the public record may require the 624
requester to pay in advance the cost involved in providing the 625
copy of the public record in accordance with the choice made by 626
the requester under this division. The public office or the 627
person responsible for the public record shall permit the 628
requester to choose to have the public record duplicated upon 629
paper, upon the same medium upon which the public office or 630
person responsible for the public record keeps it, or upon any 631
other medium upon which the public office or person responsible 632
for the public record determines that it reasonably can be 633
duplicated as an integral part of the normal operations of the 634
public office or person responsible for the public record. When 635
the requester makes a choice under this division, the public 636
office or person responsible for the public record shall provide 637
a copy of it in accordance with the choice made by the 638
requester. Nothing in this section requires a public office or 639
person responsible for the public record to allow the requester 640
of a copy of the public record to make the copies of the public 641
record. 642

(7) (a) Upon a request made in accordance with division (B) 643
of this section and subject to division (B) (6) of this section, 644
a public office or person responsible for public records shall 645
transmit a copy of a public record to any person by United 646
States mail or by any other means of delivery or transmission 647
within a reasonable period of time after receiving the request 648
for the copy. The public office or person responsible for the 649
public record may require the person making the request to pay 650
in advance the cost of postage if the copy is transmitted by 651
United States mail or the cost of delivery if the copy is 652
transmitted other than by United States mail, and to pay in 653
advance the costs incurred for other supplies used in the 654

mailing, delivery, or transmission. 655

(b) Any public office may adopt a policy and procedures 656
that it will follow in transmitting, within a reasonable period 657
of time after receiving a request, copies of public records by 658
United States mail or by any other means of delivery or 659
transmission pursuant to division (B) (7) of this section. A 660
public office that adopts a policy and procedures under division 661
(B) (7) of this section shall comply with them in performing its 662
duties under that division. 663

(c) In any policy and procedures adopted under division 664
(B) (7) of this section: 665

(i) A public office may limit the number of records 666
requested by a person that the office will physically deliver by 667
United States mail or by another delivery service to ten per 668
month, unless the person certifies to the office in writing that 669
the person does not intend to use or forward the requested 670
records, or the information contained in them, for commercial 671
purposes; 672

(ii) A public office that chooses to provide some or all 673
of its public records on a web site that is fully accessible to 674
and searchable by members of the public at all times, other than 675
during acts of God outside the public office's control or 676
maintenance, and that charges no fee to search, access, 677
download, or otherwise receive records provided on the web site, 678
may limit to ten per month the number of records requested by a 679
person that the office will deliver in a digital format, unless 680
the requested records are not provided on the web site and 681
unless the person certifies to the office in writing that the 682
person does not intend to use or forward the requested records, 683
or the information contained in them, for commercial purposes. 684

(iii) For purposes of division (B)(7) of this section, 685
"commercial" shall be narrowly construed and does not include 686
reporting or gathering news, reporting or gathering information 687
to assist citizen oversight or understanding of the operation or 688
activities of government, or nonprofit educational research. 689

(8) A public office or person responsible for public 690
records is not required to permit a person who is incarcerated 691
pursuant to a criminal conviction or a juvenile adjudication to 692
inspect or to obtain a copy of any public record concerning a 693
criminal investigation or prosecution or concerning what would 694
be a criminal investigation or prosecution if the subject of the 695
investigation or prosecution were an adult, unless the request 696
to inspect or to obtain a copy of the record is for the purpose 697
of acquiring information that is subject to release as a public 698
record under this section and the judge who imposed the sentence 699
or made the adjudication with respect to the person, or the 700
judge's successor in office, finds that the information sought 701
in the public record is necessary to support what appears to be 702
a justiciable claim of the person. 703

(9) (a) Upon written request made and signed by a 704
journalist, a public office, or person responsible for public 705
records, having custody of the records of the agency employing a 706
specified designated public service worker shall disclose to the 707
journalist the address of the actual personal residence of the 708
designated public service worker and, if the designated public 709
service worker's spouse, former spouse, or child is employed by 710
a public office, the name and address of the employer of the 711
designated public service worker's spouse, former spouse, or 712
child, and any past, current, and future work schedules of the 713
designated public service worker. The request shall include the 714
journalist's name and title and the name and address of the 715

journalist's employer and shall state that disclosure of the 716
information sought would be in the public interest. 717

(b) Division (B) (9) (a) of this section also applies to 718
journalist requests for: 719

(i) Customer information maintained by a municipally owned 720
or operated public utility, other than social security numbers 721
and any private financial information such as credit reports, 722
payment methods, credit card numbers, and bank account 723
information; 724

(ii) Information about minors involved in a school vehicle 725
accident as provided in division (A) (1) (gg) of this section, 726
other than personal information as defined in section 149.45 of 727
the Revised Code; 728

(iii) A request form submitted to a public office under 729
section 149.45 of the Revised Code; 730

(iv) An affidavit submitted under section 319.28 of the 731
Revised Code. 732

(c) As used in division (B) (9) of this section, 733
"journalist" means a person engaged in, connected with, or 734
employed by any news medium, including a newspaper, magazine, 735
press association, news agency, or wire service, a radio or 736
television station, or a similar medium, for the purpose of 737
gathering, processing, transmitting, compiling, editing, or 738
disseminating information for the general public. 739

(10) Upon a request made by a victim, victim's attorney, 740
or victim's representative, as that term is used in section 741
2930.02 of the Revised Code, a public office or person 742
responsible for public records shall transmit a copy of a 743
depiction of the victim as described in division (A) (1) (ii) of 744

this section to the victim, victim's attorney, or victim's representative. 745
746

(C) (1) If a person allegedly is aggrieved by the failure 747
of a public office or the person responsible for public records 748
to promptly prepare a public record and to make it available to 749
the person for inspection in accordance with division (B) of 750
this section or by any other failure of a public office or the 751
person responsible for public records to comply with an 752
obligation in accordance with division (B) of this section, the 753
person allegedly aggrieved may do only one of the following, and 754
not both: 755

(a) File a complaint with the clerk of the court of claims 756
or the clerk of the court of common pleas under section 2743.75 757
of the Revised Code; 758

(b) Commence a mandamus action to obtain a judgment that 759
orders the public office or the person responsible for the 760
public record to comply with division (B) of this section, that 761
awards court costs and reasonable attorney's fees to the person 762
that instituted the mandamus action, and, if applicable, that 763
includes an order fixing statutory damages under division (C) (2) 764
of this section. The mandamus action may be commenced in the 765
court of common pleas of the county in which division (B) of 766
this section allegedly was not complied with, in the supreme 767
court pursuant to its original jurisdiction under Section 2 of 768
Article IV, Ohio Constitution, or in the court of appeals for 769
the appellate district in which division (B) of this section 770
allegedly was not complied with pursuant to its original 771
jurisdiction under Section 3 of Article IV, Ohio Constitution. 772

(2) If a requester transmits a written request by hand 773
delivery, electronic submission, or certified mail to inspect or 774

receive copies of any public record in a manner that fairly 775
describes the public record or class of public records to the 776
public office or person responsible for the requested public 777
records, except as otherwise provided in this section, the 778
requester shall be entitled to recover the amount of statutory 779
damages set forth in this division if a court determines that 780
the public office or the person responsible for public records 781
failed to comply with an obligation in accordance with division 782
(B) of this section. 783

The amount of statutory damages shall be fixed at one 784
hundred dollars for each business day during which the public 785
office or person responsible for the requested public records 786
failed to comply with an obligation in accordance with division 787
(B) of this section, beginning with the day on which the 788
requester files a mandamus action to recover statutory damages, 789
up to a maximum of one thousand dollars. The award of statutory 790
damages shall not be construed as a penalty, but as compensation 791
for injury arising from lost use of the requested information. 792
The existence of this injury shall be conclusively presumed. The 793
award of statutory damages shall be in addition to all other 794
remedies authorized by this section. 795

The court may reduce an award of statutory damages or not 796
award statutory damages if the court determines both of the 797
following: 798

(a) That, based on the ordinary application of statutory 799
law and case law as it existed at the time of the conduct or 800
threatened conduct of the public office or person responsible 801
for the requested public records that allegedly constitutes a 802
failure to comply with an obligation in accordance with division 803
(B) of this section and that was the basis of the mandamus 804

action, a well-informed public office or person responsible for 805
the requested public records reasonably would believe that the 806
conduct or threatened conduct of the public office or person 807
responsible for the requested public records did not constitute 808
a failure to comply with an obligation in accordance with 809
division (B) of this section; 810

(b) That a well-informed public office or person 811
responsible for the requested public records reasonably would 812
believe that the conduct or threatened conduct of the public 813
office or person responsible for the requested public records 814
would serve the public policy that underlies the authority that 815
is asserted as permitting that conduct or threatened conduct. 816

(3) In a mandamus action filed under division (C) (1) of 817
this section, the following apply: 818

(a) (i) If the court orders the public office or the person 819
responsible for the public record to comply with division (B) of 820
this section, the court shall determine and award to the relator 821
all court costs, which shall be construed as remedial and not 822
punitive. 823

(ii) If the court makes a determination described in 824
division (C) (3) (b) (iii) of this section, the court shall 825
determine and award to the relator all court costs, which shall 826
be construed as remedial and not punitive. 827

(b) If the court renders a judgment that orders the public 828
office or the person responsible for the public record to comply 829
with division (B) of this section or if the court determines any 830
of the following, the court may award reasonable attorney's fees 831
to the relator, subject to division (C) (4) of this section: 832

(i) The public office or the person responsible for the 833

public records failed to respond affirmatively or negatively to 834
the public records request in accordance with the time allowed 835
under division (B) of this section. 836

(ii) The public office or the person responsible for the 837
public records promised to permit the relator to inspect or 838
receive copies of the public records requested within a 839
specified period of time but failed to fulfill that promise 840
within that specified period of time. 841

(iii) The public office or the person responsible for the 842
public records acted in bad faith when the office or person 843
voluntarily made the public records available to the relator for 844
the first time after the relator commenced the mandamus action, 845
but before the court issued any order concluding whether or not 846
the public office or person was required to comply with division 847
(B) of this section. No discovery may be conducted on the issue 848
of the alleged bad faith of the public office or person 849
responsible for the public records. This division shall not be 850
construed as creating a presumption that the public office or 851
the person responsible for the public records acted in bad faith 852
when the office or person voluntarily made the public records 853
available to the relator for the first time after the relator 854
commenced the mandamus action, but before the court issued any 855
order described in this division. 856

(c) The court shall not award attorney's fees to the 857
relator if the court determines both of the following: 858

(i) That, based on the ordinary application of statutory 859
law and case law as it existed at the time of the conduct or 860
threatened conduct of the public office or person responsible 861
for the requested public records that allegedly constitutes a 862
failure to comply with an obligation in accordance with division 863

(B) of this section and that was the basis of the mandamus 864
action, a well-informed public office or person responsible for 865
the requested public records reasonably would believe that the 866
conduct or threatened conduct of the public office or person 867
responsible for the requested public records did not constitute 868
a failure to comply with an obligation in accordance with 869
division (B) of this section; 870

(ii) That a well-informed public office or person 871
responsible for the requested public records reasonably would 872
believe that the conduct or threatened conduct of the public 873
office or person responsible for the requested public records 874
would serve the public policy that underlies the authority that 875
is asserted as permitting that conduct or threatened conduct. 876

(4) All of the following apply to any award of reasonable 877
attorney's fees awarded under division (C) (3) (b) of this 878
section: 879

(a) The fees shall be construed as remedial and not 880
punitive. 881

(b) The fees awarded shall not exceed the total of the 882
reasonable attorney's fees incurred before the public record was 883
made available to the relator and the fees described in division 884
(C) (4) (c) of this section. 885

(c) Reasonable attorney's fees shall include reasonable 886
fees incurred to produce proof of the reasonableness and amount 887
of the fees and to otherwise litigate entitlement to the fees. 888

(d) The court may reduce the amount of fees awarded if the 889
court determines that, given the factual circumstances involved 890
with the specific public records request, an alternative means 891
should have been pursued to more effectively and efficiently 892

resolve the dispute that was subject to the mandamus action 893
filed under division (C) (1) of this section. 894

(5) If the court does not issue a writ of mandamus under 895
division (C) of this section and the court determines at that 896
time that the bringing of the mandamus action was frivolous 897
conduct as defined in division (A) of section 2323.51 of the 898
Revised Code, the court may award to the public office all court 899
costs, expenses, and reasonable attorney's fees, as determined 900
by the court. 901

(D) Chapter 1347. of the Revised Code does not limit the 902
provisions of this section. 903

(E) (1) To ensure that all employees of public offices are 904
appropriately educated about a public office's obligations under 905
division (B) of this section, all elected officials or their 906
appropriate designees shall attend training approved by the 907
attorney general as provided in section 109.43 of the Revised 908
Code. A future official may satisfy the requirements of this 909
division by attending the training before taking office, 910
provided that the future official may not send a designee in the 911
future official's place. 912

(2) All public offices shall adopt a public records policy 913
in compliance with this section for responding to public records 914
requests. In adopting a public records policy under this 915
division, a public office may obtain guidance from the model 916
public records policy developed and provided to the public 917
office by the attorney general under section 109.43 of the 918
Revised Code. Except as otherwise provided in this section, the 919
policy may not limit the number of public records that the 920
public office will make available to a single person, may not 921
limit the number of public records that it will make available 922

during a fixed period of time, and may not establish a fixed 923
period of time before it will respond to a request for 924
inspection or copying of public records, unless that period is 925
less than eight hours. 926

The public office shall distribute the public records 927
policy adopted by the public office under this division to the 928
employee of the public office who is the records custodian or 929
records manager or otherwise has custody of the records of that 930
office. The public office shall require that employee to 931
acknowledge receipt of the copy of the public records policy. 932
The public office shall create a poster that describes its 933
public records policy and shall post the poster in a conspicuous 934
place in the public office and in all locations where the public 935
office has branch offices. The public office may post its public 936
records policy on the internet web site of the public office if 937
the public office maintains an internet web site. A public 938
office that has established a manual or handbook of its general 939
policies and procedures for all employees of the public office 940
shall include the public records policy of the public office in 941
the manual or handbook. 942

(F) (1) The bureau of motor vehicles may adopt rules 943
pursuant to Chapter 119. of the Revised Code to reasonably limit 944
the number of bulk commercial special extraction requests made 945
by a person for the same records or for updated records during a 946
calendar year. The rules may include provisions for charges to 947
be made for bulk commercial special extraction requests for the 948
actual cost of the bureau, plus special extraction costs, plus 949
ten per cent. The bureau may charge for expenses for redacting 950
information, the release of which is prohibited by law. 951

(2) As used in division (F) (1) of this section: 952

(a) "Actual cost" means the cost of depleted supplies, 953
records storage media costs, actual mailing and alternative 954
delivery costs, or other transmitting costs, and any direct 955
equipment operating and maintenance costs, including actual 956
costs paid to private contractors for copying services. 957

(b) "Bulk commercial special extraction request" means a 958
request for copies of a record for information in a format other 959
than the format already available, or information that cannot be 960
extracted without examination of all items in a records series, 961
class of records, or database by a person who intends to use or 962
forward the copies for surveys, marketing, solicitation, or 963
resale for commercial purposes. "Bulk commercial special 964
extraction request" does not include a request by a person who 965
gives assurance to the bureau that the person making the request 966
does not intend to use or forward the requested copies for 967
surveys, marketing, solicitation, or resale for commercial 968
purposes. 969

(c) "Commercial" means profit-seeking production, buying, 970
or selling of any good, service, or other product. 971

(d) "Special extraction costs" means the cost of the time 972
spent by the lowest paid employee competent to perform the task, 973
the actual amount paid to outside private contractors employed 974
by the bureau, or the actual cost incurred to create computer 975
programs to make the special extraction. "Special extraction 976
costs" include any charges paid to a public agency for computer 977
or records services. 978

(3) For purposes of divisions (F) (1) and (2) of this 979
section, "surveys, marketing, solicitation, or resale for 980
commercial purposes" shall be narrowly construed and does not 981
include reporting or gathering news, reporting or gathering 982

information to assist citizen oversight or understanding of the 983
operation or activities of government, or nonprofit educational 984
research. 985

(G) A request by a defendant, counsel of a defendant, or 986
any agent of a defendant in a criminal action that public 987
records related to that action be made available under this 988
section shall be considered a demand for discovery pursuant to 989
the Criminal Rules, except to the extent that the Criminal Rules 990
plainly indicate a contrary intent. The defendant, counsel of 991
the defendant, or agent of the defendant making a request under 992
this division shall serve a copy of the request on the 993
prosecuting attorney, director of law, or other chief legal 994
officer responsible for prosecuting the action. 995

(H) (1) Any portion of a body-worn camera or dashboard 996
camera recording described in divisions (A) (17) (b) to (h) of 997
this section may be released by consent of the subject of the 998
recording or a representative of that person, as specified in 999
those divisions, only if either of the following applies: 1000

(a) The recording will not be used in connection with any 1001
probable or pending criminal proceedings; 1002

(b) The recording has been used in connection with a 1003
criminal proceeding that was dismissed or for which a judgment 1004
has been entered pursuant to Rule 32 of the Rules of Criminal 1005
Procedure, and will not be used again in connection with any 1006
probable or pending criminal proceedings. 1007

(2) If a public office denies a request to release a 1008
restricted portion of a body-worn camera or dashboard camera 1009
recording, as defined in division (A) (17) of this section, any 1010
person may file a mandamus action pursuant to this section or a 1011

complaint with the clerk of the court of claims pursuant to 1012
section 2743.75 of the Revised Code, requesting the court to 1013
order the release of all or portions of the recording. If the 1014
court considering the request determines that the filing 1015
articulates by clear and convincing evidence that the public 1016
interest in the recording substantially outweighs privacy 1017
interests and other interests asserted to deny release, the 1018
court shall order the public office to release the recording. 1019

Sec. 149.45. (A) As used in this section: 1020

(1) "Personal information" means any of the following: 1021

(a) An individual's social security number; 1022

(b) An individual's state or federal tax identification 1023
number; 1024

(c) An individual's driver's license number or state 1025
identification number; 1026

(d) An individual's checking account number, savings 1027
account number, credit card number, or debit card number; 1028

(e) An individual's demand deposit account number, money 1029
market account number, mutual fund account number, or any other 1030
financial or medical account number. 1031

(2) "Public record," "designated public service worker," 1032
and "designated public service worker residential and familial 1033
information" have the meanings defined in section 149.43 of the 1034
Revised Code. 1035

(3) "Qualifying former designated public service worker" 1036
means a former designated public service worker with a minimum 1037
of five years of qualifying service who was an employee in good 1038
standing at the completion of such service, or a former 1039

designated public service worker who was an elected official, 1040

regardless of length of service. 1041

(4) "Truncate" means to redact all but the last four 1042
digits of an individual's social security number. 1043

(B) (1) No public office or person responsible for a public 1044
office's public records shall make available to the general 1045
public on the internet any document that contains an 1046
individual's social security number without otherwise redacting, 1047
encrypting, or truncating the social security number. 1048

(2) A public office or person responsible for a public 1049
office's public records that, prior to October 17, 2011, made 1050
available to the general public on the internet any document 1051
that contains an individual's social security number shall 1052
redact, encrypt, or truncate the social security number from 1053
that document. 1054

(3) Divisions (B) (1) and (2) of this section do not apply 1055
to documents that are only accessible through the internet with 1056
a password. 1057

(C) (1) An individual may request that a public office or a 1058
person responsible for a public office's public records redact 1059
personal information of that individual from any record made 1060
available to the general public on the internet. An individual 1061
who makes a request for redaction pursuant to this division 1062
shall make the request in writing on a form developed by the 1063
attorney general and shall specify the personal information to 1064
be redacted and provide any information that identifies the 1065
location of that personal information within a document that 1066
contains that personal information. 1067

(2) Upon receiving a request for a redaction pursuant to 1068

division (C) (1) of this section, a public office or a person 1069
responsible for a public office's public records shall act 1070
within five business days in accordance with the request to 1071
redact the personal information of the individual from any 1072
record made available to the general public on the internet, if 1073
practicable. If a redaction is not practicable, the public 1074
office or person responsible for the public office's public 1075
records shall verbally or in writing within five business days 1076
after receiving the written request explain to the individual 1077
why the redaction is impracticable. 1078

(3) The attorney general shall develop a form to be used 1079
by an individual to request a redaction pursuant to division (C) 1080
(1) of this section. The form shall include a place to provide 1081
any information that identifies the location of the personal 1082
information to be redacted. 1083

(D) (1) A designated public service worker and a qualifying 1084
former designated public service worker may request that a 1085
public office, other than a county auditor, or a person 1086
responsible for the public records of a public office, other 1087
than a county auditor, redact the ~~designated public service~~ 1088
~~worker's~~ requestor's address from any record made available to 1089
the general public on the internet that includes designated 1090
public service worker residential and familial information of 1091
the ~~designated public service worker~~ making the 1092
~~request~~ requestor. A designated public service worker or 1093
qualifying former designated public service worker who makes a 1094
request for a redaction pursuant to this division shall make the 1095
request in writing and on a form developed by the attorney 1096
general. A qualifying former designated public service worker 1097
shall provide, with the form, a confirmation letter from each 1098
employer at which the worker accumulated service confirming the 1099

years of service and that the worker departed service in good 1100
standing. A qualifying former designated public service worker, 1101
who was an elected official, shall provide, with the form, a 1102
certificate of oath or a certificate of election, for the last 1103
term of office served, or a notarized affidavit attesting to the 1104
required service. 1105

(2) Upon receiving a written request for a redaction, and 1106
confirmation letter if applicable, pursuant to division (D) (1) 1107
of this section, a public office, other than a county auditor, 1108
or a person responsible for the public records of a public 1109
office, other than a county auditor, shall act within five 1110
business days in accordance with the request to redact the 1111
address of the ~~designated public service worker making the~~ 1112
~~request~~ requestor from any record made available to the general 1113
public on the internet that includes designated public service 1114
worker residential and familial information of the ~~designated~~ 1115
~~public service worker making the request~~ requestor, if 1116
practicable. If a redaction is not practicable, the public 1117
office or person responsible for the public office's public 1118
records shall verbally or in writing within five business days 1119
after receiving the written request explain to the ~~designated~~ 1120
~~public service worker~~ requestor why the redaction is 1121
impracticable. 1122

(3) Except as provided in this section and section 319.28 1123
of the Revised Code, a public office, other than an employer of 1124
a designated public service worker or qualifying former 1125
designated public service worker, or a person responsible for 1126
the public records of the employer, is not required to redact 1127
designated public service worker residential and familial 1128
information of the designated public service worker or 1129
qualifying former designated public service worker from other 1130

records maintained by the public office. 1131

(4) The attorney general shall develop a form to be used 1132
by a designated public service worker or qualifying former 1133
designated public service worker to request a redaction pursuant 1134
to division (D)(1) of this section. The form shall include a 1135
place to provide any information that identifies the location of 1136
the address of the designated public service worker or 1137
qualifying former designated public service worker to be 1138
redacted. 1139

(E)(1) If a public office or a person responsible for a 1140
public office's public records becomes aware that an electronic 1141
record of that public office that is made available to the 1142
general public on the internet contains an individual's social 1143
security number that was mistakenly not redacted, encrypted, or 1144
truncated as required by division (B)(1) or (2) of this section, 1145
the public office or person responsible for the public office's 1146
public records shall redact, encrypt, or truncate the 1147
individual's social security number within a reasonable period 1148
of time. 1149

(2) A public office or a person responsible for a public 1150
office's public records is not liable in damages in a civil 1151
action for any harm an individual allegedly sustains as a result 1152
of the inclusion of that individual's personal information on 1153
any record made available to the general public on the internet 1154
or any harm a designated public service worker sustains as a 1155
result of the inclusion of the designated public service 1156
worker's address on any record made available to the general 1157
public on the internet in violation of this section, unless the 1158
public office or person responsible for the public office's 1159
public records acted with malicious purpose, in bad faith, or in 1160

a wanton or reckless manner or unless division (A) (6) (a) or (c) 1161
of section 2744.03 of the Revised Code applies. 1162

(F) A form submitted under division (C) or (D) of this 1163
section, or a confirmation letter submitted under division (D) 1164
of this section, is not a public record under division (A) (1) 1165
(uu) of section 149.43 of the Revised Code. 1166

Sec. 319.28. (A) As used in this section: 1167

"Designated public service worker" has the meaning defined 1168
in division (A) (7) of section 149.43 of the Revised Code. 1169

"Qualifying former designated public service worker" has 1170
the meaning defined in section 149.45 of the Revised Code. 1171

(B) Except as otherwise provided in division ~~(B)~~ ~~(C)~~ of 1172
this section, on or before the first Monday of August, annually, 1173
the county auditor shall compile and make up a general tax list 1174
of real and public utility property in the county, either in 1175
tabular form and alphabetical order, or, with the consent of the 1176
county treasurer, by listing all parcels in a permanent parcel 1177
number sequence to which a separate alphabetical index is keyed, 1178
containing the names of the several persons, companies, firms, 1179
partnerships, associations, and corporations in whose names real 1180
property has been listed in each township, municipal 1181
corporation, special district, or separate school district, or 1182
part of either in the auditor's county, placing separately, in 1183
appropriate columns opposite each name, the description of each 1184
tract, lot, or parcel of real estate, the value of each tract, 1185
lot, or parcel, the value of the improvements thereon, and of 1186
the names of the several public utilities whose property, 1187
subject to taxation on the general tax list and duplicate, has 1188
been apportioned by the department of taxation to the county, 1189

and the amount so apportioned to each township, municipal 1190
corporation, special district, or separate school district or 1191
part of either in the auditor's county, as shown by the 1192
certificates of apportionment of public utility property. If the 1193
name of the owner of any tract, lot, or parcel of real estate is 1194
unknown to the auditor, "unknown" shall be entered in the column 1195
of names opposite said tract, lot, or parcel. Such lists shall 1196
be prepared in duplicate. On or before the first Monday of 1197
September in each year, the auditor shall correct such lists in 1198
accordance with the additions and deductions ordered by the tax 1199
commissioner and by the county board of revision, and shall 1200
certify and on the first day of October deliver one copy thereof 1201
to the county treasurer. The copies prepared by the auditor 1202
shall constitute the auditor's general tax list and treasurer's 1203
general duplicate of real and public utility property for the 1204
current year. 1205

Once a permanent parcel numbering system has been 1206
established in any county as provided by the preceding 1207
paragraph, such system shall remain in effect until otherwise 1208
agreed upon by the county auditor and county treasurer. 1209

~~(B) (1) An individual~~ (C) (1) A designated public service 1210
worker, a qualified former designated public service worker, or 1211
the spouse of ~~that~~ either individual, whose residential and 1212
familial information is not a public record under divisions (A) 1213
(1) (p) and (A) (7) of section 149.43 of the Revised Code may 1214
submit an affidavit to the county auditor requesting the county 1215
auditor to remove the name of the individual filing the 1216
affidavit from any record made available to the general public 1217
on the internet or a publicly accessible database, and from the 1218
general tax list and duplicate of real and public utility 1219
property, and to instead insert the individual's initials on any 1220

such record, and on the general tax list and duplicate of real 1221
and public utility property as the name of the individual that 1222
appears on the deed. A qualifying former designated public 1223
service worker shall provide, with the affidavit, a confirmation 1224
letter from each employer at which the worker accumulated 1225
service confirming the years of service and that the worker 1226
departed service in good standing. A qualifying former 1227
designated public service worker, who was an elected official, 1228
shall provide, with the form, a certificate of oath or a 1229
certificate of election, for the last term of office served, or 1230
a notarized affidavit attesting to the required service. 1231

(2) Upon receiving an affidavit, and confirmation letter 1232
if applicable, described in division ~~(B) (1)~~ (C) (1) of this 1233
section, the county auditor shall act within five business days 1234
in accordance with the request to remove the individual's name 1235
from any record made available to the general public on the 1236
internet or a publicly accessible database, and from the general 1237
tax list and duplicate of real and public utility property and 1238
insert the individual's initials on any such record and on the 1239
general tax list and duplicate of real and public utility 1240
property, if practicable. If the removal and insertion is not 1241
practicable, the county auditor shall verbally or in writing 1242
within five business days after receiving the affidavit explain 1243
to the individual why the removal and insertion is 1244
impracticable. 1245

~~(C)~~ (D) The county auditor shall keep confidential 1246
information that is subject to a real property confidentiality 1247
notice under section 111.431 of the Revised Code, in accordance 1248
with that section. An affidavit or confirmation letter submitted 1249
under division (C) (1) of this section is not a public record 1250
under division (A) (1) (vv) of section 149.43 of the Revised Code. 1251

Sec. 319.54. (A) On all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, the county auditor, on settlement with the treasurer and tax commissioner, on or before the date prescribed by law for such settlement or any lawful extension of such date, shall be allowed as compensation for the county auditor's services the following percentages:

(1) On the first one hundred thousand dollars, two and one-half per cent;

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety per cent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably

by the auditor and deducted from the shares or portions of the 1281
revenue payable to the state as well as to the county, 1282
townships, municipal corporations, and school districts. 1283

(B) For the purpose of reimbursing county auditors for the 1284
expenses associated with the increased number of applications 1285
for reductions in real property taxes under sections 323.152 and 1286
4503.065 of the Revised Code that result from the amendment of 1287
those sections by Am. Sub. H.B. 119 of the 127th general 1288
assembly, there shall be paid from the state's general revenue 1289
fund to the county treasury, to the credit of the real estate 1290
assessment fund created by section 325.31 of the Revised Code, 1291
an amount equal to one per cent of the total annual amount of 1292
property tax relief reimbursement paid to that county under 1293
sections 323.156 and 4503.068 of the Revised Code for the 1294
preceding tax year. Payments made under this division shall be 1295
made at the same times and in the same manner as payments made 1296
under section 323.156 of the Revised Code. 1297

(C) From all moneys collected by the county treasurer on 1298
any tax duplicate of the county, other than estate tax 1299
duplicates, and on all moneys received as advance payments of 1300
personal property and classified property taxes, there shall be 1301
paid into the county treasury to the credit of the real estate 1302
assessment fund created by section 325.31 of the Revised Code, 1303
an amount to be determined by the county auditor, which shall 1304
not exceed the percentages prescribed in divisions (C) (1) and 1305
(2) of this section. 1306

(1) For payments made after June 30, 2007, and before 1307
2011, the following percentages: 1308

(a) On the first five hundred thousand dollars, four per 1309
cent; 1310

(b) On the next five million dollars, two per cent;	1311
(c) On the next five million dollars, one per cent;	1312
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	1313 1314
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	1315 1316
(2) For payments made in or after 2011, the following percentages:	1317 1318
(a) On the first five hundred thousand dollars, four per cent;	1319 1320
(b) On the next ten million dollars, two per cent;	1321
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	1322 1323
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	1324 1325 1326 1327
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	1328 1329 1330 1331
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, two per cent of the amount collected and reported that year in excess of refunds distributed, for the use of the general fund	1332 1333 1334 1335 1336 1337

of the county. 1338

(F) On all cigarette license moneys collected by the 1339
county treasurer, the county auditor, on settlement semiannually 1340
with the treasurer, shall be allowed as compensation for the 1341
auditor's services in the issuing of such licenses one-half of 1342
one per cent of such moneys, to be apportioned ratably and 1343
deducted from the shares of the revenue payable to the county 1344
and subdivisions, for the use of the general fund of the county. 1345

(G) The county auditor shall charge and receive fees as 1346
follows: 1347

(1) For deeds of land sold for taxes to be paid by the 1348
purchaser, five dollars; 1349

(2) For the transfer or entry of land, lot, or part of 1350
lot, or the transfer or entry on or after January 1, 2000, of a 1351
used manufactured home or mobile home as defined in section 1352
5739.0210 of the Revised Code, fifty cents for each transfer or 1353
entry, to be paid by the person requiring it; 1354

(3) For receiving statements of value and administering 1355
section 319.202 of the Revised Code, one dollar, or ten cents 1356
for each one hundred dollars or fraction of one hundred dollars, 1357
whichever is greater, of the value of the real property 1358
transferred or, for sales occurring on or after January 1, 2000, 1359
the value of the used manufactured home or used mobile home, as 1360
defined in section 5739.0210 of the Revised Code, transferred, 1361
except no fee shall be charged when the transfer is made: 1362

(a) To or from the United States, this state, or any 1363
instrumentality, agency, or political subdivision of the United 1364
States or this state; 1365

(b) Solely in order to provide or release security for a 1366

debt or obligation; 1367

(c) To confirm or correct a deed previously executed and 1368
recorded, or when a current owner ~~on any record made available~~ 1369
~~to the general public on the internet or a publicly accessible~~ 1370
~~database and the general tax list of real and public utility~~ 1371
~~property and the general duplicate of real and public utility~~ 1372
~~property is a peace officer, parole officer, prosecuting~~ 1373
~~attorney, assistant prosecuting attorney, correctional employee,~~ 1374
~~youth services employee, firefighter, EMT, or investigator of~~ 1375
~~the bureau of criminal identification and investigation and is~~ 1376
changing the current owner name listed on any record made 1377
available to the general public on the internet, or a publicly 1378
accessible database, and the general tax list of real and public 1379
utility property, and the general duplicate of real and public 1380
utility property, to the initials of the current owner as 1381
prescribed in division ~~(B) (1)~~ (C) (1) of section 319.28 of the 1382
Revised Code; 1383

(d) To evidence a gift, in trust or otherwise and whether 1384
revocable or irrevocable, between husband and wife, or parent 1385
and child or the spouse of either; 1386

(e) On sale for delinquent taxes or assessments; 1387

(f) Pursuant to court order, to the extent that such 1388
transfer is not the result of a sale effected or completed 1389
pursuant to such order; 1390

(g) Pursuant to a reorganization of corporations or 1391
unincorporated associations or pursuant to the dissolution of a 1392
corporation, to the extent that the corporation conveys the 1393
property to a stockholder as a distribution in kind of the 1394
corporation's assets in exchange for the stockholder's shares in 1395

the dissolved corporation; 1396

(h) By a subsidiary corporation to its parent corporation 1397
for no consideration, nominal consideration, or in sole 1398
consideration of the cancellation or surrender of the 1399
subsidiary's stock; 1400

(i) By lease, whether or not it extends to mineral or 1401
mineral rights, unless the lease is for a term of years 1402
renewable forever; 1403

(j) When the value of the real property or the 1404
manufactured or mobile home or the value of the interest that is 1405
conveyed does not exceed one hundred dollars; 1406

(k) Of an occupied residential property, including a 1407
manufactured or mobile home, being transferred to the builder of 1408
a new residence or to the dealer of a new manufactured or mobile 1409
home when the former residence is traded as part of the 1410
consideration for the new residence or new manufactured or 1411
mobile home; 1412

(l) To a grantee other than a dealer in real property or 1413
in manufactured or mobile homes, solely for the purpose of, and 1414
as a step in, the prompt sale of the real property or 1415
manufactured or mobile home to others; 1416

(m) To or from a person when no money or other valuable 1417
and tangible consideration readily convertible into money is 1418
paid or to be paid for the real estate or manufactured or mobile 1419
home and the transaction is not a gift; 1420

(n) Pursuant to division (B) of section 317.22 of the 1421
Revised Code, or section 2113.61 of the Revised Code, between 1422
spouses or to a surviving spouse pursuant to section 5302.17 of 1423
the Revised Code as it existed prior to April 4, 1985, between 1424

persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;

(o) To a trustee acting on behalf of minor children of the deceased;

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;

(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;

(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if

the transfer is made pursuant to trust provisions which became 1453
irrevocable at the death of the grantor; 1454

(w) To a corporation for incorporation into a sports 1455
facility constructed pursuant to section 307.696 of the Revised 1456
Code; 1457

(x) Between persons pursuant to section 5302.18 of the 1458
Revised Code; 1459

(y) From a county land reutilization corporation organized 1460
under Chapter 1724. of the Revised Code, or its wholly owned 1461
subsidiary, to a third party. 1462

(4) For the cost of publishing the delinquent manufactured 1463
home tax list, the delinquent tax list, and the delinquent 1464
vacant land tax list, a flat fee, as determined by the county 1465
auditor, to be charged to the owner of a home on the delinquent 1466
manufactured home tax list or the property owner of land on the 1467
delinquent tax list or the delinquent vacant land tax list. 1468

The auditor shall compute and collect the fee. The auditor 1469
shall maintain a numbered receipt system, as prescribed by the 1470
tax commissioner, and use such receipt system to provide a 1471
receipt to each person paying a fee. The auditor shall deposit 1472
the receipts of the fees on conveyances in the county treasury 1473
daily to the credit of the general fund of the county, except 1474
that fees charged and received under division (G) (3) of this 1475
section for a transfer of real property to a county land 1476
reutilization corporation shall be credited to the county land 1477
reutilization corporation fund established under section 321.263 1478
of the Revised Code. 1479

The real property transfer fee provided for in division 1480
(G) (3) of this section shall be applicable to any conveyance of 1481

real property presented to the auditor on or after January 1,	1482
1968, regardless of its time of execution or delivery.	1483
The transfer fee for a used manufactured home or used	1484
mobile home shall be computed by and paid to the county auditor	1485
of the county in which the home is located immediately prior to	1486
the transfer.	1487
Section 2. That existing sections 149.43, 149.45, 319.28,	1488
and 319.54 of the Revised Code are hereby repealed.	1489