

**As Introduced**

**132nd General Assembly**

**Regular Session**

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**H. B. No. 406**

**Representative Lanese**

**Cosponsors: Representatives Hughes, Riedel, Goodman, Kent, Ginter, Young**

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**A BILL**

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

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

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

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

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

mean any of the following:	19
(a) Medical records;	20
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	21 22 23
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	24 25 26
(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;	27 28 29
(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;	30 31 32 33 34 35
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	36 37
(g) Trial preparation records;	38
(h) Confidential law enforcement investigatory records;	39
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	40 41
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	42 43
(k) Inmate records released by the department of rehabilitation and correction to the department of youth	44 45

services or a court of record pursuant to division (E) of	46
section 5120.21 of the Revised Code;	47
(1) Records maintained by the department of youth services	48
pertaining to children in its custody released by the department	49
of youth services to the department of rehabilitation and	50
correction pursuant to section 5139.05 of the Revised Code;	51
(m) Intellectual property records;	52
(n) Donor profile records;	53
(o) Records maintained by the department of job and family	54
services pursuant to section 3121.894 of the Revised Code;	55
<p><del>(p) Peace officer, parole officer, probation officer,</del></p>	56
<p><del>bailiff, prosecuting attorney, assistant prosecuting attorney,</del></p>	57
<p><del>correctional employee, community-based correctional facility</del></p>	58
<p><del>employee, youth services employee, firefighter, EMT,</del></p>	59
<p><del>investigator of the bureau of criminal identification and</del></p>	60
<p><del>investigation, or federal law enforcement officer <u>Designated</u></del></p>	61
<p><u>public service worker</u> residential and familial information;</p>	62
(q) In the case of a county hospital operated pursuant to	63
Chapter 339. of the Revised Code or a municipal hospital	64
operated pursuant to Chapter 749. of the Revised Code,	65
information that constitutes a trade secret, as defined in	66
section 1333.61 of the Revised Code;	67
(r) Information pertaining to the recreational activities	68
of a person under the age of eighteen;	69
(s) In the case of a child fatality review board acting	70
under sections 307.621 to 307.629 of the Revised Code or a	71
review conducted pursuant to guidelines established by the	72
director of health under section 3701.70 of the Revised Code,	73

records provided to the board or director, statements made by 74  
board members during meetings of the board or by persons 75  
participating in the director's review, and all work products of 76  
the board or director, and in the case of a child fatality 77  
review board, child fatality review data submitted by the board 78  
to the department of health or a national child death review 79  
database, other than the report prepared pursuant to division 80  
(A) of section 307.626 of the Revised Code; 81

(t) Records provided to and statements made by the 82  
executive director of a public children services agency or a 83  
prosecuting attorney acting pursuant to section 5153.171 of the 84  
Revised Code other than the information released under that 85  
section; 86

(u) Test materials, examinations, or evaluation tools used 87  
in an examination for licensure as a nursing home administrator 88  
that the board of executives of long-term services and supports 89  
administers under section 4751.04 of the Revised Code or 90  
contracts under that section with a private or government entity 91  
to administer; 92

(v) Records the release of which is prohibited by state or 93  
federal law; 94

(w) Proprietary information of or relating to any person 95  
that is submitted to or compiled by the Ohio venture capital 96  
authority created under section 150.01 of the Revised Code; 97

(x) Financial statements and data any person submits for 98  
any purpose to the Ohio housing finance agency or the 99  
controlling board in connection with applying for, receiving, or 100  
accounting for financial assistance from the agency, and 101  
information that identifies any individual who benefits directly 102

or indirectly from financial assistance from the agency;	103
(y) Records listed in section 5101.29 of the Revised Code;	104
(z) Discharges recorded with a county recorder under	105
section 317.24 of the Revised Code, as specified in division (B)	106
(2) of that section;	107
(aa) Usage information including names and addresses of	108
specific residential and commercial customers of a municipally	109
owned or operated public utility;	110
(bb) Records described in division (C) of section 187.04	111
of the Revised Code that are not designated to be made available	112
to the public as provided in that division;	113
(cc) Information and records that are made confidential,	114
privileged, and not subject to disclosure under divisions (B)	115
and (C) of section 2949.221 of the Revised Code;	116
(dd) Personal information, as defined in section 149.45 of	117
the Revised Code;	118
(ee) The confidential name, address, and other personally	119
identifiable information of a program participant in the address	120
confidentiality program established under sections 111.41 to	121
111.47 of the Revised Code, including the contents of any	122
application for absent voter's ballots, absent voter's ballot	123
identification envelope statement of voter, or provisional	124
ballot affirmation completed by a program participant who has a	125
confidential voter registration record, and records or portions	126
of records pertaining to that program that identify the number	127
of program participants that reside within a precinct, ward,	128
township, municipal corporation, county, or any other geographic	129
area smaller than the state. As used in this division,	130
"confidential address" and "program participant" have the	131

meaning defined in section 111.41 of the Revised Code.	132
(ff) Orders for active military service of an individual	133
serving or with previous service in the armed forces of the	134
United States, including a reserve component, or the Ohio	135
organized militia, except that, such order becomes a public	136
record on the day that is fifteen years after the published date	137
or effective date of the call to order.	138
(2) "Confidential law enforcement investigatory record"	139
means any record that pertains to a law enforcement matter of a	140
criminal, quasi-criminal, civil, or administrative nature, but	141
only to the extent that the release of the record would create a	142
high probability of disclosure of any of the following:	143
(a) The identity of a suspect who has not been charged	144
with the offense to which the record pertains, or of an	145
information source or witness to whom confidentiality has been	146
reasonably promised;	147
(b) Information provided by an information source or	148
witness to whom confidentiality has been reasonably promised,	149
which information would reasonably tend to disclose the source's	150
or witness's identity;	151
(c) Specific confidential investigatory techniques or	152
procedures or specific investigatory work product;	153
(d) Information that would endanger the life or physical	154
safety of law enforcement personnel, a crime victim, a witness,	155
or a confidential information source.	156
(3) "Medical record" means any document or combination of	157
documents, except births, deaths, and the fact of admission to	158
or discharge from a hospital, that pertains to the medical	159
history, diagnosis, prognosis, or medical condition of a patient	160

and that is generated and maintained in the process of medical 161  
treatment. 162

(4) "Trial preparation record" means any record that 163  
contains information that is specifically compiled in reasonable 164  
anticipation of, or in defense of, a civil or criminal action or 165  
proceeding, including the independent thought processes and 166  
personal trial preparation of an attorney. 167

(5) "Intellectual property record" means a record, other 168  
than a financial or administrative record, that is produced or 169  
collected by or for faculty or staff of a state institution of 170  
higher learning in the conduct of or as a result of study or 171  
research on an educational, commercial, scientific, artistic, 172  
technical, or scholarly issue, regardless of whether the study 173  
or research was sponsored by the institution alone or in 174  
conjunction with a governmental body or private concern, and 175  
that has not been publicly released, published, or patented. 176

(6) "Donor profile record" means all records about donors 177  
or potential donors to a public institution of higher education 178  
except the names and reported addresses of the actual donors and 179  
the date, amount, and conditions of the actual donation. 180

(7) "~~Peace~~ Designated public service worker" means a peace 181  
officer, parole officer, probation officer, bailiff, prosecuting 182  
attorney, assistant prosecuting attorney, correctional employee, 183  
community-based correctional facility employee, youth services 184  
employee, firefighter, EMT, investigator of the bureau of 185  
criminal identification and investigation, forensic evaluation 186  
examiner, mental health evaluation provider, or federal law 187  
enforcement officer. 188

(8) "Designated public service worker residential and 189

familial information" means any information that discloses any 190  
of the following about a ~~peace officer, parole officer,~~ 191  
~~probation officer, bailiff, prosecuting attorney, assistant~~ 192  
~~prosecuting attorney, correctional employee, community-based~~ 193  
~~correctional facility employee, youth services employee,~~ 194  
~~firefighter, EMT, investigator of the bureau of criminal~~ 195  
~~identification and investigation, or federal law enforcement~~ 196  
~~officer~~ designated public service worker: 197

(a) The address of the actual personal residence of a 198  
~~peace officer, parole officer, probation officer, bailiff,~~ 199  
~~assistant~~ designated public service worker, other than a 200  
~~prosecuting attorney, correctional employee, community-based~~ 201  
~~correctional facility employee, youth services employee,~~ 202  
~~firefighter, EMT, an investigator of the bureau of criminal~~ 203  
~~identification and investigation, or federal law enforcement~~ 204  
~~officer,~~ except for the state or political subdivision in which 205  
the ~~peace officer, parole officer, probation officer, bailiff,~~ 206  
~~assistant~~ designated public service worker, other than a 207  
~~prosecuting attorney, correctional employee, community-based~~ 208  
~~correctional facility employee, youth services employee,~~ 209  
~~firefighter, EMT, investigator of the bureau of criminal~~ 210  
~~identification and investigation, or federal law enforcement~~ 211  
~~officer~~ resides; 212

(b) Information compiled from referral to or participation 213  
in an employee assistance program; 214

(c) The social security number, the residential telephone 215  
number, any bank account, debit card, charge card, or credit 216  
card number, or the emergency telephone number of, or any 217  
medical information pertaining to, a ~~peace officer, parole~~ 218  
~~officer, probation officer, bailiff, prosecuting attorney,~~ 219

~~assistant prosecuting attorney, correctional employee,~~ 220  
~~community-based correctional facility employee, youth services-~~ 221  
~~employee, firefighter, EMT, investigator of the bureau of~~ 222  
~~criminal identification and investigation, or federal law~~ 223  
~~enforcement officer~~ designated public service worker; 224

(d) The name of any beneficiary of employment benefits, 225  
including, but not limited to, life insurance benefits, provided 226  
to a ~~peace officer, parole officer, probation officer, bailiff,~~ 227  
~~prosecuting attorney, assistant prosecuting attorney,~~ 228  
~~correctional employee, community-based correctional facility-~~ 229  
~~employee, youth services employee, firefighter, EMT,~~ 230  
~~investigator of the bureau of criminal identification and~~ 231  
~~investigation, or federal law enforcement officer~~ designated 232  
public service worker by the ~~peace officer's, parole officer's,~~ 233  
~~probation officer's, bailiff's, prosecuting attorney's,~~ 234  
~~assistant prosecuting attorney's, correctional employee's,~~ 235  
~~community-based correctional facility employee's, youth services-~~ 236  
~~employee's, firefighter's, EMT's, investigator of the bureau of~~ 237  
~~criminal identification and investigation's, or federal law~~ 238  
~~enforcement officer's~~ designated public service worker's 239  
employer; 240

(e) The identity and amount of any charitable or 241  
employment benefit deduction made by the ~~peace officer's, parole-~~ 242  
~~officer's, probation officer's, bailiff's, prosecuting~~ 243  
~~attorney's, assistant prosecuting attorney's, correctional-~~ 244  
~~employee's, community-based correctional facility employee's,~~ 245  
~~youth services employee's, firefighter's, EMT's, investigator of~~ 246  
~~the bureau of criminal identification and investigation's, or~~ 247  
~~federal law enforcement officer's~~ designated public service 248  
worker's employer from the ~~peace officer's, parole officer's,~~ 249  
~~probation officer's, bailiff's, prosecuting attorney's,~~ 250

~~assistant prosecuting attorney's, correctional employee's,~~ 251  
~~community-based correctional facility employee's, youth services~~ 252  
~~employee's, firefighter's, EMT's, investigator of the bureau of~~ 253  
~~criminal identification and investigation's, or federal law~~ 254  
~~enforcement officer's~~ designated public service worker's 255  
compensation, unless the amount of the deduction is required by 256  
state or federal law; 257

(f) The name, the residential address, the name of the 258  
employer, the address of the employer, the social security 259  
number, the residential telephone number, any bank account, 260  
debit card, charge card, or credit card number, or the emergency 261  
telephone number of the spouse, a former spouse, or any child of 262  
a ~~peace officer, parole officer, probation officer, bailiff,~~ 263  
~~prosecuting attorney, assistant prosecuting attorney,~~ 264  
~~correctional employee, community-based correctional facility~~ 265  
~~employee, youth services employee, firefighter, EMT,~~ 266  
~~investigator of the bureau of criminal identification and~~ 267  
~~investigation, or federal law enforcement officer~~ designated 268  
public service worker; 269

(g) A photograph of a peace officer who holds a position 270  
or has an assignment that may include undercover or plain 271  
clothes positions or assignments as determined by the peace 272  
officer's appointing authority. 273

(9) As used in divisions ~~division~~ (A) (7) and (B) (9) of 274  
this section, ~~"peace~~; 275

"Peace officer" has the ~~same~~ meaning as defined in section 276  
109.71 of the Revised Code and also includes the superintendent 277  
and troopers of the state highway patrol; it does not include 278  
the sheriff of a county or a supervisory employee who, in the 279  
absence of the sheriff, is authorized to stand in for, exercise 280

the authority of, and perform the duties of the sheriff. 281

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 282  
"correctional" Correctional employee means any employee of the 283  
department of rehabilitation and correction who in the course of 284  
performing the employee's job duties has or has had contact with 285  
inmates and persons under supervision. 286

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 287  
"youth" Youth services employee means any employee of the 288  
department of youth services who in the course of performing the 289  
employee's job duties has or has had contact with children 290  
committed to the custody of the department of youth services. 291

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 292  
"firefighter" Firefighter means any regular, paid or 293  
volunteer, member of a lawfully constituted fire department of a 294  
municipal corporation, township, fire district, or village. 295

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 296  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 297  
emergency medical services for a public emergency medical 298  
service organization. "Emergency medical service organization," 299  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 300  
defined in section 4765.01 of the Revised Code. 301

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 302  
"investigator" Investigator of the bureau of criminal 303  
identification and investigation" has the meaning defined in 304  
section 2903.11 of the Revised Code. 305

~~As used in divisions (A) (7) and (B) (9) of this section,~~ 306  
"federal" Forensic evaluation examiner means an individual 307  
providing a forensic evaluation service under rule 5122-29-07 of 308  
the Administrative Code. 309

"Mental health evaluation provider" means an individual 310  
who, under Chapter 5122. of the Revised Code, examines a 311  
respondent who is alleged to be a mentally ill person subject to 312  
court order, as defined in section 5122.01 of the Revised Code, 313  
and reports to the probate court the respondent's mental 314  
condition. 315

"Federal law enforcement officer" has the meaning defined 316  
in section 9.88 of the Revised Code. 317

~~(8)~~ (10) "Information pertaining to the recreational 318  
activities of a person under the age of eighteen" means 319  
information that is kept in the ordinary course of business by a 320  
public office, that pertains to the recreational activities of a 321  
person under the age of eighteen years, and that discloses any 322  
of the following: 323

(a) The address or telephone number of a person under the 324  
age of eighteen or the address or telephone number of that 325  
person's parent, guardian, custodian, or emergency contact 326  
person; 327

(b) The social security number, birth date, or 328  
photographic image of a person under the age of eighteen; 329

(c) Any medical record, history, or information pertaining 330  
to a person under the age of eighteen; 331

(d) Any additional information sought or required about a 332  
person under the age of eighteen for the purpose of allowing 333  
that person to participate in any recreational activity 334  
conducted or sponsored by a public office or to use or obtain 335  
admission privileges to any recreational facility owned or 336  
operated by a public office. 337

~~(9)~~ (11) "Community control sanction" has the ~~same~~ meaning 338

as defined in section 2929.01 of the Revised Code. 339

~~(10)~~ ~~(12)~~ "Post-release control sanction" has the ~~same~~ 340  
meaning as defined in section 2967.01 of the Revised Code. 341

~~(11)~~ ~~(13)~~ "Redaction" means obscuring or deleting any 342  
information that is exempt from the duty to permit public 343  
inspection or copying from an item that otherwise meets the 344  
definition of a "record" in section 149.011 of the Revised Code. 345

~~(12)~~ ~~(14)~~ "Designee" and "elected official" have the ~~same~~ 346  
meanings as defined in section 109.43 of the Revised Code. 347

(B) (1) Upon request by any person and subject to division 348  
(B) (8) of this section, all public records responsive to the 349  
request shall be promptly prepared and made available for 350  
inspection to any person the requester at all reasonable times 351  
during regular business hours. Subject to division (B) (8) of 352  
this section, upon request by any person, a public office or 353  
person responsible for public records shall make copies of the 354  
requested public record available to the requester at cost and 355  
within a reasonable period of time. If a public record contains 356  
information that is exempt from the duty to permit public 357  
inspection or to copy the public record, the public office or 358  
the person responsible for the public record shall make 359  
available all of the information within the public record that 360  
is not exempt. When making that public record available for 361  
public inspection or copying that public record, the public 362  
office or the person responsible for the public record shall 363  
notify the requester of any redaction or make the redaction 364  
plainly visible. A redaction shall be deemed a denial of a 365  
request to inspect or copy the redacted information, except if 366  
federal or state law authorizes or requires a public office to 367  
make the redaction. 368

(2) To facilitate broader access to public records, a 369  
public office or the person responsible for public records shall 370  
organize and maintain public records in a manner that they can 371  
be made available for inspection or copying in accordance with 372  
division (B) of this section. A public office also shall have 373  
available a copy of its current records retention schedule at a 374  
location readily available to the public. If a requester makes 375  
an ambiguous or overly broad request or has difficulty in making 376  
a request for copies or inspection of public records under this 377  
section such that the public office or the person responsible 378  
for the requested public record cannot reasonably identify what 379  
public records are being requested, the public office or the 380  
person responsible for the requested public record may deny the 381  
request but shall provide the requester with an opportunity to 382  
revise the request by informing the requester of the manner in 383  
which records are maintained by the public office and accessed 384  
in the ordinary course of the public office's or person's 385  
duties. 386

(3) If a request is ultimately denied, in part or in 387  
whole, the public office or the person responsible for the 388  
requested public record shall provide the requester with an 389  
explanation, including legal authority, setting forth why the 390  
request was denied. If the initial request was provided in 391  
writing, the explanation also shall be provided to the requester 392  
in writing. The explanation shall not preclude the public office 393  
or the person responsible for the requested public record from 394  
relying upon additional reasons or legal authority in defending 395  
an action commenced under division (C) of this section. 396

(4) Unless specifically required or authorized by state or 397  
federal law or in accordance with division (B) of this section, 398  
no public office or person responsible for public records may 399

limit or condition the availability of public records by 400  
requiring disclosure of the requester's identity or the intended 401  
use of the requested public record. Any requirement that the 402  
requester disclose the requester's identity or the intended use 403  
of the requested public record constitutes a denial of the 404  
request. 405

(5) A public office or person responsible for public 406  
records may ask a requester to make the request in writing, may 407  
ask for the requester's identity, and may inquire about the 408  
intended use of the information requested, but may do so only 409  
after disclosing to the requester that a written request is not 410  
mandatory and that the requester may decline to reveal the 411  
requester's identity or the intended use and when a written 412  
request or disclosure of the identity or intended use would 413  
benefit the requester by enhancing the ability of the public 414  
office or person responsible for public records to identify, 415  
locate, or deliver the public records sought by the requester. 416

(6) If any person ~~chooses to obtain~~ requests a copy of a 417  
public record in accordance with division (B) of this section, 418  
the public office or person responsible for the public record 419  
may require ~~that person~~ the requester to pay in advance the cost 420  
involved in providing the copy of the public record in 421  
accordance with the choice made by the ~~person seeking the copy~~ 422  
requester under this division. The public office or the person 423  
responsible for the public record shall permit ~~that person~~ the 424  
requester to choose to have the public record duplicated upon 425  
paper, upon the same medium upon which the public office or 426  
person responsible for the public record keeps it, or upon any 427  
other medium upon which the public office or person responsible 428  
for the public record determines that it reasonably can be 429  
duplicated as an integral part of the normal operations of the 430

public office or person responsible for the public record. When 431  
the ~~person seeking the copy~~ requester makes a choice under this 432  
division, the public office or person responsible for the public 433  
record shall provide a copy of it in accordance with the choice 434  
made by the ~~person seeking the copy~~ requester. Nothing in this 435  
section requires a public office or person responsible for the 436  
public record to allow the ~~person seeking~~ requester of a copy of 437  
the public record to make the copies of the public record. 438

(7) (a) Upon a request made in accordance with division (B) 439  
of this section and subject to division (B) (6) of this section, 440  
a public office or person responsible for public records shall 441  
transmit a copy of a public record to any person by United 442  
States mail or by any other means of delivery or transmission 443  
within a reasonable period of time after receiving the request 444  
for the copy. The public office or person responsible for the 445  
public record may require the person making the request to pay 446  
in advance the cost of postage if the copy is transmitted by 447  
United States mail or the cost of delivery if the copy is 448  
transmitted other than by United States mail, and to pay in 449  
advance the costs incurred for other supplies used in the 450  
mailing, delivery, or transmission. 451

(b) Any public office may adopt a policy and procedures 452  
that it will follow in transmitting, within a reasonable period 453  
of time after receiving a request, copies of public records by 454  
United States mail or by any other means of delivery or 455  
transmission pursuant to division (B) (7) of this section. A 456  
public office that adopts a policy and procedures under division 457  
(B) (7) of this section shall comply with them in performing its 458  
duties under that division. 459

(c) In any policy and procedures adopted under division 460

(B) (7) of this section: 461

(i) A public office may limit the number of records 462  
requested by a person that the office will physically deliver by 463  
United States mail or by another delivery service to ten per 464  
month, unless the person certifies to the office in writing that 465  
the person does not intend to use or forward the requested 466  
records, or the information contained in them, for commercial 467  
purposes; 468

(ii) A public office that chooses to provide some or all 469  
of its public records on a web site that is fully accessible to 470  
and searchable by members of the public at all times, other than 471  
during acts of God outside the public office's control or 472  
maintenance, and that charges no fee to search, access, 473  
download, or otherwise receive records provided on the web site, 474  
may limit to ten per month the number of records requested by a 475  
person that the office will deliver in a digital format, unless 476  
the requested records are not provided on the web site and 477  
unless the person certifies to the office in writing that the 478  
person does not intend to use or forward the requested records, 479  
or the information contained in them, for commercial purposes. 480

(iii) For purposes of division (B) (7) of this section, 481  
"commercial" shall be narrowly construed and does not include 482  
reporting or gathering news, reporting or gathering information 483  
to assist citizen oversight or understanding of the operation or 484  
activities of government, or nonprofit educational research. 485

(8) A public office or person responsible for public 486  
records is not required to permit a person who is incarcerated 487  
pursuant to a criminal conviction or a juvenile adjudication to 488  
inspect or to obtain a copy of any public record concerning a 489  
criminal investigation or prosecution or concerning what would 490

be a criminal investigation or prosecution if the subject of the 491  
investigation or prosecution were an adult, unless the request 492  
to inspect or to obtain a copy of the record is for the purpose 493  
of acquiring information that is subject to release as a public 494  
record under this section and the judge who imposed the sentence 495  
or made the adjudication with respect to the person, or the 496  
judge's successor in office, finds that the information sought 497  
in the public record is necessary to support what appears to be 498  
a justiciable claim of the person. 499

(9) (a) Upon written request made and signed by a 500  
journalist ~~on or after December 16, 1999,~~ a public office, or 501  
person responsible for public records, having custody of the 502  
records of the agency employing a specified ~~peace officer,~~ 503  
~~parole officer, probation officer, bailiff, prosecuting~~ 504  
~~attorney, assistant prosecuting attorney, correctional employee,~~ 505  
~~community based correctional facility employee, youth services~~ 506  
~~employee, firefighter, EMT, investigator of the bureau of~~ 507  
~~criminal identification and investigation, or federal law~~ 508  
~~enforcement officer~~ designated public service worker shall 509  
disclose to the journalist the address of the actual personal 510  
residence of the ~~peace officer, parole officer, probation~~ 511  
~~officer, bailiff, prosecuting attorney, assistant prosecuting~~ 512  
~~attorney, correctional employee, community based correctional~~ 513  
~~facility employee, youth services employee, firefighter, EMT,~~ 514  
~~investigator of the bureau of criminal identification and~~ 515  
~~investigation, or federal law enforcement officer~~ designated 516  
public service worker and, if the ~~peace officer's, parole~~ 517  
~~officer's, probation officer's, bailiff's, prosecuting~~ 518  
~~attorney's, assistant prosecuting attorney's, correctional~~ 519  
~~employee's, community based correctional facility employee's,~~ 520  
~~youth services employee's, firefighter's, EMT's, investigator of~~ 521

~~the bureau of criminal identification and investigation's, or~~ 522  
~~federal law enforcement officer's designated public service~~ 523  
~~worker's spouse, former spouse, or child is employed by a public~~ 524  
office, the name and address of the employer of the ~~peace-~~ 525  
~~officer's, parole officer's, probation officer's, bailiff's,~~ 526  
~~prosecuting attorney's, assistant prosecuting attorney's,~~ 527  
~~correctional employee's, community based correctional facility-~~ 528  
~~employee's, youth services employee's, firefighter's, EMT's,~~ 529  
~~investigator of the bureau of criminal identification and~~ 530  
~~investigation's, or federal law enforcement officer's designated~~ 531  
public service worker's spouse, former spouse, or child. 532  
The 533  
request shall include the journalist's name and title and the 534  
name and address of the journalist's employer and shall state 535  
that disclosure of the information sought would be in the public 536  
interest.

(b) Division (B) (9) (a) of this section also applies to 537  
journalist requests for customer information maintained by a 538  
municipally owned or operated public utility, other than social 539  
security numbers and any private financial information such as 540  
credit reports, payment methods, credit card numbers, and bank 541  
account information. 542

(c) As used in division (B) (9) of this section, 543  
"journalist" means a person engaged in, connected with, or 544  
employed by any news medium, including a newspaper, magazine, 545  
press association, news agency, or wire service, a radio or 546  
television station, or a similar medium, for the purpose of 547  
gathering, processing, transmitting, compiling, editing, or 548  
disseminating information for the general public. 549

(C) (1) If a person allegedly is aggrieved by the failure 550  
of a public office or the person responsible for public records 551

to promptly prepare a public record and to make it available to 552  
the person for inspection in accordance with division (B) of 553  
this section or by any other failure of a public office or the 554  
person responsible for public records to comply with an 555  
obligation in accordance with division (B) of this section, the 556  
person allegedly aggrieved may do only one of the following, and 557  
not both: 558

(a) File a complaint with the clerk of the court of claims 559  
or the clerk of the court of common pleas under section 2743.75 560  
of the Revised Code; 561

(b) Commence a mandamus action to obtain a judgment that 562  
orders the public office or the person responsible for the 563  
public record to comply with division (B) of this section, that 564  
awards court costs and reasonable attorney's fees to the person 565  
that instituted the mandamus action, and, if applicable, that 566  
includes an order fixing statutory damages under division (C) (2) 567  
of this section. The mandamus action may be commenced in the 568  
court of common pleas of the county in which division (B) of 569  
this section allegedly was not complied with, in the supreme 570  
court pursuant to its original jurisdiction under Section 2 of 571  
Article IV, Ohio Constitution, or in the court of appeals for 572  
the appellate district in which division (B) of this section 573  
allegedly was not complied with pursuant to its original 574  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 575

(2) If a requester transmits a written request by hand 576  
delivery or certified mail to inspect or receive copies of any 577  
public record in a manner that fairly describes the public 578  
record or class of public records to the public office or person 579  
responsible for the requested public records, except as 580  
otherwise provided in this section, the requester shall be 581

entitled to recover the amount of statutory damages set forth in 582  
this division if a court determines that the public office or 583  
the person responsible for public records failed to comply with 584  
an obligation in accordance with division (B) of this section. 585

The amount of statutory damages shall be fixed at one 586  
hundred dollars for each business day during which the public 587  
office or person responsible for the requested public records 588  
failed to comply with an obligation in accordance with division 589  
(B) of this section, beginning with the day on which the 590  
requester files a mandamus action to recover statutory damages, 591  
up to a maximum of one thousand dollars. The award of statutory 592  
damages shall not be construed as a penalty, but as compensation 593  
for injury arising from lost use of the requested information. 594  
The existence of this injury shall be conclusively presumed. The 595  
award of statutory damages shall be in addition to all other 596  
remedies authorized by this section. 597

The court may reduce an award of statutory damages or not 598  
award statutory damages if the court determines both of the 599  
following: 600

(a) That, based on the ordinary application of statutory 601  
law and case law as it existed at the time of the conduct or 602  
threatened conduct of the public office or person responsible 603  
for the requested public records that allegedly constitutes a 604  
failure to comply with an obligation in accordance with division 605  
(B) of this section and that was the basis of the mandamus 606  
action, a well-informed public office or person responsible for 607  
the requested public records reasonably would believe that the 608  
conduct or threatened conduct of the public office or person 609  
responsible for the requested public records did not constitute 610  
a failure to comply with an obligation in accordance with 611

division (B) of this section; 612

(b) That a well-informed public office or person 613  
responsible for the requested public records reasonably would 614  
believe that the conduct or threatened conduct of the public 615  
office or person responsible for the requested public records 616  
would serve the public policy that underlies the authority that 617  
is asserted as permitting that conduct or threatened conduct. 618

(3) In a mandamus action filed under division (C) (1) of 619  
this section, the following apply: 620

(a) (i) If the court orders the public office or the person 621  
responsible for the public record to comply with division (B) of 622  
this section, the court shall determine and award to the relator 623  
all court costs, which shall be construed as remedial and not 624  
punitive. 625

(ii) If the court makes a determination described in 626  
division (C) (3) (b) (iii) of this section, the court shall 627  
determine and award to the relator all court costs, which shall 628  
be construed as remedial and not punitive. 629

(b) If the court renders a judgment that orders the public 630  
office or the person responsible for the public record to comply 631  
with division (B) of this section or if the court determines any 632  
of the following, the court may award reasonable attorney's fees 633  
to the relator, subject to ~~the provisions of~~ division (C) (4) of 634  
this section: 635

(i) The public office or the person responsible for the 636  
public records failed to respond affirmatively or negatively to 637  
the public records request in accordance with the time allowed 638  
under division (B) of this section. 639

(ii) The public office or the person responsible for the 640

public records promised to permit the relator to inspect or 641  
receive copies of the public records requested within a 642  
specified period of time but failed to fulfill that promise 643  
within that specified period of time. 644

(iii) The public office or the person responsible for the 645  
public records acted in bad faith when the office or person 646  
voluntarily made the public records available to the relator for 647  
the first time after the relator commenced the mandamus action, 648  
but before the court issued any order concluding whether or not 649  
the public office or person was required to comply with division 650  
(B) of this section. No discovery may be conducted on the issue 651  
of the alleged bad faith of the public office or person 652  
responsible for the public records. This division shall not be 653  
construed as creating a presumption that the public office or 654  
the person responsible for the public records acted in bad faith 655  
when the office or person voluntarily made the public records 656  
available to the relator for the first time after the relator 657  
commenced the mandamus action, but before the court issued any 658  
order described in this division. 659

(c) The court shall not award attorney's fees to the 660  
relator if the court determines both of the following: 661

(i) That, based on the ordinary application of statutory 662  
law and case law as it existed at the time of the conduct or 663  
threatened conduct of the public office or person responsible 664  
for the requested public records that allegedly constitutes a 665  
failure to comply with an obligation in accordance with division 666  
(B) of this section and that was the basis of the mandamus 667  
action, a well-informed public office or person responsible for 668  
the requested public records reasonably would believe that the 669  
conduct or threatened conduct of the public office or person 670

responsible for the requested public records did not constitute 671  
a failure to comply with an obligation in accordance with 672  
division (B) of this section; 673

(ii) That a well-informed public office or person 674  
responsible for the requested public records reasonably would 675  
believe that the conduct or threatened conduct of the public 676  
office or person responsible for the requested public records 677  
would serve the public policy that underlies the authority that 678  
is asserted as permitting that conduct or threatened conduct. 679

(4) All of the following apply to any award of reasonable 680  
attorney's fees awarded under division (C) (3) (b) of this 681  
section: 682

(a) The fees shall be construed as remedial and not 683  
punitive. 684

(b) The fees awarded shall not exceed the total of the 685  
reasonable attorney's fees incurred before the public record was 686  
made available to the relator and the fees described in division 687  
(C) (4) (c) of this section. 688

(c) Reasonable attorney's fees shall include reasonable 689  
fees incurred to produce proof of the reasonableness and amount 690  
of the fees and to otherwise litigate entitlement to the fees. 691

(d) The court may reduce the amount of fees awarded if the 692  
court determines that, given the factual circumstances involved 693  
with the specific public records request, an alternative means 694  
should have been pursued to more effectively and efficiently 695  
resolve the dispute that was subject to the mandamus action 696  
filed under division (C) (1) of this section. 697

(5) If the court does not issue a writ of mandamus under 698  
division (C) of this section and the court determines at that 699

time that the bringing of the mandamus action was frivolous 700  
conduct as defined in division (A) of section 2323.51 of the 701  
Revised Code, the court may award to the public office all court 702  
costs, expenses, and reasonable attorney's fees, as determined 703  
by the court. 704

(D) Chapter 1347. of the Revised Code does not limit the 705  
provisions of this section. 706

(E) (1) To ensure that all employees of public offices are 707  
appropriately educated about a public office's obligations under 708  
division (B) of this section, all elected officials or their 709  
appropriate designees shall attend training approved by the 710  
attorney general as provided in section 109.43 of the Revised 711  
Code. In addition, all public offices shall adopt a public 712  
records policy in compliance with this section for responding to 713  
public records requests. In adopting a public records policy 714  
under this division, a public office may obtain guidance from 715  
the model public records policy developed and provided to the 716  
public office by the attorney general under section 109.43 of 717  
the Revised Code. Except as otherwise provided in this section, 718  
the policy may not limit the number of public records that the 719  
public office will make available to a single person, may not 720  
limit the number of public records that it will make available 721  
during a fixed period of time, and may not establish a fixed 722  
period of time before it will respond to a request for 723  
inspection or copying of public records, unless that period is 724  
less than eight hours. 725

(2) The public office shall distribute the public records 726  
policy adopted by the public office under division (E) (1) of 727  
this section to the employee of the public office who is the 728  
records custodian or records manager or otherwise has custody of 729

the records of that office. The public office shall require that 730  
employee to acknowledge receipt of the copy of the public 731  
records policy. The public office shall create a poster that 732  
describes its public records policy and shall post the poster in 733  
a conspicuous place in the public office and in all locations 734  
where the public office has branch offices. The public office 735  
may post its public records policy on the internet web site of 736  
the public office if the public office maintains an internet web 737  
site. A public office that has established a manual or handbook 738  
of its general policies and procedures for all employees of the 739  
public office shall include the public records policy of the 740  
public office in the manual or handbook. 741

(F) (1) The bureau of motor vehicles may adopt rules 742  
pursuant to Chapter 119. of the Revised Code to reasonably limit 743  
the number of bulk commercial special extraction requests made 744  
by a person for the same records or for updated records during a 745  
calendar year. The rules may include provisions for charges to 746  
be made for bulk commercial special extraction requests for the 747  
actual cost of the bureau, plus special extraction costs, plus 748  
ten per cent. The bureau may charge for expenses for redacting 749  
information, the release of which is prohibited by law. 750

(2) As used in division (F) (1) of this section: 751

(a) "Actual cost" means the cost of depleted supplies, 752  
records storage media costs, actual mailing and alternative 753  
delivery costs, or other transmitting costs, and any direct 754  
equipment operating and maintenance costs, including actual 755  
costs paid to private contractors for copying services. 756

(b) "Bulk commercial special extraction request" means a 757  
request for copies of a record for information in a format other 758  
than the format already available, or information that cannot be 759

extracted without examination of all items in a records series, 760  
class of records, or database by a person who intends to use or 761  
forward the copies for surveys, marketing, solicitation, or 762  
resale for commercial purposes. "Bulk commercial special 763  
extraction request" does not include a request by a person who 764  
gives assurance to the bureau that the person making the request 765  
does not intend to use or forward the requested copies for 766  
surveys, marketing, solicitation, or resale for commercial 767  
purposes. 768

(c) "Commercial" means profit-seeking production, buying, 769  
or selling of any good, service, or other product. 770

(d) "Special extraction costs" means the cost of the time 771  
spent by the lowest paid employee competent to perform the task, 772  
the actual amount paid to outside private contractors employed 773  
by the bureau, or the actual cost incurred to create computer 774  
programs to make the special extraction. "Special extraction 775  
costs" include any charges paid to a public agency for computer 776  
or records services. 777

(3) For purposes of divisions (F) (1) and (2) of this 778  
section, "surveys, marketing, solicitation, or resale for 779  
commercial purposes" shall be narrowly construed and does not 780  
include reporting or gathering news, reporting or gathering 781  
information to assist citizen oversight or understanding of the 782  
operation or activities of government, or nonprofit educational 783  
research. 784

(G) A request by a defendant, counsel of a defendant, or 785  
any agent of a defendant in a criminal action that public 786  
records related to that action be made available under this 787  
section shall be considered a demand for discovery pursuant to 788  
the Criminal Rules, except to the extent that the Criminal Rules 789

plainly indicate a contrary intent. The defendant, counsel of 790  
the defendant, or agent of the defendant making a request under 791  
this division shall serve a copy of the request on the 792  
prosecuting attorney, director of law, or other chief legal 793  
officer responsible for prosecuting the action. 794

**Sec. 149.45.** (A) As used in this section: 795

(1) "Personal information" means any of the following: 796

(a) An individual's social security number; 797

(b) An individual's state or federal tax identification 798  
number; 799

(c) An individual's driver's license number or state 800  
identification number; 801

(d) An individual's checking account number, savings 802  
account number, credit card number, or debit card number; 803

(e) An individual's demand deposit account number, money 804  
market account number, mutual fund account number, or any other 805  
financial or medical account number. 806

(2) "Public record," "designated public service worker," 807  
and ~~"peace officer, parole officer, probation officer, bailiff,~~ 808  
~~prosecuting attorney, assistant prosecuting attorney,~~ 809  
~~correctional employee, youth services employee, firefighter,~~ 810  
~~EMT, investigator of the bureau of criminal identification and~~ 811  
~~investigation, or federal law enforcement officer designated~~ 812  
public service worker residential and familial information" have 813  
the ~~same~~ meanings as defined in section 149.43 of the Revised 814  
Code. 815

(3) "Truncate" means to redact all but the last four 816  
digits of an individual's social security number. 817

(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 October 17, 2011, made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document.

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

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

(2) Upon receiving a request for a redaction pursuant to division (C) (1) of this section, a public office or a person responsible for a public office's public records shall act within five business days in accordance with the request to redact the personal information of the individual from any record made available to the general public on the internet, if

practicable. If a redaction is not practicable, the public 848  
office or person responsible for the public office's public 849  
records shall verbally or in writing within five business days 850  
after receiving the written request explain to the individual 851  
why the redaction is impracticable. 852

(3) The attorney general shall develop a form to be used 853  
by an individual to request a redaction pursuant to division (C) 854  
(1) of this section. The form shall include a place to provide 855  
any information that identifies the location of the personal 856  
information to be redacted. 857

(D) (1) A ~~peace officer, parole officer, probation officer,~~ 858  
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 859  
~~correctional employee, youth services employee, firefighter,~~ 860  
~~EMT, investigator of the bureau of criminal identification and~~ 861  
~~investigation, or federal law enforcement officer~~ designated 862  
public service worker may request that a public office, l other 863  
than a county auditor, l or a person responsible for the public 864  
records of a public office, l other than a county auditor, l redact 865  
the address of the ~~person making the request~~ designated public 866  
service worker from any record made available to the general 867  
public on the internet that includes ~~peace officer, parole~~ 868  
~~officer, probation officer, bailiff, prosecuting attorney,~~ 869  
~~assistant prosecuting attorney, correctional employee, youth~~ 870  
~~services employee, firefighter, EMT, investigator of the bureau~~ 871  
~~of criminal identification and investigation, or federal law~~ 872  
~~enforcement officer~~ designated public service worker residential 873  
and familial information of the ~~person~~ designated public service 874  
worker making the request. A ~~person~~ designated public service 875  
worker who makes a request for a redaction pursuant to this 876  
division shall make the request in writing and on a form 877  
developed by the attorney general. 878

(2) Upon receiving a written request for a redaction 879  
pursuant to division (D)(1) of this section, a public office, 880  
other than a county auditor, or a person responsible for the 881  
public records of a public office, other than a county auditor, 882  
shall act within five business days in accordance with the 883  
request to redact the address of the ~~peace officer, parole-~~ 884  
~~officer, probation officer, bailiff, prosecuting attorney,~~ 885  
~~assistant prosecuting attorney, correctional employee, youth-~~ 886  
~~services employee, firefighter, EMT, investigator of the bureau-~~ 887  
~~of criminal identification and investigation, or federal law-~~ 888  
~~enforcement officer~~ designated public service worker making the 889  
request from any record made available to the general public on 890  
the internet that includes ~~peace officer, parole officer,~~ 891  
~~probation officer, bailiff, prosecuting attorney, assistant-~~ 892  
~~prosecuting attorney, correctional employee, youth services-~~ 893  
~~employee, firefighter, EMT, investigator of the bureau of-~~ 894  
~~criminal identification and investigation, or federal law-~~ 895  
~~enforcement officer~~ designated public service worker residential 896  
and familial information of the ~~person~~ designated public service 897  
worker making the request, if practicable. If a redaction is not 898  
practicable, the public office or person responsible for the 899  
public office's public records shall verbally or in writing 900  
within five business days after receiving the written request 901  
explain to the ~~peace officer, parole officer, probation officer,~~ 902  
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 903  
~~correctional employee, youth services employee, firefighter,~~ 904  
~~EMT, investigator of the bureau of criminal identification and-~~ 905  
~~investigation, or federal law enforcement officer~~ designated 906  
public service worker why the redaction is impracticable. 907

(3) Except as provided in this section and section 319.28 908  
of the Revised Code, a public office, other than an employer of 909

a ~~peace officer, parole officer, probation officer, bailiff,~~ 910  
~~prosecuting attorney, assistant prosecuting attorney,~~ 911  
~~correctional employee, youth services employee, firefighter,~~ 912  
~~EMT, investigator of the bureau of criminal identification and~~ 913  
~~investigation, or federal law enforcement officer designated~~ 914  
public service worker, or a person responsible for the public 915  
records of the employer, is not required to redact the 916  
residential and familial information of the ~~peace officer,~~ 917  
~~parole officer, probation officer, bailiff, prosecuting~~ 918  
~~attorney, assistant prosecuting attorney, correctional employee,~~ 919  
~~youth services employee, firefighter, EMT, investigator of the~~ 920  
~~bureau of criminal identification and investigation, or federal~~ 921  
~~law enforcement officer designated public service worker from~~ 922  
other records maintained by the public office. 923

(4) The attorney general shall develop a form to be used 924  
by a ~~peace officer, parole officer, probation officer, bailiff,~~ 925  
~~prosecuting attorney, assistant prosecuting attorney,~~ 926  
~~correctional employee, youth services employee, firefighter,~~ 927  
~~EMT, investigator of the bureau of criminal identification and~~ 928  
~~investigation, or federal law enforcement officer designated~~ 929  
public service worker to request a redaction pursuant to 930  
division (D)(1) of this section. The form shall include a place 931  
to provide any information that identifies the location of the 932  
address of a ~~peace officer, parole officer, probation officer,~~ 933  
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 934  
~~correctional employee, youth services employee, firefighter,~~ 935  
~~EMT, investigator of the bureau of criminal identification and~~ 936  
~~investigation, or federal law enforcement officer designated~~ 937  
public service worker to be redacted. 938

(E)(1) If a public office or a person responsible for a 939  
public office's public records becomes aware that an electronic 940

record of that public office that is made available to the 941  
general public on the internet contains an individual's social 942  
security number that was mistakenly not redacted, encrypted, or 943  
truncated as required by division (B) (1) or (2) of this section, 944  
the public office or person responsible for the public office's 945  
public records shall redact, encrypt, or truncate the 946  
individual's social security number within a reasonable period 947  
of time. 948

(2) A public office or a person responsible for a public 949  
office's public records is not liable in damages in a civil 950  
action for any harm an individual allegedly sustains as a result 951  
of the inclusion of that individual's personal information on 952  
any record made available to the general public on the internet 953  
or any harm a ~~peace officer, parole officer, probation officer,~~ 954  
~~bailiff, prosecuting attorney, assistant prosecuting attorney,~~ 955  
~~correctional employee, youth services employee, firefighter,~~ 956  
~~EMT, investigator of the bureau of criminal identification and~~ 957  
~~investigation, or federal law enforcement officer designated~~ 958  
public service worker sustains as a result of the inclusion of 959  
the designated public service worker's address of the ~~peace~~ 960  
~~officer, parole officer, probation officer, bailiff, prosecuting~~ 961  
~~attorney, assistant prosecuting attorney, correctional employee,~~ 962  
~~youth services employee, firefighter, EMT, investigator of the~~ 963  
~~bureau of criminal identification and investigation, or federal~~ 964  
~~law enforcement officer~~ on any record made available to the 965  
general public on the internet in violation of this section, 966  
unless the public office or person responsible for the public 967  
office's public records acted with malicious purpose, in bad 968  
faith, or in a wanton or reckless manner or unless division (A) 969  
(6) (a) or (c) of section 2744.03 of the Revised Code applies. 970

**Section 2.** That existing sections 149.43 and 149.45 of the 971

Revised Code are hereby repealed. 972

**Section 3.** Section 149.45 of the Revised Code is presented 973  
in this act as a composite of the section as amended by both 974  
Sub. H.B. 317 and Sub. H.B. 359 of the 132nd General Assembly. 975  
The General Assembly, applying the principle stated in division 976  
(B) of section 1.52 of the Revised Code that amendments are to 977  
be harmonized if reasonably capable of simultaneous operation, 978  
finds that the composite is the resulting version of the section 979  
in effect prior to the effective date of the section as 980  
presented in this act. 981