

As Introduced

**130th General Assembly
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H. B. No. 429

Representatives Bishoff, Henne

**Cosponsors: Representatives Antonio, Barborak, Fedor, Foley, Hagan, R.,
Lundy, Phillips, Strahorn, Terhar**

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A B I L L

To amend sections 149.43 and 149.45 of the Revised 1
Code to make records kept by private police 2
departments subject to the Public Records Law, to 3
exclude private police officer's residential and 4
familial information from the definition of public 5
record, and to permit a private police officer to 6
request a public office to redact the private 7
police officer's residential and familial 8
information from the public office's public 9
records, and to amend the version of section 10
149.43 of the Revised Code that is scheduled to 11
take effect March 20, 2015, to continue the 12
provisions of this act on and after that effective 13
date. 14

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

Section 1. That sections 149.43 and 149.45 of the Revised 15
Code be amended to read as follows: 16

Sec. 149.43. (A) As used in this section: 17

(1) "Public record" means records kept by any public office, 18

including, but not limited to, state, county, city, village, 19
township, and school district units, ~~and~~ records pertaining to the 20
delivery of educational services by an alternative school in this 21
state kept by the nonprofit or for-profit entity operating the 22
alternative school pursuant to section 3313.533 of the Revised 23
Code, and records kept by a private police department. "Public 24
record" does not mean any of the following: 25

(a) Medical records; 26

(b) Records pertaining to probation and parole proceedings or 27
to proceedings related to the imposition of community control 28
sanctions and post-release control sanctions; 29

(c) Records pertaining to actions under section 2151.85 and 30
division (C) of section 2919.121 of the Revised Code and to 31
appeals of actions arising under those sections; 32

(d) Records pertaining to adoption proceedings, including the 33
contents of an adoption file maintained by the department of 34
health under section 3705.12 of the Revised Code; 35

(e) Information in a record contained in the putative father 36
registry established by section 3107.062 of the Revised Code, 37
regardless of whether the information is held by the department of 38
job and family services or, pursuant to section 3111.69 of the 39
Revised Code, the office of child support in the department or a 40
child support enforcement agency; 41

(f) Records listed in division (A) of section 3107.42 of the 42
Revised Code or specified in division (A) of section 3107.52 of 43
the Revised Code; 44

(g) Trial preparation records; 45

(h) Confidential law enforcement investigatory records; 46

(i) Records containing information that is confidential under 47
section 2710.03 or 4112.05 of the Revised Code; 48

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	49 50
(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;	51 52 53 54
(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;	55 56 57 58
(m) Intellectual property records;	59
(n) Donor profile records;	60
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	61 62
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation, <u>or private police officer</u> residential and familial information;	63 64 65 66 67 68 69
(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;	70 71 72 73 74
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	75 76
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child	77 78

fatality review board acting under sections 307.621 to 307.629 of 79
the Revised Code, and child fatality review data submitted by the 80
child fatality review board to the department of health or a 81
national child death review database, other than the report 82
prepared pursuant to division (A) of section 307.626 of the 83
Revised Code; 84

(t) Records provided to and statements made by the executive 85
director of a public children services agency or a prosecuting 86
attorney acting pursuant to section 5153.171 of the Revised Code 87
other than the information released under that section; 88

(u) Test materials, examinations, or evaluation tools used in 89
an examination for licensure as a nursing home administrator that 90
the board of executives of long-term services and supports 91
administers under section 4751.04 of the Revised Code or contracts 92
under that section with a private or government entity to 93
administer; 94

(v) Records the release of which is prohibited by state or 95
federal law; 96

(w) Proprietary information of or relating to any person that 97
is submitted to or compiled by the Ohio venture capital authority 98
created under section 150.01 of the Revised Code; 99

(x) Financial statements and data any person submits for any 100
purpose to the Ohio housing finance agency or the controlling 101
board in connection with applying for, receiving, or accounting 102
for financial assistance from the agency, and information that 103
identifies any individual who benefits directly or indirectly from 104
financial assistance from the agency; 105

(y) Records listed in section 5101.29 of the Revised Code; 106

(z) Discharges recorded with a county recorder under section 107
317.24 of the Revised Code, as specified in division (B)(2) of 108
that section; 109

(aa) Usage information including names and addresses of	110
specific residential and commercial customers of a municipally	111
owned or operated public utility;	112
(bb) Records described in division (C) of section 187.04 of	113
the Revised Code that are not designated to be made available to	114
the public as provided in that division.	115
(2) "Confidential law enforcement investigatory record" means	116
any record that pertains to a law enforcement matter of a	117
criminal, quasi-criminal, civil, or administrative nature, but	118
only to the extent that the release of the record would create a	119
high probability of disclosure of any of the following:	120
(a) The identity of a suspect who has not been charged with	121
the offense to which the record pertains, or of an information	122
source or witness to whom confidentiality has been reasonably	123
promised;	124
(b) Information provided by an information source or witness	125
to whom confidentiality has been reasonably promised, which	126
information would reasonably tend to disclose the source's or	127
witness's identity;	128
(c) Specific confidential investigatory techniques or	129
procedures or specific investigatory work product;	130
(d) Information that would endanger the life or physical	131
safety of law enforcement personnel, a crime victim, a witness, or	132
a confidential information source.	133
(3) "Medical record" means any document or combination of	134
documents, except births, deaths, and the fact of admission to or	135
discharge from a hospital, that pertains to the medical history,	136
diagnosis, prognosis, or medical condition of a patient and that	137
is generated and maintained in the process of medical treatment.	138
(4) "Trial preparation record" means any record that contains	139

information that is specifically compiled in reasonable 140
anticipation of, or in defense of, a civil or criminal action or 141
proceeding, including the independent thought processes and 142
personal trial preparation of an attorney. 143

(5) "Intellectual property record" means a record, other than 144
a financial or administrative record, that is produced or 145
collected by or for faculty or staff of a state institution of 146
higher learning in the conduct of or as a result of study or 147
research on an educational, commercial, scientific, artistic, 148
technical, or scholarly issue, regardless of whether the study or 149
research was sponsored by the institution alone or in conjunction 150
with a governmental body or private concern, and that has not been 151
publicly released, published, or patented. 152

(6) "Donor profile record" means all records about donors or 153
potential donors to a public institution of higher education 154
except the names and reported addresses of the actual donors and 155
the date, amount, and conditions of the actual donation. 156

(7) "Peace officer, parole officer, probation officer, 157
bailiff, prosecuting attorney, assistant prosecuting attorney, 158
correctional employee, community-based correctional facility 159
employee, youth services employee, firefighter, EMT, ~~or~~ 160
investigator of the bureau of criminal identification and 161
investigation, or private police officer residential and familial 162
information" means any information that discloses any of the 163
following about a peace officer, parole officer, probation 164
officer, bailiff, prosecuting attorney, assistant prosecuting 165
attorney, correctional employee, community-based correctional 166
facility employee, youth services employee, firefighter, EMT, ~~or~~ 167
investigator of the bureau of criminal identification and 168
investigation, or private police officer: 169

(a) The address of the actual personal residence of a peace 170
officer, parole officer, probation officer, bailiff, assistant 171

prosecuting attorney, correctional employee, community-based 172
correctional facility employee, youth services employee, 173
firefighter, EMT, ~~or an~~ investigator of the bureau of criminal 174
identification and investigation, or private police officer, 175
except for the state or political subdivision in which the peace 176
officer, parole officer, probation officer, bailiff, assistant 177
prosecuting attorney, correctional employee, community-based 178
correctional facility employee, youth services employee, 179
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 180
identification and investigation, or private police officer 181
resides; 182

(b) Information compiled from referral to or participation in 183
an employee assistance program; 184

(c) The social security number, the residential telephone 185
number, any bank account, debit card, charge card, or credit card 186
number, or the emergency telephone number of, or any medical 187
information pertaining to, a peace officer, parole officer, 188
probation officer, bailiff, prosecuting attorney, assistant 189
prosecuting attorney, correctional employee, community-based 190
correctional facility employee, youth services employee, 191
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 192
identification and investigation, or private police officer; 193

(d) The name of any beneficiary of employment benefits, 194
including, but not limited to, life insurance benefits, provided 195
to a peace officer, parole officer, probation officer, bailiff, 196
prosecuting attorney, assistant prosecuting attorney, correctional 197
employee, community-based correctional facility employee, youth 198
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 199
of criminal identification and investigation, or private police 200
officer by the peace officer's, parole officer's, probation 201
officer's, bailiff's, prosecuting attorney's, assistant 202
prosecuting attorney's, correctional employee's, community-based 203

correctional facility employee's, youth services employee's, 204
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 205
identification and investigation's, or private police officer's 206
employer; 207

(e) The identity and amount of any charitable or employment 208
benefit deduction made by the peace officer's, parole officer's, 209
probation officer's, bailiff's, prosecuting attorney's, assistant 210
prosecuting attorney's, correctional employee's, community-based 211
correctional facility employee's, youth services employee's, 212
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 213
identification and investigation's, or private police officer's 214
employer from the peace officer's, parole officer's, probation 215
officer's, bailiff's, prosecuting attorney's, assistant 216
prosecuting attorney's, correctional employee's, community-based 217
correctional facility employee's, youth services employee's, 218
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 219
identification and investigation's, or private police officer's 220
compensation unless the amount of the deduction is required by 221
state or federal law; 222

(f) The name, the residential address, the name of the 223
employer, the address of the employer, the social security number, 224
the residential telephone number, any bank account, debit card, 225
charge card, or credit card number, or the emergency telephone 226
number of the spouse, a former spouse, or any child of a peace 227
officer, parole officer, probation officer, bailiff, prosecuting 228
attorney, assistant prosecuting attorney, correctional employee, 229
community-based correctional facility employee, youth services 230
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 231
criminal identification and investigation, or private police 232
officer; 233

(g) A photograph of a peace officer who holds a position or 234
has an assignment that may include undercover or plain clothes 235

positions or assignments as determined by the peace officer's 236
appointing authority. 237

As used in divisions (A)(7) and (B)(9) of this section, 238
"peace officer" has the same meaning as in section 109.71 of the 239
Revised Code and also includes the superintendent and troopers of 240
the state highway patrol; it does not include the sheriff of a 241
county or a supervisory employee who, in the absence of the 242
sheriff, is authorized to stand in for, exercise the authority of, 243
and perform the duties of the sheriff. 244

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 245
"correctional employee" means any employee of the department of 246
rehabilitation and correction who in the course of performing the 247
employee's job duties has or has had contact with inmates and 248
persons under supervision. 249

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 250
"youth services employee" means any employee of the department of 251
youth services who in the course of performing the employee's job 252
duties has or has had contact with children committed to the 253
custody of the department of youth services. 254

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

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

As used in divisions (A)(7) and (B)(9) of this section, 265
"investigator of the bureau of criminal identification and 266

investigation" has the meaning defined in section 2903.11 of the Revised Code. 267
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(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following: 269
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(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; 274
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(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 277
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(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 279
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(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 281
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(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 287
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(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 289
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(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 291
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(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code. 295
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(13) "Private police department" means a department, division, or unit of a private organization or entity that enforces criminal laws and that has employees who have a statutory power of arrest and are any of the following:

(a) Employed as campus police officers under section 1713.50 of the Revised Code;

(b) Employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;

(c) Appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers;

(d) Appointed and commissioned as railroad police officers;

(e) Appointed and commissioned as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code;

(f) Appointed and commissioned as amusement park police officers pursuant to section 4973.17 of the Revised Code.

(14) "Private police officer" means a police officer employed by a private police department.

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

public record shall make available all of the information within 327
the public record that is not exempt. When making that public 328
record available for public inspection or copying that public 329
record, the public office or the person responsible for the public 330
record shall notify the requester of any redaction or make the 331
redaction plainly visible. A redaction shall be deemed a denial of 332
a request to inspect or copy the redacted information, except if 333
federal or state law authorizes or requires a public office to 334
make the redaction. 335

(2) To facilitate broader access to public records, a public 336
office or the person responsible for public records shall organize 337
and maintain public records in a manner that they can be made 338
available for inspection or copying in accordance with division 339
(B) of this section. A public office also shall have available a 340
copy of its current records retention schedule at a location 341
readily available to the public. If a requester makes an ambiguous 342
or overly broad request or has difficulty in making a request for 343
copies or inspection of public records under this section such 344
that the public office or the person responsible for the requested 345
public record cannot reasonably identify what public records are 346
being requested, the public office or the person responsible for 347
the requested public record may deny the request but shall provide 348
the requester with an opportunity to revise the request by 349
informing the requester of the manner in which records are 350
maintained by the public office and accessed in the ordinary 351
course of the public office's or person's duties. 352

(3) If a request is ultimately denied, in part or in whole, 353
the public office or the person responsible for the requested 354
public record shall provide the requester with an explanation, 355
including legal authority, setting forth why the request was 356
denied. If the initial request was provided in writing, the 357
explanation also shall be provided to the requester in writing. 358

The explanation shall not preclude the public office or the person 359
responsible for the requested public record from relying upon 360
additional reasons or legal authority in defending an action 361
commenced under division (C) of this section. 362

(4) Unless specifically required or authorized by state or 363
federal law or in accordance with division (B) of this section, no 364
public office or person responsible for public records may limit 365
or condition the availability of public records by requiring 366
disclosure of the requester's identity or the intended use of the 367
requested public record. Any requirement that the requester 368
disclose the requestor's identity or the intended use of the 369
requested public record constitutes a denial of the request. 370

(5) A public office or person responsible for public records 371
may ask a requester to make the request in writing, may ask for 372
the requester's identity, and may inquire about the intended use 373
of the information requested, but may do so only after disclosing 374
to the requester that a written request is not mandatory and that 375
the requester may decline to reveal the requester's identity or 376
the intended use and when a written request or disclosure of the 377
identity or intended use would benefit the requester by enhancing 378
the ability of the public office or person responsible for public 379
records to identify, locate, or deliver the public records sought 380
by the requester. 381

(6) If any person chooses to obtain a copy of a public record 382
in accordance with division (B) of this section, the public office 383
or person responsible for the public record may require that 384
person to pay in advance the cost involved in providing the copy 385
of the public record in accordance with the choice made by the 386
person seeking the copy under this division. The public office or 387
the person responsible for the public record shall permit that 388
person to choose to have the public record duplicated upon paper, 389
upon the same medium upon which the public office or person 390

responsible for the public record keeps it, or upon any other 391
medium upon which the public office or person responsible for the 392
public record determines that it reasonably can be duplicated as 393
an integral part of the normal operations of the public office or 394
person responsible for the public record. When the person seeking 395
the copy makes a choice under this division, the public office or 396
person responsible for the public record shall provide a copy of 397
it in accordance with the choice made by the person seeking the 398
copy. Nothing in this section requires a public office or person 399
responsible for the public record to allow the person seeking a 400
copy of the public record to make the copies of the public record. 401

(7) Upon a request made in accordance with division (B) of 402
this section and subject to division (B)(6) of this section, a 403
public office or person responsible for public records shall 404
transmit a copy of a public record to any person by United States 405
mail or by any other means of delivery or transmission within a 406
reasonable period of time after receiving the request for the 407
copy. The public office or person responsible for the public 408
record may require the person making the request to pay in advance 409
the cost of postage if the copy is transmitted by United States 410
mail or the cost of delivery if the copy is transmitted other than 411
by United States mail, and to pay in advance the costs incurred 412
for other supplies used in the mailing, delivery, or transmission. 413

Any public office may adopt a policy and procedures that it 414
will follow in transmitting, within a reasonable period of time 415
after receiving a request, copies of public records by United 416
States mail or by any other means of delivery or transmission 417
pursuant to this division. A public office that adopts a policy 418
and procedures under this division shall comply with them in 419
performing its duties under this division. 420

In any policy and procedures adopted under this division, a 421
public office may limit the number of records requested by a 422

person that the office will transmit by United States mail to ten 423
per month, unless the person certifies to the office in writing 424
that the person does not intend to use or forward the requested 425
records, or the information contained in them, for commercial 426
purposes. For purposes of this division, "commercial" shall be 427
narrowly construed and does not include reporting or gathering 428
news, reporting or gathering information to assist citizen 429
oversight or understanding of the operation or activities of 430
government, or nonprofit educational research. 431

(8) A public office or person responsible for public records 432
is not required to permit a person who is incarcerated pursuant to 433
a criminal conviction or a juvenile adjudication to inspect or to 434
obtain a copy of any public record concerning a criminal 435
investigation or prosecution or concerning what would be a 436
criminal investigation or prosecution if the subject of the 437
investigation or prosecution were an adult, unless the request to 438
inspect or to obtain a copy of the record is for the purpose of 439
acquiring information that is subject to release as a public 440
record under this section and the judge who imposed the sentence 441
or made the adjudication with respect to the person, or the 442
judge's successor in office, finds that the information sought in 443
the public record is necessary to support what appears to be a 444
justiciable claim of the person. 445

(9)(a) Upon written request made and signed by a journalist 446
on or after December 16, 1999, a public office, or person 447
responsible for public records, having custody of the records of 448
the agency employing a specified peace officer, parole officer, 449
probation officer, bailiff, prosecuting attorney, assistant 450
prosecuting attorney, correctional employee, community-based 451
correctional facility employee, youth services employee, 452
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 453
identification and investigation, or private police officer shall 454

disclose to the journalist the address of the actual personal 455
residence of the peace officer, parole officer, probation officer, 456
bailiff, prosecuting attorney, assistant prosecuting attorney, 457
correctional employee, community-based correctional facility 458
employee, youth services employee, firefighter, EMT, ~~or~~ 459
investigator of the bureau of criminal identification and 460
investigation, or private police officer and, if the peace 461
officer's, parole officer's, probation officer's, bailiff's, 462
prosecuting attorney's, assistant prosecuting attorney's, 463
correctional employee's, community-based correctional facility 464
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 465
investigator of the bureau of criminal identification and 466
investigation's, or private police officer's spouse, former 467
spouse, or child is employed by a public office, the name and 468
address of the employer of the peace officer's, parole officer's, 469
probation officer's, bailiff's, prosecuting attorney's, assistant 470
prosecuting attorney's, correctional employee's, community-based 471
correctional facility employee's, youth services employee's, 472
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 473
identification and investigation's, or private police officer's 474
spouse, former spouse, or child. The request shall include the 475
journalist's name and title and the name and address of the 476
journalist's employer and shall state that disclosure of the 477
information sought would be in the public interest. 478

(b) Division (B)(9)(a) of this section also applies to 479
journalist requests for customer information maintained by a 480
municipally owned or operated public utility, other than social 481
security numbers and any private financial information such as 482
credit reports, payment methods, credit card numbers, and bank 483
account information. 484

(c) As used in division (B)(9) of this section, "journalist" 485
means a person engaged in, connected with, or employed by any news 486

medium, including a newspaper, magazine, press association, news 487
agency, or wire service, a radio or television station, or a 488
similar medium, for the purpose of gathering, processing, 489
transmitting, compiling, editing, or disseminating information for 490
the general public. 491

(C)(1) If a person allegedly is aggrieved by the failure of a 492
public office or the person responsible for public records to 493
promptly prepare a public record and to make it available to the 494
person for inspection in accordance with division (B) of this 495
section or by any other failure of a public office or the person 496
responsible for public records to comply with an obligation in 497
accordance with division (B) of this section, the person allegedly 498
aggrieved may commence a mandamus action to obtain a judgment that 499
orders the public office or the person responsible for the public 500
record to comply with division (B) of this section, that awards 501
court costs and reasonable attorney's fees to the person that 502
instituted the mandamus action, and, if applicable, that includes 503
an order fixing statutory damages under division (C)(1) of this 504
section. The mandamus action may be commenced in the court of 505
common pleas of the county in which division (B) of this section 506
allegedly was not complied with, in the supreme court pursuant to 507
its original jurisdiction under Section 2 of Article IV, Ohio 508
Constitution, or in the court of appeals for the appellate 509
district in which division (B) of this section allegedly was not 510
complied with pursuant to its original jurisdiction under Section 511
3 of Article IV, Ohio Constitution. 512

If a requestor transmits a written request by hand delivery 513
or certified mail to inspect or receive copies of any public 514
record in a manner that fairly describes the public record or 515
class of public records to the public office or person responsible 516
for the requested public records, except as otherwise provided in 517
this section, the requestor shall be entitled to recover the 518

amount of statutory damages set forth in this division if a court 519
determines that the public office or the person responsible for 520
public records failed to comply with an obligation in accordance 521
with division (B) of this section. 522

The amount of statutory damages shall be fixed at one hundred 523
dollars for each business day during which the public office or 524
person responsible for the requested public records failed to 525
comply with an obligation in accordance with division (B) of this 526
section, beginning with the day on which the requester files a 527
mandamus action to recover statutory damages, up to a maximum of 528
one thousand dollars. The award of statutory damages shall not be 529
construed as a penalty, but as compensation for injury arising 530
from lost use of the requested information. The existence of this 531
injury shall be conclusively presumed. The award of statutory 532
damages shall be in addition to all other remedies authorized by 533
this section. 534

The court may reduce an award of statutory damages or not 535
award statutory damages if the court determines both of the 536
following: 537

(a) That, based on the ordinary application of statutory law 538
and case law as it existed at the time of the conduct or 539
threatened conduct of the public office or person responsible for 540
the requested public records that allegedly constitutes a failure 541
to comply with an obligation in accordance with division (B) of 542
this section and that was the basis of the mandamus action, a 543
well-informed public office or person responsible for the 544
requested public records reasonably would believe that the conduct 545
or threatened conduct of the public office or person responsible 546
for the requested public records did not constitute a failure to 547
comply with an obligation in accordance with division (B) of this 548
section; 549

(b) That a well-informed public office or person responsible 550

for the requested public records reasonably would believe that the 551
conduct or threatened conduct of the public office or person 552
responsible for the requested public records would serve the 553
public policy that underlies the authority that is asserted as 554
permitting that conduct or threatened conduct. 555

(2)(a) If the court issues a writ of mandamus that orders the 556
public office or the person responsible for the public record to 557
comply with division (B) of this section and determines that the 558
circumstances described in division (C)(1) of this section exist, 559
the court shall determine and award to the relator all court 560
costs. 561

(b) If the court renders a judgment that orders the public 562
office or the person responsible for the public record to comply 563
with division (B) of this section, the court may award reasonable 564
attorney's fees subject to reduction as described in division 565
(C)(2)(c) of this section. The court shall award reasonable 566
attorney's fees, subject to reduction as described in division 567
(C)(2)(c) of this section when either of the following applies: 568

(i) The public office or the person responsible for the 569
public records failed to respond affirmatively or negatively to 570
the public records request in accordance with the time allowed 571
under division (B) of this section. 572

(ii) The public office or the person responsible for the 573
public records promised to permit the relator to inspect or 574
receive copies of the public records requested within a specified 575
period of time but failed to fulfill that promise within that 576
specified period of time. 577

(c) Court costs and reasonable attorney's fees awarded under 578
this section shall be construed as remedial and not punitive. 579
Reasonable attorney's fees shall include reasonable fees incurred 580
to produce proof of the reasonableness and amount of the fees and 581

to otherwise litigate entitlement to the fees. The court may 582
reduce an award of attorney's fees to the relator or not award 583
attorney's fees to the relator if the court determines both of the 584
following: 585

(i) That, based on the ordinary application of statutory law 586
and case law as it existed at the time of the conduct or 587
threatened conduct of the public office or person responsible for 588
the requested public records that allegedly constitutes a failure 589
to comply with an obligation in accordance with division (B) of 590
this section and that was the basis of the mandamus action, a 591
well-informed public office or person responsible for the 592
requested public records reasonably would believe that the conduct 593
or threatened conduct of the public office or person responsible 594
for the requested public records did not constitute a failure to 595
comply with an obligation in accordance with division (B) of this 596
section; 597

(ii) That a well-informed public office or person responsible 598
for the requested public records reasonably would believe that the 599
conduct or threatened conduct of the public office or person 600
responsible for the requested public records as described in 601
division (C)(2)(c)(i) of this section would serve the public 602
policy that underlies the authority that is asserted as permitting 603
that conduct or threatened conduct. 604

(D) Chapter 1347. of the Revised Code does not limit the 605
provisions of this section. 606

(E)(1) To ensure that all employees of public offices are 607
appropriately educated about a public office's obligations under 608
division (B) of this section, all elected officials or their 609
appropriate designees shall attend training approved by the 610
attorney general as provided in section 109.43 of the Revised 611
Code. In addition, all public offices shall adopt a public records 612
policy in compliance with this section for responding to public 613

records requests. In adopting a public records policy under this 614
division, a public office may obtain guidance from the model 615
public records policy developed and provided to the public office 616
by the attorney general under section 109.43 of the Revised Code. 617
Except as otherwise provided in this section, the policy may not 618
limit the number of public records that the public office will 619
make available to a single person, may not limit the number of 620
public records that it will make available during a fixed period 621
of time, and may not establish a fixed period of time before it 622
will respond to a request for inspection or copying of public 623
records, unless that period is less than eight hours. 624

(2) The public office shall distribute the public records 625
policy adopted by the public office under division (E)(1) of this 626
section to the employee of the public office who is the records 627
custodian or records manager or otherwise has custody of the 628
records of that office. The public office shall require that 629
employee to acknowledge receipt of the copy of the public records 630
policy. The public office shall create a poster that describes its 631
public records policy and shall post the poster in a conspicuous 632
place in the public office and in all locations where the public 633
office has branch offices. The public office may post its public 634
records policy on the internet web site of the public office if 635
the public office maintains an internet web site. A public office 636
that has established a manual or handbook of its general policies 637
and procedures for all employees of the public office shall 638
include the public records policy of the public office in the 639
manual or handbook. 640

(F)(1) The bureau of motor vehicles may adopt rules pursuant 641
to Chapter 119. of the Revised Code to reasonably limit the number 642
of bulk commercial special extraction requests made by a person 643
for the same records or for updated records during a calendar 644
year. The rules may include provisions for charges to be made for 645

bulk commercial special extraction requests for the actual cost of 646
the bureau, plus special extraction costs, plus ten per cent. The 647
bureau may charge for expenses for redacting information, the 648
release of which is prohibited by law. 649

(2) As used in division (F)(1) of this section: 650

(a) "Actual cost" means the cost of depleted supplies, 651
records storage media costs, actual mailing and alternative 652
delivery costs, or other transmitting costs, and any direct 653
equipment operating and maintenance costs, including actual costs 654
paid to private contractors for copying services. 655

(b) "Bulk commercial special extraction request" means a 656
request for copies of a record for information in a format other 657
than the format already available, or information that cannot be 658
extracted without examination of all items in a records series, 659
class of records, or database by a person who intends to use or 660
forward the copies for surveys, marketing, solicitation, or resale 661
for commercial purposes. "Bulk commercial special extraction 662
request" does not include a request by a person who gives 663
assurance to the bureau that the person making the request does 664
not intend to use or forward the requested copies for surveys, 665
marketing, solicitation, or resale for commercial purposes. 666

(c) "Commercial" means profit-seeking production, buying, or 667
selling of any good, service, or other product. 668

(d) "Special extraction costs" means the cost of the time 669
spent by the lowest paid employee competent to perform the task, 670
the actual amount paid to outside private contractors employed by 671
the bureau, or the actual cost incurred to create computer 672
programs to make the special extraction. "Special extraction 673
costs" include any charges paid to a public agency for computer or 674
records services. 675

(3) For purposes of divisions (F)(1) and (2) of this section, 676

"surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

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

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

(a) An individual's social security number;

(b) An individual's federal tax identification number;

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

(d) An individual's checking account number, savings account number, or credit card number.

(2) "Public record~~s~~" ~~and~~ "peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or private police officer residential and familial information, "private police department," and "private police officer" have the same meanings as in section 149.43 of the Revised Code.

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

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

(2) A public office or person responsible for a public

office's public records that prior to ~~the effective date of this~~ 706
~~section October 17, 2011,~~ made available to the general public on 707
the internet any document that contains an individual's social 708
security number shall redact, encrypt, or truncate the social 709
security number from that document. 710

(3) Divisions (B)(1) and (2) of this section do not apply to 711
documents that are only accessible through the internet with a 712
password. 713

(C)(1) An individual may request that a public office or a 714
person responsible for a public office's public records redact 715
personal information of that individual from any record made 716
available to the general public on the internet. An individual who 717
makes a request for redaction pursuant to this division shall make 718
the request in writing on a form developed by the attorney general 719
and shall specify the personal information to be redacted and 720
provide any information that identifies the location of that 721
personal information within a document that contains that personal 722
information. 723

(2) Upon receiving a request for a redaction pursuant to 724
division (C)(1) of this section, a public office or a person 725
responsible for a public office's public records shall act within 726
five business days in accordance with the request to redact the 727
personal information of the individual from any record made 728
available to the general public on the internet, if practicable. 729
If a redaction is not practicable, the public office or person 730
responsible for the public office's public records shall verbally 731
or in writing within five business days after receiving the 732
written request explain to the individual why the redaction is 733
impracticable. 734

(3) The attorney general shall develop a form to be used by 735
an individual to request a redaction pursuant to division (C)(1) 736
of this section. The form shall include a place to provide any 737

information that identifies the location of the personal 738
information to be redacted. 739

(D)(1) A peace officer, parole officer, probation officer, 740
bailiff, prosecuting attorney, assistant prosecuting attorney, 741
correctional employee, youth services employee, firefighter, EMT, 742
~~or~~ investigator of the bureau of criminal identification and 743
investigation, or private police officer may request that a public 744
office other than a county auditor or a person responsible for the 745
public records of a public office other than a county auditor 746
redact the address of the person making the request from any 747
record made available to the general public on the internet that 748
includes peace officer, parole officer, probation officer, 749
bailiff, prosecuting attorney, assistant prosecuting attorney, 750
correctional employee, youth services employee, firefighter, EMT, 751
~~or~~ investigator of the bureau of criminal identification and 752
investigation, or private police officer residential and familial 753
information of the person making the request. A person who makes a 754
request for a redaction pursuant to this division shall make the 755
request in writing and on a form developed by the attorney 756
general. 757

(2) Upon receiving a written request for a redaction pursuant 758
to division (D)(1) of this section, a public office other than a 759
county auditor or a person responsible for the public records of a 760
public office other than a county auditor shall act within five 761
business days in accordance with the request to redact the address 762
of the peace officer, parole officer, probation officer, bailiff, 763
prosecuting attorney, assistant prosecuting attorney, correctional 764
employee, youth services employee, firefighter, EMT, ~~or~~ 765
investigator of the bureau of criminal identification and 766
investigation, or private police officer making the request from 767
any record made available to the general public on the internet 768
that includes peace officer, parole officer, probation officer, 769

bailiff, prosecuting attorney, assistant prosecuting attorney, 770
correctional employee, youth services employee, firefighter, EMT, 771
~~or~~ investigator of the bureau of criminal identification and 772
investigation, or private police officer residential and familial 773
information of the person making the request, if practicable. If a 774
redaction is not practicable, the public office or person 775
responsible for the public office's public records shall verbally 776
or in writing within five business days after receiving the 777
written request explain to the peace officer, parole officer, 778
probation officer, bailiff, prosecuting attorney, assistant 779
prosecuting attorney, correctional employee, youth services 780
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 781
criminal identification and investigation, or private police 782
officer why the redaction is impracticable. 783

(3) Except as provided in this section and section 319.28 of 784
the Revised Code, a public office other than an employer of a 785
peace officer, parole officer, probation officer, bailiff, 786
prosecuting attorney, assistant prosecuting attorney, correctional 787
employee, youth services employee, firefighter, EMT, or 788
investigator of the bureau of criminal identification and 789
investigation or a person responsible for the public records of 790
the employer is not required to redact the residential and 791
familial information of the peace officer, parole officer, 792
probation officer, bailiff, prosecuting attorney, assistant 793
prosecuting attorney, correctional employee, youth services 794
employee, firefighter, EMT, or investigator of the bureau of 795
criminal identification and investigation from other records 796
maintained by the public office. 797

(4) The attorney general shall develop a form to be used by a 798
peace officer, parole officer, probation officer, bailiff, 799
prosecuting attorney, assistant prosecuting attorney, correctional 800
employee, youth services employee, firefighter, EMT, ~~or~~ 801

investigator of the bureau of criminal identification and 802
investigation, or private police officer to request a redaction 803
pursuant to division (D)(1) of this section. The form shall 804
include a place to provide any information that identifies the 805
location of the address of a peace officer, parole officer, 806
probation officer, bailiff, prosecuting attorney, assistant 807
prosecuting attorney, correctional employee, youth services 808
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 809
criminal identification and investigation, or private police 810
officer to be redacted. 811

(E)(1) If a public office or a person responsible for a 812
public office's public records becomes aware that an electronic 813
record of that public office that is made available to the general 814
public on the internet contains an individual's social security 815
number that was mistakenly not redacted, encrypted, or truncated 816
as required by division (B)(1) or (2) of this section, the public 817
office or person responsible for the public office's public 818
records shall redact, encrypt, or truncate the individual's social 819
security number within a reasonable period of time. 820

(2) A public office or a person responsible for a public 821
office's public records is not liable in damages in a civil action 822
for any harm an individual allegedly sustains as a result of the 823
inclusion of that individual's personal information on any record 824
made available to the general public on the internet or any harm a 825
peace officer, parole officer, probation officer, bailiff, 826
prosecuting attorney, assistant prosecuting attorney, correctional 827
employee, youth services employee, firefighter, EMT, ~~or~~ 828
investigator of the bureau of criminal identification and 829
investigation, or private police officer sustains as a result of 830
the inclusion of the address of the peace officer, parole officer, 831
probation officer, bailiff, prosecuting attorney, assistant 832
prosecuting attorney, correctional employee, youth services 833

employee, firefighter, EMT, ~~or~~ investigator of the bureau of 834
criminal identification and investigation, or private police 835
officer on any record made available to the general public on the 836
internet in violation of this section unless the public office or 837
person responsible for the public office's public records acted 838
with malicious purpose, in bad faith, or in a wanton or reckless 839
manner or division (A)(6)(a) or (c) of section 2744.03 of the 840
Revised Code applies. 841

Section 2. That existing sections 149.43 and 149.45 of the 842
Revised Code are hereby repealed. 843

Section 3. That the version of section 149.43 of the Revised 844
Code that is scheduled to take effect March 20, 2015, be amended 845
to read as follows: 846

Sec. 149.43. (A) As used in this section: 847

(1) "Public record" means records kept by any public office, 848
including, but not limited to, state, county, city, village, 849
township, and school district units, ~~and~~ records pertaining to the 850
delivery of educational services by an alternative school in this 851
state kept by the nonprofit or for-profit entity operating the 852
alternative school pursuant to section 3313.533 of the Revised 853
Code, and records kept by a private police department. "Public 854
record" does not mean any of the following: 855

(a) Medical records; 856

(b) Records pertaining to probation and parole proceedings or 857
to proceedings related to the imposition of community control 858
sanctions and post-release control sanctions; 859

(c) Records pertaining to actions under section 2151.85 and 860
division (C) of section 2919.121 of the Revised Code and to 861
appeals of actions arising under those sections; 862

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	863 864 865
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	866 867 868 869 870 871
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	872 873
(g) Trial preparation records;	874
(h) Confidential law enforcement investigatory records;	875
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	876 877
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	878 879
(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;	880 881 882 883
(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;	884 885 886 887
(m) Intellectual property records;	888
(n) Donor profile records;	889
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	890 891

(p) Peace officer, parole officer, probation officer, 892
bailiff, prosecuting attorney, assistant prosecuting attorney, 893
correctional employee, community-based correctional facility 894
employee, youth services employee, firefighter, EMT, ~~or~~ 895
investigator of the bureau of criminal identification and 896
investigation, or private police officer residential and familial 897
information; 898

(q) In the case of a county hospital operated pursuant to 899
Chapter 339. of the Revised Code or a municipal hospital operated 900
pursuant to Chapter 749. of the Revised Code, information that 901
constitutes a trade secret, as defined in section 1333.61 of the 902
Revised Code; 903

(r) Information pertaining to the recreational activities of 904
a person under the age of eighteen; 905

(s) Records provided to, statements made by review board 906
members during meetings of, and all work products of a child 907
fatality review board acting under sections 307.621 to 307.629 of 908
the Revised Code, and child fatality review data submitted by the 909
child fatality review board to the department of health or a 910
national child death review database, other than the report 911
prepared pursuant to division (A) of section 307.626 of the 912
Revised Code; 913

(t) Records provided to and statements made by the executive 914
director of a public children services agency or a prosecuting 915
attorney acting pursuant to section 5153.171 of the Revised Code 916
other than the information released under that section; 917

(u) Test materials, examinations, or evaluation tools used in 918
an examination for licensure as a nursing home administrator that 919
the board of executives of long-term services and supports 920
administers under section 4751.04 of the Revised Code or contracts 921
under that section with a private or government entity to 922

administer;	923
(v) Records the release of which is prohibited by state or federal law;	924 925
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	926 927 928
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	929 930 931 932 933 934
(y) Records listed in section 5101.29 of the Revised Code;	935
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	936 937 938
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	939 940 941
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division.	942 943 944
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	945 946 947 948 949
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably	950 951 952

promised;	953
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	954 955 956 957
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	958 959
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	960 961 962
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.	963 964 965 966 967
(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.	968 969 970 971 972
(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.	973 974 975 976 977 978 979 980 981
(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education	982 983

except the names and reported addresses of the actual donors and 984
the date, amount, and conditions of the actual donation. 985

(7) "Peace officer, parole officer, probation officer, 986
bailiff, prosecuting attorney, assistant prosecuting attorney, 987
correctional employee, community-based correctional facility 988
employee, youth services employee, firefighter, EMT, ~~or~~ 989
investigator of the bureau of criminal identification and 990
investigation, or private police officer residential and familial 991
information" means any information that discloses any of the 992
following about a peace officer, parole officer, probation 993
officer, bailiff, prosecuting attorney, assistant prosecuting 994
attorney, correctional employee, community-based correctional 995
facility employee, youth services employee, firefighter, EMT, ~~or~~ 996
investigator of the bureau of criminal identification and 997
investigation, or private police officer: 998

(a) The address of the actual personal residence of a peace 999
officer, parole officer, probation officer, bailiff, assistant 1000
prosecuting attorney, correctional employee, community-based 1001
correctional facility employee, youth services employee, 1002
firefighter, EMT, ~~or an~~ investigator of the bureau of criminal 1003
identification and investigation, or private police officer, 1004
except for the state or political subdivision in which the peace 1005
officer, parole officer, probation officer, bailiff, assistant 1006
prosecuting attorney, correctional employee, community-based 1007
correctional facility employee, youth services employee, 1008
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1009
identification and investigation, or private police officer 1010
resides; 1011

(b) Information compiled from referral to or participation in 1012
an employee assistance program; 1013

(c) The social security number, the residential telephone 1014
number, any bank account, debit card, charge card, or credit card 1015

number, or the emergency telephone number of, or any medical 1016
information pertaining to, a peace officer, parole officer, 1017
probation officer, bailiff, prosecuting attorney, assistant 1018
prosecuting attorney, correctional employee, community-based 1019
correctional facility employee, youth services employee, 1020
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1021
identification and investigation, or private police officer; 1022

(d) The name of any beneficiary of employment benefits, 1023
including, but not limited to, life insurance benefits, provided 1024
to a peace officer, parole officer, probation officer, bailiff, 1025
prosecuting attorney, assistant prosecuting attorney, correctional 1026
employee, community-based correctional facility employee, youth 1027
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1028
of criminal identification and investigation, or private police 1029
officer by the peace officer's, parole officer's, probation 1030
officer's, bailiff's, prosecuting attorney's, assistant 1031
prosecuting attorney's, correctional employee's, community-based 1032
correctional facility employee's, youth services employee's, 1033
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 1034
identification and investigation's, or private police officer's 1035
employer; 1036

(e) The identity and amount of any charitable or employment 1037
benefit deduction made by the peace officer's, parole officer's, 1038
probation officer's, bailiff's, prosecuting attorney's, assistant 1039
prosecuting attorney's, correctional employee's, community-based 1040
correctional facility employee's, youth services employee's, 1041
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 1042
identification and investigation's, or private police officer's 1043
employer from the peace officer's, parole officer's, probation 1044
officer's, bailiff's, prosecuting attorney's, assistant 1045
prosecuting attorney's, correctional employee's, community-based 1046
correctional facility employee's, youth services employee's, 1047

firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 1048
identification and investigation's compensation, or private police 1049
officer's unless the amount of the deduction is required by state 1050
or federal law; 1051

(f) The name, the residential address, the name of the 1052
employer, the address of the employer, the social security number, 1053
the residential telephone number, any bank account, debit card, 1054
charge card, or credit card number, or the emergency telephone 1055
number of the spouse, a former spouse, or any child of a peace 1056
officer, parole officer, probation officer, bailiff, prosecuting 1057
attorney, assistant prosecuting attorney, correctional employee, 1058
community-based correctional facility employee, youth services 1059
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1060
criminal identification and investigation, or private police 1061
officer; 1062

(g) A photograph of a peace officer who holds a position or 1063
has an assignment that may include undercover or plain clothes 1064
positions or assignments as determined by the peace officer's 1065
appointing authority. 1066

As used in divisions (A)(7) and (B)(9) of this section, 1067
"peace officer" has the same meaning as in section 109.71 of the 1068
Revised Code and also includes the superintendent and troopers of 1069
the state highway patrol; it does not include the sheriff of a 1070
county or a supervisory employee who, in the absence of the 1071
sheriff, is authorized to stand in for, exercise the authority of, 1072
and perform the duties of the sheriff. 1073

As used in divisions (A)(7) and (B)(9) of this section, 1074
"correctional employee" means any employee of the department of 1075
rehabilitation and correction who in the course of performing the 1076
employee's job duties has or has had contact with inmates and 1077
persons under supervision. 1078

As used in divisions (A)(7) and (B)(9) of this section, 1079
"youth services employee" means any employee of the department of 1080
youth services who in the course of performing the employee's job 1081
duties has or has had contact with children committed to the 1082
custody of the department of youth services. 1083

As used in divisions (A)(7) and (B)(9) of this section, 1084
"firefighter" means any regular, paid or volunteer, member of a 1085
lawfully constituted fire department of a municipal corporation, 1086
township, fire district, or village. 1087

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 1088
means EMTs-basic, EMTs-I, and paramedics that provide emergency 1089
medical services for a public emergency medical service 1090
organization. "Emergency medical service organization," 1091
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 1092
section 4765.01 of the Revised Code. 1093

As used in divisions (A)(7) and (B)(9) of this section, 1094
"investigator of the bureau of criminal identification and 1095
investigation" has the meaning defined in section 2903.11 of the 1096
Revised Code. 1097

(8) "Information pertaining to the recreational activities of 1098
a person under the age of eighteen" means information that is kept 1099
in the ordinary course of business by a public office, that 1100
pertains to the recreational activities of a person under the age 1101
of eighteen years, and that discloses any of the following: 1102

(a) The address or telephone number of a person under the age 1103
of eighteen or the address or telephone number of that person's 1104
parent, guardian, custodian, or emergency contact person; 1105

(b) The social security number, birth date, or photographic 1106
image of a person under the age of eighteen; 1107

(c) Any medical record, history, or information pertaining to 1108
a person under the age of eighteen; 1109

(d) Any additional information sought or required about a 1110
person under the age of eighteen for the purpose of allowing that 1111
person to participate in any recreational activity conducted or 1112
sponsored by a public office or to use or obtain admission 1113
privileges to any recreational facility owned or operated by a 1114
public office. 1115

(9) "Community control sanction" has the same meaning as in 1116
section 2929.01 of the Revised Code. 1117

(10) "Post-release control sanction" has the same meaning as 1118
in section 2967.01 of the Revised Code. 1119

(11) "Redaction" means obscuring or deleting any information 1120
that is exempt from the duty to permit public inspection or 1121
copying from an item that otherwise meets the definition of a 1122
"record" in section 149.011 of the Revised Code. 1123

(12) "Designee" and "elected official" have the same meanings 1124
as in section 109.43 of the Revised Code. 1125

(13) "Private police department" means a department, 1126
division, or unit of a private organization or entity that 1127
enforces criminal laws and that has employees who have a statutory 1128
power of arrest and are any of the following: 1129

(a) Employed as campus police officers under section 1713.50 1130
of the Revised Code; 1131

(b) Employed as police officers by a qualified nonprofit 1132
corporation police department pursuant to section 1702.80 of the 1133
Revised Code; 1134

(c) Appointed and commissioned as bank, savings and loan 1135
association, savings bank, credit union, or association of banks, 1136
savings and loan associations, savings banks, or credit unions 1137
police officers; 1138

(d) Appointed and commissioned as railroad police officers; 1139

(e) Appointed and commissioned as hospital police officers 1140
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 1141

(f) Appointed and commissioned as amusement park police 1142
officers pursuant to section 4973.17 of the Revised Code. 1143

(14) "Private police officer" means a police officer employed 1144
by a private police department. 1145

(B)(1) Upon request and subject to division (B)(8) of this 1146
section, all public records responsive to the request shall be 1147
promptly prepared and made available for inspection to any person 1148
at all reasonable times during regular business hours. Subject to 1149
division (B)(8) of this section, upon request, a public office or 1150
person responsible for public records shall make copies of the 1151
requested public record available at cost and within a reasonable 1152
period of time. If a public record contains information that is 1153
exempt from the duty to permit public inspection or to copy the 1154
public record, the public office or the person responsible for the 1155
public record shall make available all of the information within 1156
the public record that is not exempt. When making that public 1157
record available for public inspection or copying that public 1158
record, the public office or the person responsible for the public 1159
record shall notify the requester of any redaction or make the 1160
redaction plainly visible. A redaction shall be deemed a denial of 1161
a request to inspect or copy the redacted information, except if 1162
federal or state law authorizes or requires a public office to 1163
make the redaction. 1164

(2) To facilitate broader access to public records, a public 1165
office or the person responsible for public records shall organize 1166
and maintain public records in a manner that they can be made 1167
available for inspection or copying in accordance with division 1168
(B) of this section. A public office also shall have available a 1169
copy of its current records retention schedule at a location 1170
readily available to the public. If a requester makes an ambiguous 1171

or overly broad request or has difficulty in making a request for 1172
copies or inspection of public records under this section such 1173
that the public office or the person responsible for the requested 1174
public record cannot reasonably identify what public records are 1175
being requested, the public office or the person responsible for 1176
the requested public record may deny the request but shall provide 1177
the requester with an opportunity to revise the request by 1178
informing the requester of the manner in which records are 1179
maintained by the public office and accessed in the ordinary 1180
course of the public office's or person's duties. 1181

(3) If a request is ultimately denied, in part or in whole, 1182
the public office or the person responsible for the requested 1183
public record shall provide the requester with an explanation, 1184
including legal authority, setting forth why the request was 1185
denied. If the initial request was provided in writing, the 1186
explanation also shall be provided to the requester in writing. 1187
The explanation shall not preclude the public office or the person 1188
responsible for the requested public record from relying upon 1189
additional reasons or legal authority in defending an action 1190
commenced under division (C) of this section. 1191

(4) Unless specifically required or authorized by state or 1192
federal law or in accordance with division (B) of this section, no 1193
public office or person responsible for public records may limit 1194
or condition the availability of public records by requiring 1195
disclosure of the requester's identity or the intended use of the 1196
requested public record. Any requirement that the requester 1197
disclose the requestor's identity or the intended use of the 1198
requested public record constitutes a denial of the request. 1199

(5) A public office or person responsible for public records 1200
may ask a requester to make the request in writing, may ask for 1201
the requester's identity, and may inquire about the intended use 1202
of the information requested, but may do so only after disclosing 1203

to the requester that a written request is not mandatory and that 1204
the requester may decline to reveal the requester's identity or 1205
the intended use and when a written request or disclosure of the 1206
identity or intended use would benefit the requester by enhancing 1207
the ability of the public office or person responsible for public 1208
records to identify, locate, or deliver the public records sought 1209
by the requester. 1210

(6) If any person chooses to obtain a copy of a public record 1211
in accordance with division (B) of this section, the public office 1212
or person responsible for the public record may require that 1213
person to pay in advance the cost involved in providing the copy 1214
of the public record in accordance with the choice made by the 1215
person seeking the copy under this division. The public office or 1216
the person responsible for the public record shall permit that 1217
person to choose to have the public record duplicated upon paper, 1218
upon the same medium upon which the public office or person 1219
responsible for the public record keeps it, or upon any other 1220
medium upon which the public office or person responsible for the 1221
public record determines that it reasonably can be duplicated as 1222
an integral part of the normal operations of the public office or 1223
person responsible for the public record. When the person seeking 1224
the copy makes a choice under this division, the public office or 1225
person responsible for the public record shall provide a copy of 1226
it in accordance with the choice made by the person seeking the 1227
copy. Nothing in this section requires a public office or person 1228
responsible for the public record to allow the person seeking a 1229
copy of the public record to make the copies of the public record. 1230

(7) Upon a request made in accordance with division (B) of 1231
this section and subject to division (B)(6) of this section, a 1232
public office or person responsible for public records shall 1233
transmit a copy of a public record to any person by United States 1234
mail or by any other means of delivery or transmission within a 1235

reasonable period of time after receiving the request for the 1236
copy. The public office or person responsible for the public 1237
record may require the person making the request to pay in advance 1238
the cost of postage if the copy is transmitted by United States 1239
mail or the cost of delivery if the copy is transmitted other than 1240
by United States mail, and to pay in advance the costs incurred 1241
for other supplies used in the mailing, delivery, or transmission. 1242

Any public office may adopt a policy and procedures that it 1243
will follow in transmitting, within a reasonable period of time 1244
after receiving a request, copies of public records by United 1245
States mail or by any other means of delivery or transmission 1246
pursuant to this division. A public office that adopts a policy 1247
and procedures under this division shall comply with them in 1248
performing its duties under this division. 1249

In any policy and procedures adopted under this division, a 1250
public office may limit the number of records requested by a 1251
person that the office will transmit by United States mail to ten 1252
per month, unless the person certifies to the office in writing 1253
that the person does not intend to use or forward the requested 1254
records, or the information contained in them, for commercial 1255
purposes. For purposes of this division, "commercial" shall be 1256
narrowly construed and does not include reporting or gathering 1257
news, reporting or gathering information to assist citizen 1258
oversight or understanding of the operation or activities of 1259
government, or nonprofit educational research. 1260

(8) A public office or person responsible for public records 1261
is not required to permit a person who is incarcerated pursuant to 1262
a criminal conviction or a juvenile adjudication to inspect or to 1263
obtain a copy of any public record concerning a criminal 1264
investigation or prosecution or concerning what would be a 1265
criminal investigation or prosecution if the subject of the 1266
investigation or prosecution were an adult, unless the request to 1267

inspect or to obtain a copy of the record is for the purpose of 1268
acquiring information that is subject to release as a public 1269
record under this section and the judge who imposed the sentence 1270
or made the adjudication with respect to the person, or the 1271
judge's successor in office, finds that the information sought in 1272
the public record is necessary to support what appears to be a 1273
justiciable claim of the person. 1274

(9)(a) Upon written request made and signed by a journalist 1275
on or after December 16, 1999, a public office, or person 1276
responsible for public records, having custody of the records of 1277
the agency employing a specified peace officer, parole officer, 1278
probation officer, bailiff, prosecuting attorney, assistant 1279
prosecuting attorney, correctional employee, community-based 1280
correctional facility employee, youth services employee, 1281
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1282
identification and investigation, or private police officer shall 1283
disclose to the journalist the address of the actual personal 1284
residence of the peace officer, parole officer, probation officer, 1285
bailiff, prosecuting attorney, assistant prosecuting attorney, 1286
correctional employee, community-based correctional facility 1287
employee, youth services employee, firefighter, EMT, ~~or~~ 1288
investigator of the bureau of criminal identification and 1289
investigation, or private police officer and, if the peace 1290
officer's, parole officer's, probation officer's, bailiff's, 1291
prosecuting attorney's, assistant prosecuting attorney's, 1292
correctional employee's, community-based correctional facility 1293
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 1294
investigator of the bureau of criminal identification and 1295
investigation's, or private police officer's spouse, former 1296
spouse, or child is employed by a public office, the name and 1297
address of the employer of the peace officer's, parole officer's, 1298
probation officer's, bailiff's, prosecuting attorney's, assistant 1299
prosecuting attorney's, correctional employee's, community-based 1300

correctional facility employee's, youth services employee's, 1301
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 1302
identification and investigation's, or private police officer's 1303
spouse, former spouse, or child. The request shall include the 1304
journalist's name and title and the name and address of the 1305
journalist's employer and shall state that disclosure of the 1306
information sought would be in the public interest. 1307

(b) Division (B)(9)(a) of this section also applies to 1308
journalist requests for customer information maintained by a 1309
municipally owned or operated public utility, other than social 1310
security numbers and any private financial information such as 1311
credit reports, payment methods, credit card numbers, and bank 1312
account information. 1313

(c) As used in division (B)(9) of this section, "journalist" 1314
means a person engaged in, connected with, or employed by any news 1315
medium, including a newspaper, magazine, press association, news 1316
agency, or wire service, a radio or television station, or a 1317
similar medium, for the purpose of gathering, processing, 1318
transmitting, compiling, editing, or disseminating information for 1319
the general public. 1320

(C)(1) If a person allegedly is aggrieved by the failure of a 1321
public office or the person responsible for public records to 1322
promptly prepare a public record and to make it available to the 1323
person for inspection in accordance with division (B) of this 1324
section or by any other failure of a public office or the person 1325
responsible for public records to comply with an obligation in 1326
accordance with division (B) of this section, the person allegedly 1327
aggrieved may commence a mandamus action to obtain a judgment that 1328
orders the public office or the person responsible for the public 1329
record to comply with division (B) of this section, that awards 1330
court costs and reasonable attorney's fees to the person that 1331
instituted the mandamus action, and, if applicable, that includes 1332

an order fixing statutory damages under division (C)(1) of this 1333
section. The mandamus action may be commenced in the court of 1334
common pleas of the county in which division (B) of this section 1335
allegedly was not complied with, in the supreme court pursuant to 1336
its original jurisdiction under Section 2 of Article IV, Ohio 1337
Constitution, or in the court of appeals for the appellate 1338
district in which division (B) of this section allegedly was not 1339
complied with pursuant to its original jurisdiction under Section 1340
3 of Article IV, Ohio Constitution. 1341

If a requestor transmits a written request by hand delivery 1342
or certified mail to inspect or receive copies of any public 1343
record in a manner that fairly describes the public record or 1344
class of public records to the public office or person responsible 1345
for the requested public records, except as otherwise provided in 1346
this section, the requestor shall be entitled to recover the 1347
amount of statutory damages set forth in this division if a court 1348
determines that the public office or the person responsible for 1349
public records failed to comply with an obligation in accordance 1350
with division (B) of this section. 1351

The amount of statutory damages shall be fixed at one hundred 1352
dollars for each business day during which the public office or 1353
person responsible for the requested public records failed to 1354
comply with an obligation in accordance with division (B) of this 1355
section, beginning with the day on which the requester files a 1356
mandamus action to recover statutory damages, up to a maximum of 1357
one thousand dollars. The award of statutory damages shall not be 1358
construed as a penalty, but as compensation for injury arising 1359
from lost use of the requested information. The existence of this 1360
injury shall be conclusively presumed. The award of statutory 1361
damages shall be in addition to all other remedies authorized by 1362
this section. 1363

The court may reduce an award of statutory damages or not 1364

award statutory damages if the court determines both of the 1365
following: 1366

(a) That, based on the ordinary application of statutory law 1367
and case law as it existed at the time of the conduct or 1368
threatened conduct of the public office or person responsible for 1369
the requested public records that allegedly constitutes a failure 1370
to comply with an obligation in accordance with division (B) of 1371
this section and that was the basis of the mandamus action, a 1372
well-informed public office or person responsible for the 1373
requested public records reasonably would believe that the conduct 1374
or threatened conduct of the public office or person responsible 1375
for the requested public records did not constitute a failure to 1376
comply with an obligation in accordance with division (B) of this 1377
section; 1378

(b) That a well-informed public office or person responsible 1379
for the requested public records reasonably would believe that the 1380
conduct or threatened conduct of the public office or person 1381
responsible for the requested public records would serve the 1382
public policy that underlies the authority that is asserted as 1383
permitting that conduct or threatened conduct. 1384

(2)(a) If the court issues a writ of mandamus that orders the 1385
public office or the person responsible for the public record to 1386
comply with division (B) of this section and determines that the 1387
circumstances described in division (C)(1) of this section exist, 1388
the court shall determine and award to the relator all court 1389
costs. 1390

(b) If the court renders a judgment that orders the public 1391
office or the person responsible for the public record to comply 1392
with division (B) of this section, the court may award reasonable 1393
attorney's fees subject to reduction as described in division 1394
(C)(2)(c) of this section. The court shall award reasonable 1395
attorney's fees, subject to reduction as described in division 1396

(C)(2)(c) of this section when either of the following applies:	1397
(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.	1398 1399 1400 1401
(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.	1402 1403 1404 1405 1406
(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. 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. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:	1407 1408 1409 1410 1411 1412 1413 1414
(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;	1415 1416 1417 1418 1419 1420 1421 1422 1423 1424 1425 1426
(ii) That a well-informed public office or person responsible	1427

for the requested public records reasonably would believe that the 1428
conduct or threatened conduct of the public office or person 1429
responsible for the requested public records as described in 1430
division (C)(2)(c)(i) of this section would serve the public 1431
policy that underlies the authority that is asserted as permitting 1432
that conduct or threatened conduct. 1433

(D) Chapter 1347. of the Revised Code does not limit the 1434
provisions of this section. 1435

(E)(1) To ensure that all employees of public offices are 1436
appropriately educated about a public office's obligations under 1437
division (B) of this section, all elected officials or their 1438
appropriate designees shall attend training approved by the 1439
attorney general as provided in section 109.43 of the Revised 1440
Code. In addition, all public offices shall adopt a public records 1441
policy in compliance with this section for responding to public 1442
records requests. In adopting a public records policy under this 1443
division, a public office may obtain guidance from the model 1444
public records policy developed and provided to the public office 1445
by the attorney general under section 109.43 of the Revised Code. 1446
Except as otherwise provided in this section, the policy may not 1447
limit the number of public records that the public office will 1448
make available to a single person, may not limit the number of 1449
public records that it will make available during a fixed period 1450
of time, and may not establish a fixed period of time before it 1451
will respond to a request for inspection or copying of public 1452
records, unless that period is less than eight hours. 1453

(2) The public office shall distribute the public records 1454
policy adopted by the public office under division (E)(1) of this 1455
section to the employee of the public office who is the records 1456
custodian or records manager or otherwise has custody of the 1457
records of that office. The public office shall require that 1458
employee to acknowledge receipt of the copy of the public records 1459

policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

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

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

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

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction

request" does not include a request by a person who gives 1492
assurance to the bureau that the person making the request does 1493
not intend to use or forward the requested copies for surveys, 1494
marketing, solicitation, or resale for commercial purposes. 1495

(c) "Commercial" means profit-seeking production, buying, or 1496
selling of any good, service, or other product. 1497

(d) "Special extraction costs" means the cost of the time 1498
spent by the lowest paid employee competent to perform the task, 1499
the actual amount paid to outside private contractors employed by 1500
the bureau, or the actual cost incurred to create computer 1501
programs to make the special extraction. "Special extraction 1502
costs" include any charges paid to a public agency for computer or 1503
records services. 1504

(3) For purposes of divisions (F)(1) and (2) of this section, 1505
"surveys, marketing, solicitation, or resale for commercial 1506
purposes" shall be narrowly construed and does not include 1507
reporting or gathering news, reporting or gathering information to 1508
assist citizen oversight or understanding of the operation or 1509
activities of government, or nonprofit educational research. 1510

Section 4. That the existing version of section 149.43 of the 1511
Revised Code that is scheduled to take effect March 20, 2015, is 1512
hereby repealed. 1513

Section 5. Sections 3 and 4 of this act shall take effect 1514
March 20, 2015. 1515