

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 429

Representatives LaRe, Abrams

Cosponsors: Representatives Carfagna, Cross, Ghanbari, Wilkin, Richardson

A BILL

To amend sections 111.42, 111.43, 111.45, 111.46, 1
111.99, 149.43, 315.25, 317.13, 319.28, and 2
2303.12 and to enact sections 111.431, 111.432, 3
and 321.25 of the Revised Code to make changes 4
to the Address Confidentiality Program 5
administered by the Secretary of State. 6

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

Section 1. That sections 111.42, 111.43, 111.45, 111.46, 7
111.99, 149.43, 315.25, 317.13, 319.28, and 2303.12 be amended 8
and sections 111.431, 111.432, and 321.25 of the Revised Code be 9
enacted to read as follows: 10

Sec. 111.42. (A) A person to whom all of the following 11
applies may apply to the secretary of state with the assistance 12
of an application assistant to become a participant in the 13
address confidentiality program, in which an address designated 14
by the secretary of state serves as the person's address or the 15
address of the minor, incompetent, or ward on whose behalf the 16
person is applying: 17

(1) The applicant is an adult who is applying on behalf of 18

the person's self or is a parent or guardian applying on behalf 19
of a minor, incompetent, or ward. 20

(2) The applicant or the minor, incompetent, or ward, as 21
applicable, resides, works, or attends a school or an 22
institution of higher education in this state. 23

~~(3) The applicant or the minor, incompetent, or ward, as 24~~
~~applicable, is changing residence. 25~~

~~(4)~~ The applicant fears for the safety of the applicant, a 26
member of the applicant's household, or the minor, incompetent, 27
or ward on whose behalf the application is made because the 28
applicant, household member, minor, incompetent, or ward is a 29
victim of domestic violence, menacing by stalking, human 30
trafficking, trafficking in persons, rape, or sexual battery. 31

~~(5)~~ (4) The applicant or the minor, incompetent, or ward, 32
as applicable, is not a tier I sex offender/child-victim 33
offender, a tier II sex offender/child-victim offender, or a 34
tier III sex offender/child-victim offender. 35

(B) An application to become a participant in the address 36
confidentiality program shall be made on a form prescribed by 37
the secretary of state and filed in the office of the secretary 38
of state in the manner prescribed by the secretary of state. The 39
application shall contain all of the following: 40

(1) A notarized statement by the applicant that the 41
applicant fears for the safety of the applicant, a member of the 42
applicant's household, or the minor, incompetent, or ward on 43
whose behalf the application is made because the applicant, 44
household member, minor, incompetent, or ward is a victim of 45
domestic violence, menacing by stalking, human trafficking, 46
trafficking in persons, rape, or sexual battery; 47

(2) A statement that the application assistant recommends 48
that the applicant or the minor, incompetent, or ward, as 49
applicable, participate in the address confidentiality program; 50

(3) A knowing and voluntary designation of the secretary 51
of state as the agent for the purposes of receiving service of 52
process and the receipt of mail; 53

(4) The mailing address and telephone number or numbers at 54
which the secretary of state may contact the applicant; 55

(5) The address or addresses of the applicant's residence, 56
school, institution of higher education, business, or place of 57
employment that the applicant requests not be disclosed for the 58
reason that disclosure will increase the risk that the 59
applicant, a member of the applicant's household, or the minor, 60
incompetent, or ward on whose behalf the application is made 61
will be threatened or physically harmed by another person; 62

(6) The signature of the applicant, the name and signature 63
of the application assistant who assisted the applicant, and the 64
date on which the applicant and the application assistant signed 65
the application; 66

(7) Except for a claim based on the performance or 67
nonperformance of a public duty that was manifestly outside the 68
scope of the officer's or employee's office or employment or in 69
which the officer or employee acted with malicious purpose, in 70
bad faith, or in a wanton or reckless manner, a voluntary 71
release and waiver of all future claims against the state for 72
any claim that may arise from participation in the address 73
confidentiality program. 74

(C) Upon receiving a properly completed application under 75
division (B) of this section, the secretary of state shall do 76

all of the following:	77
(1) Certify the applicant or the minor, incompetent, or	78
ward on whose behalf the application is filed as a program	79
participant;	80
(2) Designate each eligible address listed in the	81
application as a confidential address;	82
(3) Issue the program participant a unique program	83
participant identification number;	84
(4) Issue the program participant an address	85
confidentiality program authorization card, which shall be valid	86
during the period that the program participant remains certified	87
to participate in the address confidentiality program, and which	88
shall include the address at which the program participant may	89
receive mail through the office of the secretary of state;	90
(5) Provide information to the program participant	91
concerning <u>all of the following</u> :	92
<u>(a) The manner</u> in which the program participant may use	93
the secretary of state as the program participant's agent for	94
the purposes of receiving mail and receiving service of process	95
and the types of mail that the secretary of state will forward	96
to the program participant;	97
(6) Provide information to the program participant	98
concerning the <u>(b) The process</u> to register to vote and to vote	99
as a program participant, if the program participant is eligible	100
to vote;	101
<u>(c) The process to file a real property confidentiality</u>	102
<u>notice with the county recorder concerning any real property in</u>	103
<u>which the program participant has an ownership interest;</u>	104

(d) The use of a written notice to persons involved in the 105
acquisition of real property under section 111.432 of the 106
Revised Code; 107

(e) The process to authorize the secretary of state to 108
disclose confidential information concerning the program 109
participant under certain circumstances, as described in 110
division (E) of section 111.43 of the Revised Code. 111

(D) A program participant shall update the person's 112
application information, within thirty days after any change has 113
occurred, by submitting a notice of change to the office of the 114
secretary of state on a form prescribed by the secretary of 115
state. The secretary of state may, with proper notice, cancel a 116
program participant's certification if the participant is found 117
to be unreachable for a period of sixty days or more. 118

(E) The certification of a program participant shall be 119
valid for four years after the date of the filing of the 120
application for the program participant unless the certification 121
is withdrawn or invalidated before the end of that four-year 122
period. 123

(F) (1) A program participant who continues to be eligible 124
to participate in the address confidentiality program may renew 125
the program participant's certification by submitting a renewal 126
application to the secretary of state with the assistance of an 127
application assistant. The renewal application shall be on a 128
form prescribed by the secretary of state and shall contain all 129
of the information described in division (B) of this section. 130

(2) The secretary of state may prescribe by rule a grace 131
period during which a program participant whose certification 132
has expired may renew the program participant's certification 133

without being considered to have ceased being a program 134
participant during that period. 135

(3) When a program participant renews the program 136
participant's certification, the program participant shall 137
continue to use the program participant's original program 138
participant identification number. 139

(G) A tier I sex offender/child-victim offender, a tier II 140
sex offender/child-victim offender, or a tier III sex 141
offender/child-victim offender is not eligible to participate in 142
the address confidentiality program described in sections 111.41 143
to 111.99 of the Revised Code. 144

Sec. 111.43. (A) A program participant may request that a 145
governmental entity, other than a board of elections, use the 146
address designated by the secretary of state as the program 147
participant's address. Except as otherwise provided in division 148
~~(D)~~ (F) of this section and in section 111.44 of the Revised 149
Code, if the program participant requests that a governmental 150
entity use that address, the governmental entity shall accept 151
that address. The program participant ~~may~~ shall provide the 152
program participant's address confidentiality program 153
authorization card as proof of the program participant's status. 154

(B) A program participant who has an ownership interest in 155
real property in this state may submit a real property 156
confidentiality notice to the county recorder of the county in 157
which the real property is located, as described in section 158
111.431 of the Revised Code. 159

(C) If a program participant's employer, school, or 160
institution of higher education is not a governmental entity, 161
the program participant may request that the employer, school, 162

or institution of higher education use the address designated by 163
the secretary of state as the program participant's address. The 164
program participant may provide the program participant's 165
address confidentiality program authorization card as proof of 166
the program participant's status. 167

~~(C) (1)~~ (D) (1) The office of the secretary of state shall, 168
on each day that the secretary of state's office is open for 169
business, place all of the following that the secretary of state 170
receives on behalf of a program participant into an envelope or 171
package and mail that envelope or package to the program 172
participant at the mailing address the program participant 173
provided to the secretary of state for that purpose: 174

(a) First class letters, flats, packages, or parcels 175
delivered via the United States postal service, including 176
priority, express, and certified mail; 177

(b) Packages or parcels that are clearly identifiable as 178
containing pharmaceutical agents or medical supplies; 179

(c) Packages, parcels, periodicals, or catalogs that are 180
clearly identifiable as being sent by a governmental entity; 181

(d) Periodicals to which the program participant 182
subscribes; 183

(e) Packages, parcels, ~~periodicals,~~ or catalogs that have 184
received prior authorization from the office of the secretary of 185
state for forwarding under this section. 186

(2) Except as provided in divisions ~~(C) (1) (a)~~ (D) (1) (a) to 187
~~(d)~~ (e) of this section, the office of the secretary of state 188
shall not forward any packages, parcels, periodicals, or 189
catalogs received on behalf of a program participant. 190

(3) The secretary of state may contract with the United States postal service to establish special postal rates for the envelopes or packages used in forwarding a program participant's mail under this section.

(4) (a) Upon receiving service of process on behalf of a program participant, the office of the secretary of state shall immediately forward the process by certified mail, return receipt requested, to the program participant at the mailing address the program participant provided to the secretary of state for that purpose. Service of process upon the office of the secretary of state on behalf of a program participant constitutes service upon the program participant under rule 4.2 of the Rules of Civil Procedure.

(b) The secretary of state may prescribe by rule the manner in which process may be served on the secretary of state as the agent of a program participant.

(c) Upon request by a person who intends to serve process on an individual, the secretary of state shall confirm whether the individual is a program participant but shall not disclose any other information concerning a program participant.

~~(D)~~ (E) (1) A program participant may submit to the secretary of state, on a form prescribed by the secretary of state, a notarized authorization for the secretary of state to disclose confidential information concerning the program participant under one or more of the following circumstances, as indicated on the authorization form:

(a) To an official or employee of the United States postal service for the purpose of performing the secretary of state's duties under division (D) of this section;

(b) To any of the following persons for the purpose of 220
confirming the program participant's status as a program 221
participant, for the purpose of verifying the program 222
participant's residence address, or for other similar purposes 223
in order to assist the program participant: 224

(i) A judge or magistrate; 225

(ii) An official or employee of the bureau of motor 226
vehicles; 227

(iii) A school administrator; 228

(iv) An administrator of a public assistance program; 229

(v) An administrator of a food pantry. 230

(c) To another person identified on the authorization form 231
for a purpose indicated on the authorization form. 232

(2) Upon receiving a request for information concerning a 233
program participant who has submitted a valid authorization form 234
under division (E)(1) of this section, the secretary of state 235
shall determine whether the authorization form permits the 236
secretary of state to disclose the information to the requester 237
and, if so, shall disclose that information to the requester. 238

(F) Division (A) of this section does not apply to a 239
municipal-owned public utility. The confidential addresses of 240
participants of the address confidentiality program that are 241
maintained by a municipal-owned public utility are not a public 242
record and shall not be released by a municipal-owned public 243
utility or by any employee of a municipal-owned public utility. 244

Sec. 111.431. (A) A program participant who has an 245
ownership interest in real property in this state may submit a 246
real property confidentiality notice to the county recorder of 247

the county in which the real property is located. The program 248
participant shall provide the program participant's address 249
confidentiality program authorization card as proof of the 250
program participant's status. A real property confidentiality 251
notice shall be on a form prescribed by the secretary of state 252
and shall include all of the following: 253

(1) The program participant's full name; 254

(2) The last four digits of the program participant's 255
social security number; 256

(3) The date the program participant's certification 257
expires; 258

(4) The program participant's program participant 259
identification number; 260

(5) The address at which the program participant may 261
receive mail through the office of the secretary of state; 262

(6) The legal description and street address of the real 263
property in which the program participant has an ownership 264
interest, which shall be the same as the legal description and 265
street address included on any instrument concerning the real 266
property that includes the program participant's name and that 267
has been presented to the county recorder for recording; 268

(7) The program participant's signature. 269

(B) When the county recorder receives a properly completed 270
real property confidentiality notice under division (A) of this 271
section, the county recorder promptly shall transmit copies of 272
the notice to the secretary of state, to the county auditor, 273
treasurer, and engineer, and to the clerk of the court of common 274
pleas. 275

(C) Except as otherwise provided in divisions (D) and (F) 276
of this section, after a program participant has submitted a 277
properly completed real property confidentiality notice under 278
division (A) of this section, the county recorder, auditor, 279
treasurer, and engineer and the clerk of the court of common 280
pleas shall not disclose to any person the program participant's 281
name, telephone number, electronic mail address, or program 282
participant identification number, the address at which the 283
program participant may receive mail through the office of the 284
secretary of state, or any other information that may be used to 285
identify the program participant, in conjunction with the legal 286
description or street address of the real property in which the 287
program participant has an ownership interest or any other 288
information that may be used to identify the real property. If 289
the county recorder receives a request for that information for 290
the purpose of performing a title examination, the county 291
recorder shall inform the requester of the procedure to apply to 292
the secretary of state for authorization under division (E) of 293
this section. 294

(D) The county recorder, auditor, treasurer, or engineer 295
or the clerk of the court of common pleas may disclose the 296
information described in division (C) of this section if any of 297
the following apply: 298

(1) The information is disclosed to the staff of the 299
county recorder, auditor, treasurer, or engineer or the staff of 300
the clerk of the court of common pleas in order to carry out the 301
duties of the office. 302

(2) The program participant is the person to whom the 303
information is to be disclosed. 304

(3) The program participant has provided a notarized 305

statement to the secretary of state, authorizing the disclosure 306
to that person for a specific purpose described in the 307
statement, and the secretary of state has issued a written 308
authorization to the county recorder, auditor, treasurer, or 309
engineer, or to the clerk of the court of common pleas, as 310
applicable, to disclose the information to that person. 311

(4) The person to whom the information is to be disclosed 312
provides a written authorization issued by the secretary of 313
state under division (E) of this section to disclose the 314
information for the purpose of performing a title examination. 315

(5) A court of competent jurisdiction orders the 316
disclosure, as described in section 111.46 of the Revised Code. 317

(E) (1) A person who requires access to the information 318
described in division (C) of this section for the purpose of 319
performing a title examination may apply to the secretary of 320
state for a written authorization. 321

(2) The person shall submit to the secretary of state, on 322
a form prescribed by the secretary of state, a written 323
application that includes all of the following: 324

(a) The applicant's name, title, address, and affiliated 325
organization, if any; 326

(b) The purpose for which the applicant is requesting 327
access to the information; 328

(c) The applicant's relationship to the program 329
participant, if any; 330

(d) A legal description of the real property subject to 331
the title examination; 332

(e) A statement that the applicant will treat the 333

information as confidential and will use the information only 334
for the purpose identified in the application; 335

(f) The applicant's signature; 336

(g) Any other information required by the secretary of 337
state. 338

(3) After the secretary of state receives an application 339
submitted under division (E) of this section, the secretary of 340
state promptly shall provide the applicant with a written 341
response approving or denying the application. The secretary of 342
state shall approve the application if the secretary of state 343
determines that the application is properly completed; that the 344
information the applicant seeks is subject to division (C) of 345
this section; and that the applicant is seeking the information 346
only for the purpose of performing a bona fide title 347
examination. If the information the applicant seeks is not 348
subject to division (C) of this section, the secretary of state 349
shall notify the applicant of that fact and, if applicable, 350
shall send a notice to the county recorder, auditor, treasurer, 351
and engineer and to the clerk of the court of common pleas under 352
division (F)(3) of this section. 353

(F) Upon the occurrence of any of the following, the 354
county recorder, auditor, treasurer, and engineer and the clerk 355
of the court of common pleas shall cease to keep confidential 356
the information described in division (C) of this section and 357
shall make the information available to the public in the same 358
manner as other information concerning real property: 359

(1) The program participant ceases to hold a recorded 360
ownership interest in the real property that is the subject of 361
the real property confidentiality notice. When the county 362

recorder receives notice that the program participant has ceased 363
to hold that ownership interest, the county recorder promptly 364
shall revoke the real property confidentiality notice and notify 365
the secretary of state, the county auditor, treasurer, and 366
engineer, and the clerk of the court of common pleas of that 367
revocation. 368

(2) The program participant submits a notarized revocation 369
of the real property confidentiality notice to the county 370
recorder. Upon receiving the revocation, the county recorder 371
promptly shall transmit copies of the revocation to the 372
secretary of state, to the county auditor, treasurer, and 373
engineer, and to the clerk of the court of common pleas. 374

(3) The county recorder, auditor, treasurer, or engineer 375
or the clerk of the court of common pleas receive a notice from 376
the secretary of state that the program participant's 377
certification has been canceled under section 111.45 of the 378
Revised Code. 379

(4) Pursuant to the order of a court of competent 380
jurisdiction. 381

Sec. 111.432. (A) A program participant who seeks to 382
acquire an ownership interest in real property in this state 383
after becoming a program participant may provide to any person 384
involved in the acquisition process written notice on a form 385
prescribed by the secretary of state. The written notice shall 386
include all of the following: 387

(1) The program participant's name; 388

(2) A statement that the program participant is a program 389
participant; 390

(3) A statement that the person receiving the notice is 391

prohibited from disclosing the information specified in division 392
(B) of this section except as provided in that division. 393

(B) After receiving a written notice described in division 394
(A) of this section, the person shall not disclose the program 395
participant's name, telephone number, electronic mail address, 396
or any other information that may be used to identify the 397
program participant, in conjunction with the legal description, 398
street address, or other information identifying the real 399
property the program participant acquires or seeks to acquire 400
unless the program participant provides written notice 401
authorizing the disclosure for a specific purpose described in 402
the notice or a court of competent jurisdiction orders the 403
disclosure. 404

Sec. 111.45. (A) The secretary of state shall cancel the 405
certification of a program participant if any of the following 406
are true: 407

(1) The program participant's application contained one or 408
more false statements. 409

(2) The program participant has filed a written, notarized 410
request with the secretary of state, on a form prescribed by the 411
secretary of state, asking to cease being a program participant. 412

(3) The program participant's certification has expired 413
and the program participant has not renewed the certification in 414
accordance with division (F) of section 111.42 of the Revised 415
Code not later than the deadline specified by the secretary of 416
state by rule to renew the certification. 417

(B) Upon canceling a certification under division (A) of 418
this section, the secretary of state shall ~~notify~~ do both of the 419
following: 420

(1) Notify the director of the board of elections of the 421
county in which the former program participant resides; 422

(2) Notify the county recorder, auditor, treasurer, and 423
engineer and the clerk of the court of common pleas of each 424
county in which the former program participant has filed real 425
property confidentiality notices under section 111.431 of the 426
Revised Code that have not been revoked under that section. 427

Sec. 111.46. (A) The secretary of state shall make 428
available to the attorney general, for inclusion ~~into~~ in the 429
Ohio law enforcement gateway, the name, telephone number, and 430
confidential address of each program participant. Access to 431
information in the gateway regarding an address confidentiality 432
program participant may only be granted to chiefs of police, 433
village marshals, county sheriffs, county prosecuting attorneys, 434
and a designee of each of these individuals. 435

(B) (1) (a) A city director of law or similar chief legal 436
officer who requires access to a program participant's 437
confidential address or telephone number for a legitimate 438
governmental purpose may petition the court of common pleas of 439
Franklin county to order the secretary of state to make that 440
confidential address or telephone number available to the 441
petitioner. 442

~~(B)~~ (b) A city director of law or similar chief legal 443
officer who requires access to information that is subject to a 444
real property confidentiality notice under section 111.431 of 445
the Revised Code for a legitimate governmental purpose may 446
petition the court of common pleas of the county in which the 447
real property is located or the court of common pleas of 448
Franklin county to make that information available to the 449
petitioner. 450

(2) Upon the filing of a petition under division (B) (1) of 451
this section, the court shall fix a date for a hearing on it and 452
shall require the clerk of the court to serve a notice of the 453
date, time, place, and purpose of the hearing upon the 454
petitioner. The clerk also shall serve that notice upon the 455
secretary of state so that the secretary of state may send the 456
notice to the program participant in accordance with division 457
~~(C)~~ (B) (3) of this section, and, if applicable, upon the county 458
recorder, auditor, treasurer, or engineer or the clerk of the 459
court of common pleas of the county in which the real property 460
is located. 461

~~(C)~~ (3) Upon receiving a notice under division (B) (2) of 462
this section, the secretary of state immediately shall send a 463
copy of the notice to the program participant by certified mail, 464
return receipt requested. 465

~~(D)~~ (4) At a hearing held under this section, the 466
petitioner shall appear, and the program participant or the 467
program participant's attorney may appear and be heard. After 468
the hearing and considering the testimony, the court shall issue 469
the requested order only if it appears to the court by clear and 470
convincing evidence that the disclosure of the ~~program~~ 471
~~participant's confidential address or telephone number~~ 472
information to the petitioner is necessary for a legitimate 473
governmental purpose. 474

~~(E)~~ (C) Upon request by a city director of law or similar 475
chief legal officer, who intends to petition ~~the a~~ court for 476
access to an individual's ~~address or telephone number~~ 477
confidential information under division (B) of this section, the 478
secretary of state shall confirm whether the individual is a 479
program participant but shall not disclose any other information 480

concerning a program participant.

(D) If a program participant is a child's parent,
guardian, or legal custodian, the program participant is a party
to a child custody or child support proceeding concerning the
child, and another party to the proceeding requests the court to
disclose the program participant's confidential address or
telephone number, the court shall provide the program
participant with notice and an opportunity for a hearing at
which the program participant or the program participant's
attorney may show cause why the court should not disclose the
program participant's confidential address or telephone number.

Sec. 111.99. (A) No person who submits an application
under section 111.42 of the Revised Code shall knowingly make a
false attestation in the application that the applicant fears
for the applicant's safety, the safety of a member of the
applicant's household, or the safety of the minor, incompetent,
or ward on whose behalf the application is made because the
applicant, household member, minor, incompetent, or ward is a
victim of domestic violence, menacing by stalking, human
trafficking, trafficking in persons, rape, or sexual battery.

(B) No person who has access to a confidential address or
telephone number, to information that is subject to a real
property confidentiality notice under section 111.431 of the
Revised Code, or to information that is subject to a written
notice under section 111.432 of the Revised Code, because of the
person's employment or official position shall knowingly
disclose that confidential ~~address or telephone number~~
information to any person, except as required by law.

(C) No person who obtains a confidential address or
telephone number from the Ohio law enforcement gateway shall

knowingly disclose that confidential address or telephone number 511
to any person, except as is necessary for a law enforcement 512
purpose when related to the performance of official duties, or 513
for another legitimate governmental purpose. 514

(D) No person who obtains information that is subject to a 515
real property confidentiality notice under section 111.431 of 516
the Revised Code for the purpose of conducting a title 517
examination under division (E) of that section shall knowingly 518
disclose that confidential information to any person, except for 519
the purpose identified in the application submitted under that 520
division. 521

(E) No person who obtains information that is subject to a 522
written notice under section 111.432 of the Revised Code for a 523
purpose specified in a written notice authorizing disclosure 524
provided by a program participant shall knowingly disclose that 525
confidential information to any person, except for the purpose 526
identified in the written notice. 527

(F) Whoever violates this section is guilty of a 528
misdemeanor of the first degree. 529

Sec. 149.43. (A) As used in this section: 530

(1) "Public record" means records kept by any public 531
office, including, but not limited to, state, county, city, 532
village, township, and school district units, and records 533
pertaining to the delivery of educational services by an 534
alternative school in this state kept by the nonprofit or for- 535
profit entity operating the alternative school pursuant to 536
section 3313.533 of the Revised Code. "Public record" does not 537
mean any of the following: 538

(a) Medical records; 539

(b) Records pertaining to probation and parole 540
proceedings, to proceedings related to the imposition of 541
community control sanctions and post-release control sanctions, 542
or to proceedings related to determinations under section 543
2967.271 of the Revised Code regarding the release or maintained 544
incarceration of an offender to whom that section applies; 545

(c) Records pertaining to actions under section 2151.85 546
and division (C) of section 2919.121 of the Revised Code and to 547
appeals of actions arising under those sections; 548

(d) Records pertaining to adoption proceedings, including 549
the contents of an adoption file maintained by the department of 550
health under sections 3705.12 to 3705.124 of the Revised Code; 551

(e) Information in a record contained in the putative 552
father registry established by section 3107.062 of the Revised 553
Code, regardless of whether the information is held by the 554
department of job and family services or, pursuant to section 555
3111.69 of the Revised Code, the office of child support in the 556
department or a child support enforcement agency; 557

(f) Records specified in division (A) of section 3107.52 558
of the Revised Code; 559

(g) Trial preparation records; 560

(h) Confidential law enforcement investigatory records; 561

(i) Records containing information that is confidential 562
under section 2710.03 or 4112.05 of the Revised Code; 563

(j) DNA records stored in the DNA database pursuant to 564
section 109.573 of the Revised Code; 565

(k) Inmate records released by the department of 566
rehabilitation and correction to the department of youth 567

services or a court of record pursuant to division (E) of 568
section 5120.21 of the Revised Code; 569

(l) Records maintained by the department of youth services 570
pertaining to children in its custody released by the department 571
of youth services to the department of rehabilitation and 572
correction pursuant to section 5139.05 of the Revised Code; 573

(m) Intellectual property records; 574

(n) Donor profile records; 575

(o) Records maintained by the department of job and family 576
services pursuant to section 3121.894 of the Revised Code; 577

(p) Designated public service worker residential and 578
familial information; 579

(q) In the case of a county hospital operated pursuant to 580
Chapter 339. of the Revised Code or a municipal hospital 581
operated pursuant to Chapter 749. of the Revised Code, 582
information that constitutes a trade secret, as defined in 583
section 1333.61 of the Revised Code; 584

(r) Information pertaining to the recreational activities 585
of a person under the age of eighteen; 586

(s) In the case of a child fatality review board acting 587
under sections 307.621 to 307.629 of the Revised Code or a 588
review conducted pursuant to guidelines established by the 589
director of health under section 3701.70 of the Revised Code, 590
records provided to the board or director, statements made by 591
board members during meetings of the board or by persons 592
participating in the director's review, and all work products of 593
the board or director, and in the case of a child fatality 594
review board, child fatality review data submitted by the board 595

to the department of health or a national child death review 596
database, other than the report prepared pursuant to division 597
(A) of section 307.626 of the Revised Code; 598

(t) Records provided to and statements made by the 599
executive director of a public children services agency or a 600
prosecuting attorney acting pursuant to section 5153.171 of the 601
Revised Code other than the information released under that 602
section; 603

(u) Test materials, examinations, or evaluation tools used 604
in an examination for licensure as a nursing home administrator 605
that the board of executives of long-term services and supports 606
administers under section 4751.15 of the Revised Code or 607
contracts under that section with a private or government entity 608
to administer; 609

(v) Records the release of which is prohibited by state or 610
federal law; 611

(w) Proprietary information of or relating to any person 612
that is submitted to or compiled by the Ohio venture capital 613
authority created under section 150.01 of the Revised Code; 614

(x) Financial statements and data any person submits for 615
any purpose to the Ohio housing finance agency or the 616
controlling board in connection with applying for, receiving, or 617
accounting for financial assistance from the agency, and 618
information that identifies any individual who benefits directly 619
or indirectly from financial assistance from the agency; 620

(y) Records listed in section 5101.29 of the Revised Code; 621

(z) Discharges recorded with a county recorder under 622
section 317.24 of the Revised Code, as specified in division (B) 623
(2) of that section; 624

(aa) Usage information including names and addresses of 625
specific residential and commercial customers of a municipally 626
owned or operated public utility; 627

(bb) Records described in division (C) of section 187.04 628
of the Revised Code that are not designated to be made available 629
to the public as provided in that division; 630

(cc) Information and records that are made confidential, 631
privileged, and not subject to disclosure under divisions (B) 632
and (C) of section 2949.221 of the Revised Code; 633

(dd) Personal information, as defined in section 149.45 of 634
the Revised Code; 635

(ee) The confidential name, address, and other personally 636
identifiable information of a program participant in the address 637
confidentiality program established under sections 111.41 to 638
111.47 of the Revised Code, including the contents of any 639
application for absent voter's ballots, absent voter's ballot 640
identification envelope statement of voter, or provisional 641
ballot affirmation completed by a program participant who has a 642
confidential voter registration record, ~~and;~~ records or portions 643
of records pertaining to that program that identify the number 644
of program participants that reside within a precinct, ward, 645
township, municipal corporation, county, or any other geographic 646
area smaller than the state; any real property confidentiality 647
notice filed under section 111.431 of the Revised Code and the 648
information described in division (C) of that section; and any 649
written notice provided under section 111.432 of the Revised 650
Code and the information described in division (B) of that 651
section. As used in this division, "confidential address" and 652
"program participant" have the meaning defined in section 111.41 653
of the Revised Code. 654

(ff) Orders for active military service of an individual 655
serving or with previous service in the armed forces of the 656
United States, including a reserve component, or the Ohio 657
organized militia, except that, such order becomes a public 658
record on the day that is fifteen years after the published date 659
or effective date of the call to order; 660

(gg) The name, address, contact information, or other 661
personal information of an individual who is less than eighteen 662
years of age that is included in any record related to a traffic 663
accident involving a school vehicle in which the individual was 664
an occupant at the time of the accident; 665

(hh) Protected health information, as defined in 45 C.F.R. 666
160.103, that is in a claim for payment for a health care 667
product, service, or procedure, as well as any other health 668
claims data in another document that reveals the identity of an 669
individual who is the subject of the data or could be used to 670
reveal that individual's identity; 671

(ii) Any depiction by photograph, film, videotape, or 672
printed or digital image under either of the following 673
circumstances: 674

(i) The depiction is that of a victim of an offense the 675
release of which would be, to a reasonable person of ordinary 676
sensibilities, an offensive and objectionable intrusion into the 677
victim's expectation of bodily privacy and integrity. 678

(ii) The depiction captures or depicts the victim of a 679
sexually oriented offense, as defined in section 2950.01 of the 680
Revised Code, at the actual occurrence of that offense. 681

(jj) Restricted portions of a body-worn camera or 682
dashboard camera recording; 683

(kk) In the case of a fetal-infant mortality review board 684
acting under sections 3707.70 to 3707.77 of the Revised Code, 685
records, documents, reports, or other information presented to 686
the board or a person abstracting such materials on the board's 687
behalf, statements made by review board members during board 688
meetings, all work products of the board, and data submitted by 689
the board to the department of health or a national infant death 690
review database, other than the report prepared pursuant to 691
section 3707.77 of the Revised Code. 692

(ll) Records, documents, reports, or other information 693
presented to the pregnancy-associated mortality review board 694
established under section 3738.01 of the Revised Code, 695
statements made by board members during board meetings, all work 696
products of the board, and data submitted by the board to the 697
department of health, other than the biennial reports prepared 698
under section 3738.08 of the Revised Code; 699

(mm) Telephone numbers for a victim, as defined in section 700
2930.01 of the Revised Code, a witness to a crime, or a party to 701
a motor vehicle accident subject to the requirements of section 702
5502.11 of the Revised Code that are listed on any law 703
enforcement record or report. 704

A record that is not a public record under division (A) (1) 705
of this section and that, under law, is permanently retained 706
becomes a public record on the day that is seventy-five years 707
after the day on which the record was created, except for any 708
record protected by the attorney-client privilege, a trial 709
preparation record as defined in this section, a statement 710
prohibiting the release of identifying information signed under 711
section 3107.083 of the Revised Code, a denial of release form 712
filed pursuant to section 3107.46 of the Revised Code, or any 713

record that is exempt from release or disclosure under section 714
149.433 of the Revised Code. If the record is a birth 715
certificate and a biological parent's name redaction request 716
form has been accepted under section 3107.391 of the Revised 717
Code, the name of that parent shall be redacted from the birth 718
certificate before it is released under this paragraph. If any 719
other section of the Revised Code establishes a time period for 720
disclosure of a record that conflicts with the time period 721
specified in this section, the time period in the other section 722
prevails. 723

(2) "Confidential law enforcement investigatory record" 724
means any record that pertains to a law enforcement matter of a 725
criminal, quasi-criminal, civil, or administrative nature, but 726
only to the extent that the release of the record would create a 727
high probability of disclosure of any of the following: 728

(a) The identity of a suspect who has not been charged 729
with the offense to which the record pertains, or of an 730
information source or witness to whom confidentiality has been 731
reasonably promised; 732

(b) Information provided by an information source or 733
witness to whom confidentiality has been reasonably promised, 734
which information would reasonably tend to disclose the source's 735
or witness's identity; 736

(c) Specific confidential investigatory techniques or 737
procedures or specific investigatory work product; 738

(d) Information that would endanger the life or physical 739
safety of law enforcement personnel, a crime victim, a witness, 740
or a confidential information source. 741

(3) "Medical record" means any document or combination of 742

documents, except births, deaths, and the fact of admission to 743
or discharge from a hospital, that pertains to the medical 744
history, diagnosis, prognosis, or medical condition of a patient 745
and that is generated and maintained in the process of medical 746
treatment. 747

(4) "Trial preparation record" means any record that 748
contains information that is specifically compiled in reasonable 749
anticipation of, or in defense of, a civil or criminal action or 750
proceeding, including the independent thought processes and 751
personal trial preparation of an attorney. 752

(5) "Intellectual property record" means a record, other 753
than a financial or administrative record, that is produced or 754
collected by or for faculty or staff of a state institution of 755
higher learning in the conduct of or as a result of study or 756
research on an educational, commercial, scientific, artistic, 757
technical, or scholarly issue, regardless of whether the study 758
or research was sponsored by the institution alone or in 759
conjunction with a governmental body or private concern, and 760
that has not been publicly released, published, or patented. 761

(6) "Donor profile record" means all records about donors 762
or potential donors to a public institution of higher education 763
except the names and reported addresses of the actual donors and 764
the date, amount, and conditions of the actual donation. 765

(7) "Designated public service worker" means a peace 766
officer, parole officer, probation officer, bailiff, prosecuting 767
attorney, assistant prosecuting attorney, correctional employee, 768
county or multicounty corrections officer, community-based 769
correctional facility employee, youth services employee, 770
firefighter, EMT, medical director or member of a cooperating 771
physician advisory board of an emergency medical service 772

organization, state board of pharmacy employee, investigator of 773
the bureau of criminal identification and investigation, judge, 774
magistrate, or federal law enforcement officer. 775

(8) "Designated public service worker residential and 776
familial information" means any information that discloses any 777
of the following about a designated public service worker: 778

(a) The address of the actual personal residence of a 779
designated public service worker, except for the following 780
information: 781

(i) The address of the actual personal residence of a 782
prosecuting attorney or judge; and 783

(ii) The state or political subdivision in which a 784
designated public service worker resides. 785

(b) Information compiled from referral to or participation 786
in an employee assistance program; 787

(c) The social security number, the residential telephone 788
number, any bank account, debit card, charge card, or credit 789
card number, or the emergency telephone number of, or any 790
medical information pertaining to, a designated public service 791
worker; 792

(d) The name of any beneficiary of employment benefits, 793
including, but not limited to, life insurance benefits, provided 794
to a designated public service worker by the designated public 795
service worker's employer; 796

(e) The identity and amount of any charitable or 797
employment benefit deduction made by the designated public 798
service worker's employer from the designated public service 799
worker's compensation, unless the amount of the deduction is 800

required by state or federal law; 801

(f) The name, the residential address, the name of the 802
employer, the address of the employer, the social security 803
number, the residential telephone number, any bank account, 804
debit card, charge card, or credit card number, or the emergency 805
telephone number of the spouse, a former spouse, or any child of 806
a designated public service worker; 807

(g) A photograph of a peace officer who holds a position 808
or has an assignment that may include undercover or plain 809
clothes positions or assignments as determined by the peace 810
officer's appointing authority. 811

(9) As used in divisions (A) (7) and (15) to (17) of this 812
section: 813

"Peace officer" has the meaning defined in section 109.71 814
of the Revised Code and also includes the superintendent and 815
troopers of the state highway patrol; it does not include the 816
sheriff of a county or a supervisory employee who, in the 817
absence of the sheriff, is authorized to stand in for, exercise 818
the authority of, and perform the duties of the sheriff. 819

"Correctional employee" means any employee of the 820
department of rehabilitation and correction who in the course of 821
performing the employee's job duties has or has had contact with 822
inmates and persons under supervision. 823

"County or multicounty corrections officer" means any 824
corrections officer employed by any county or multicounty 825
correctional facility. 826

"Youth services employee" means any employee of the 827
department of youth services who in the course of performing the 828
employee's job duties has or has had contact with children 829

committed to the custody of the department of youth services. 830

"Firefighter" means any regular, paid or volunteer, member 831
of a lawfully constituted fire department of a municipal 832
corporation, township, fire district, or village. 833

"EMT" means EMTs-basic, EMTs-I, and paramedics that 834
provide emergency medical services for a public emergency 835
medical service organization. "Emergency medical service 836
organization," "EMT-basic," "EMT-I," and "paramedic" have the 837
meanings defined in section 4765.01 of the Revised Code. 838

"Investigator of the bureau of criminal identification and 839
investigation" has the meaning defined in section 2903.11 of the 840
Revised Code. 841

"Federal law enforcement officer" has the meaning defined 842
in section 9.88 of the Revised Code. 843

(10) "Information pertaining to the recreational 844
activities of a person under the age of eighteen" means 845
information that is kept in the ordinary course of business by a 846
public office, that pertains to the recreational activities of a 847
person under the age of eighteen years, and that discloses any 848
of the following: 849

(a) The address or telephone number of a person under the 850
age of eighteen or the address or telephone number of that 851
person's parent, guardian, custodian, or emergency contact 852
person; 853

(b) The social security number, birth date, or 854
photographic image of a person under the age of eighteen; 855

(c) Any medical record, history, or information pertaining 856
to a person under the age of eighteen; 857

(d) Any additional information sought or required about a 858
person under the age of eighteen for the purpose of allowing 859
that person to participate in any recreational activity 860
conducted or sponsored by a public office or to use or obtain 861
admission privileges to any recreational facility owned or 862
operated by a public office. 863

(11) "Community control sanction" has the meaning defined 864
in section 2929.01 of the Revised Code. 865

(12) "Post-release control sanction" has the meaning 866
defined in section 2967.01 of the Revised Code. 867

(13) "Redaction" means obscuring or deleting any 868
information that is exempt from the duty to permit public 869
inspection or copying from an item that otherwise meets the 870
definition of a "record" in section 149.011 of the Revised Code. 871

(14) "Designee," "elected official," and "future official" 872
have the meanings defined in section 109.43 of the Revised Code. 873

(15) "Body-worn camera" means a visual and audio recording 874
device worn on the person of a peace officer while the peace 875
officer is engaged in the performance of the peace officer's 876
duties. 877

(16) "Dashboard camera" means a visual and audio recording 878
device mounted on a peace officer's vehicle or vessel that is 879
used while the peace officer is engaged in the performance of 880
the peace officer's duties. 881

(17) "Restricted portions of a body-worn camera or 882
dashboard camera recording" means any visual or audio portion of 883
a body-worn camera or dashboard camera recording that shows, 884
communicates, or discloses any of the following: 885

(a) The image or identity of a child or information that 886
could lead to the identification of a child who is a primary 887
subject of the recording when the law enforcement agency knows 888
or has reason to know the person is a child based on the law 889
enforcement agency's records or the content of the recording; 890

(b) The death of a person or a deceased person's body, 891
unless the death was caused by a peace officer or, subject to 892
division (H)(1) of this section, the consent of the decedent's 893
executor or administrator has been obtained; 894

(c) The death of a peace officer, firefighter, paramedic, 895
or other first responder, occurring while the decedent was 896
engaged in the performance of official duties, unless, subject 897
to division (H)(1) of this section, the consent of the 898
decedent's executor or administrator has been obtained; 899

(d) Grievous bodily harm, unless the injury was effected 900
by a peace officer or, subject to division (H)(1) of this 901
section, the consent of the injured person or the injured 902
person's guardian has been obtained; 903

(e) An act of severe violence against a person that 904
results in serious physical harm to the person, unless the act 905
and injury was effected by a peace officer or, subject to 906
division (H)(1) of this section, the consent of the injured 907
person or the injured person's guardian has been obtained; 908

(f) Grievous bodily harm to a peace officer, firefighter, 909
paramedic, or other first responder, occurring while the injured 910
person was engaged in the performance of official duties, 911
unless, subject to division (H)(1) of this section, the consent 912
of the injured person or the injured person's guardian has been 913
obtained; 914

(g) An act of severe violence resulting in serious 915
physical harm against a peace officer, firefighter, paramedic, 916
or other first responder, occurring while the injured person was 917
engaged in the performance of official duties, unless, subject 918
to division (H)(1) of this section, the consent of the injured 919
person or the injured person's guardian has been obtained; 920

(h) A person's nude body, unless, subject to division (H) 921
(1) of this section, the person's consent has been obtained; 922

(i) Protected health information, the identity of a person 923
in a health care facility who is not the subject of a law 924
enforcement encounter, or any other information in a health care 925
facility that could identify a person who is not the subject of 926
a law enforcement encounter; 927

(j) Information that could identify the alleged victim of 928
a sex offense, menacing by stalking, or domestic violence; 929

(k) Information, that does not constitute a confidential 930
law enforcement investigatory record, that could identify a 931
person who provides sensitive or confidential information to a 932
law enforcement agency when the disclosure of the person's 933
identity or the information provided could reasonably be 934
expected to threaten or endanger the safety or property of the 935
person or another person; 936

(l) Personal information of a person who is not arrested, 937
cited, charged, or issued a written warning by a peace officer; 938

(m) Proprietary police contingency plans or tactics that 939
are intended to prevent crime and maintain public order and 940
safety; 941

(n) A personal conversation unrelated to work between 942
peace officers or between a peace officer and an employee of a 943

law enforcement agency; 944

(o) A conversation between a peace officer and a member of 945
the public that does not concern law enforcement activities; 946

(p) The interior of a residence, unless the interior of a 947
residence is the location of an adversarial encounter with, or a 948
use of force by, a peace officer; 949

(q) Any portion of the interior of a private business that 950
is not open to the public, unless an adversarial encounter with, 951
or a use of force by, a peace officer occurs in that location. 952

As used in division (A) (17) of this section: 953

"Grievous bodily harm" has the same meaning as in section 954
5924.120 of the Revised Code. 955

"Health care facility" has the same meaning as in section 956
1337.11 of the Revised Code. 957

"Protected health information" has the same meaning as in 958
45 C.F.R. 160.103. 959

"Law enforcement agency" has the same meaning as in 960
section 2925.61 of the Revised Code. 961

"Personal information" means any government-issued 962
identification number, date of birth, address, financial 963
information, or criminal justice information from the law 964
enforcement automated data system or similar databases. 965

"Sex offense" has the same meaning as in section 2907.10 966
of the Revised Code. 967

"Firefighter," "paramedic," and "first responder" have the 968
same meanings as in section 4765.01 of the Revised Code. 969

(B) (1) Upon request and subject to division (B) (8) of this 970

section, all public records responsive to the request shall be 971
promptly prepared and made available for inspection to any 972
person at all reasonable times during regular business hours. 973
Subject to division (B) (8) of this section, upon request by any 974
person, a public office or person responsible for public records 975
shall make copies of the requested public record available to 976
the requester at cost and within a reasonable period of time. If 977
a public record contains information that is exempt from the 978
duty to permit public inspection or to copy the public record, 979
the public office or the person responsible for the public 980
record shall make available all of the information within the 981
public record that is not exempt. When making that public record 982
available for public inspection or copying that public record, 983
the public office or the person responsible for the public 984
record shall notify the requester of any redaction or make the 985
redaction plainly visible. A redaction shall be deemed a denial 986
of a request to inspect or copy the redacted information, except 987
if federal or state law authorizes or requires a public office 988
to make the redaction. 989

(2) To facilitate broader access to public records, a 990
public office or the person responsible for public records shall 991
organize and maintain public records in a manner that they can 992
be made available for inspection or copying in accordance with 993
division (B) of this section. A public office also shall have 994
available a copy of its current records retention schedule at a 995
location readily available to the public. If a requester makes 996
an ambiguous or overly broad request or has difficulty in making 997
a request for copies or inspection of public records under this 998
section such that the public office or the person responsible 999
for the requested public record cannot reasonably identify what 1000
public records are being requested, the public office or the 1001

person responsible for the requested public record may deny the 1002
request but shall provide the requester with an opportunity to 1003
revise the request by informing the requester of the manner in 1004
which records are maintained by the public office and accessed 1005
in the ordinary course of the public office's or person's 1006
duties. 1007

(3) If a request is ultimately denied, in part or in 1008
whole, the public office or the person responsible for the 1009
requested public record shall provide the requester with an 1010
explanation, including legal authority, setting forth why the 1011
request was denied. If the initial request was provided in 1012
writing, the explanation also shall be provided to the requester 1013
in writing. The explanation shall not preclude the public office 1014
or the person responsible for the requested public record from 1015
relying upon additional reasons or legal authority in defending 1016
an action commenced under division (C) of this section. 1017

(4) Unless specifically required or authorized by state or 1018
federal law or in accordance with division (B) of this section, 1019
no public office or person responsible for public records may 1020
limit or condition the availability of public records by 1021
requiring disclosure of the requester's identity or the intended 1022
use of the requested public record. Any requirement that the 1023
requester disclose the requester's identity or the intended use 1024
of the requested public record constitutes a denial of the 1025
request. 1026

(5) A public office or person responsible for public 1027
records may ask a requester to make the request in writing, may 1028
ask for the requester's identity, and may inquire about the 1029
intended use of the information requested, but may do so only 1030
after disclosing to the requester that a written request is not 1031

mandatory, that the requester may decline to reveal the 1032
requester's identity or the intended use, and when a written 1033
request or disclosure of the identity or intended use would 1034
benefit the requester by enhancing the ability of the public 1035
office or person responsible for public records to identify, 1036
locate, or deliver the public records sought by the requester. 1037

(6) If any person requests a copy of a public record in 1038
accordance with division (B) of this section, the public office 1039
or person responsible for the public record may require that 1040
person to pay in advance the cost involved in providing the copy 1041
of the public record in accordance with the choice made by the 1042
person requesting the copy under this division. The public 1043
office or the person responsible for the public record shall 1044
permit that person to choose to have the public record 1045
duplicated upon paper, upon the same medium upon which the 1046
public office or person responsible for the public record keeps 1047
it, or upon any other medium upon which the public office or 1048
person responsible for the public record determines that it 1049
reasonably can be duplicated as an integral part of the normal 1050
operations of the public office or person responsible for the 1051
public record. When the person requesting the copy makes a 1052
choice under this division, the public office or person 1053
responsible for the public record shall provide a copy of it in 1054
accordance with the choice made by that person. Nothing in this 1055
section requires a public office or person responsible for the 1056
public record to allow the person requesting a copy of the 1057
public record to make the copies of the public record. 1058

(7) (a) Upon a request made in accordance with division (B) 1059
of this section and subject to division (B) (6) of this section, 1060
a public office or person responsible for public records shall 1061
transmit a copy of a public record to any person by United 1062

States mail or by any other means of delivery or transmission 1063
within a reasonable period of time after receiving the request 1064
for the copy. The public office or person responsible for the 1065
public record may require the person making the request to pay 1066
in advance the cost of postage if the copy is transmitted by 1067
United States mail or the cost of delivery if the copy is 1068
transmitted other than by United States mail, and to pay in 1069
advance the costs incurred for other supplies used in the 1070
mailing, delivery, or transmission. 1071

(b) Any public office may adopt a policy and procedures 1072
that it will follow in transmitting, within a reasonable period 1073
of time after receiving a request, copies of public records by 1074
United States mail or by any other means of delivery or 1075
transmission pursuant to division (B) (7) of this section. A 1076
public office that adopts a policy and procedures under division 1077
(B) (7) of this section shall comply with them in performing its 1078
duties under that division. 1079

(c) In any policy and procedures adopted under division 1080
(B) (7) of this section: 1081

(i) A public office may limit the number of records 1082
requested by a person that the office will physically deliver by 1083
United States mail or by another delivery service to ten per 1084
month, unless the person certifies to the office in writing that 1085
the person does not intend to use or forward the requested 1086
records, or the information contained in them, for commercial 1087
purposes; 1088

(ii) A public office that chooses to provide some or all 1089
of its public records on a web site that is fully accessible to 1090
and searchable by members of the public at all times, other than 1091
during acts of God outside the public office's control or 1092

maintenance, and that charges no fee to search, access, 1093
download, or otherwise receive records provided on the web site, 1094
may limit to ten per month the number of records requested by a 1095
person that the office will deliver in a digital format, unless 1096
the requested records are not provided on the web site and 1097
unless the person certifies to the office in writing that the 1098
person does not intend to use or forward the requested records, 1099
or the information contained in them, for commercial purposes. 1100

(iii) For purposes of division (B) (7) of this section, 1101
"commercial" shall be narrowly construed and does not include 1102
reporting or gathering news, reporting or gathering information 1103
to assist citizen oversight or understanding of the operation or 1104
activities of government, or nonprofit educational research. 1105

(8) A public office or person responsible for public 1106
records is not required to permit a person who is incarcerated 1107
pursuant to a criminal conviction or a juvenile adjudication to 1108
inspect or to obtain a copy of any public record concerning a 1109
criminal investigation or prosecution or concerning what would 1110
be a criminal investigation or prosecution if the subject of the 1111
investigation or prosecution were an adult, unless the request 1112
to inspect or to obtain a copy of the record is for the purpose 1113
of acquiring information that is subject to release as a public 1114
record under this section and the judge who imposed the sentence 1115
or made the adjudication with respect to the person, or the 1116
judge's successor in office, finds that the information sought 1117
in the public record is necessary to support what appears to be 1118
a justiciable claim of the person. 1119

(9) (a) Upon written request made and signed by a 1120
journalist, a public office, or person responsible for public 1121
records, having custody of the records of the agency employing a 1122

specified designated public service worker shall disclose to the 1123
journalist the address of the actual personal residence of the 1124
designated public service worker and, if the designated public 1125
service worker's spouse, former spouse, or child is employed by 1126
a public office, the name and address of the employer of the 1127
designated public service worker's spouse, former spouse, or 1128
child. The request shall include the journalist's name and title 1129
and the name and address of the journalist's employer and shall 1130
state that disclosure of the information sought would be in the 1131
public interest. 1132

(b) Division (B) (9) (a) of this section also applies to 1133
journalist requests for: 1134

(i) Customer information maintained by a municipally owned 1135
or operated public utility, other than social security numbers 1136
and any private financial information such as credit reports, 1137
payment methods, credit card numbers, and bank account 1138
information; 1139

(ii) Information about minors involved in a school vehicle 1140
accident as provided in division (A) (1) (gg) of this section, 1141
other than personal information as defined in section 149.45 of 1142
the Revised Code. 1143

(c) As used in division (B) (9) of this section, 1144
"journalist" means a person engaged in, connected with, or 1145
employed by any news medium, including a newspaper, magazine, 1146
press association, news agency, or wire service, a radio or 1147
television station, or a similar medium, for the purpose of 1148
gathering, processing, transmitting, compiling, editing, or 1149
disseminating information for the general public. 1150

(10) Upon a request made by a victim, victim's attorney, 1151

or victim's representative, as that term is used in section 1152
2930.02 of the Revised Code, a public office or person 1153
responsible for public records shall transmit a copy of a 1154
depiction of the victim as described in division (A) (1) (gg) of 1155
this section to the victim, victim's attorney, or victim's 1156
representative. 1157

(C) (1) If a person allegedly is aggrieved by the failure 1158
of a public office or the person responsible for public records 1159
to promptly prepare a public record and to make it available to 1160
the person for inspection in accordance with division (B) of 1161
this section or by any other failure of a public office or the 1162
person responsible for public records to comply with an 1163
obligation in accordance with division (B) of this section, the 1164
person allegedly aggrieved may do only one of the following, and 1165
not both: 1166

(a) File a complaint with the clerk of the court of claims 1167
or the clerk of the court of common pleas under section 2743.75 1168
of the Revised Code; 1169

(b) Commence a mandamus action to obtain a judgment that 1170
orders the public office or the person responsible for the 1171
public record to comply with division (B) of this section, that 1172
awards court costs and reasonable attorney's fees to the person 1173
that instituted the mandamus action, and, if applicable, that 1174
includes an order fixing statutory damages under division (C) (2) 1175
of this section. The mandamus action may be commenced in the 1176
court of common pleas of the county in which division (B) of 1177
this section allegedly was not complied with, in the supreme 1178
court pursuant to its original jurisdiction under Section 2 of 1179
Article IV, Ohio Constitution, or in the court of appeals for 1180
the appellate district in which division (B) of this section 1181

allegedly was not complied with pursuant to its original 1182
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1183

(2) If a requester transmits a written request by hand 1184
delivery, electronic submission, or certified mail to inspect or 1185
receive copies of any public record in a manner that fairly 1186
describes the public record or class of public records to the 1187
public office or person responsible for the requested public 1188
records, except as otherwise provided in this section, the 1189
requester shall be entitled to recover the amount of statutory 1190
damages set forth in this division if a court determines that 1191
the public office or the person responsible for public records 1192
failed to comply with an obligation in accordance with division 1193
(B) of this section. 1194

The amount of statutory damages shall be fixed at one 1195
hundred dollars for each business day during which the public 1196
office or person responsible for the requested public records 1197
failed to comply with an obligation in accordance with division 1198
(B) of this section, beginning with the day on which the 1199
requester files a mandamus action to recover statutory damages, 1200
up to a maximum of one thousand dollars. The award of statutory 1201
damages shall not be construed as a penalty, but as compensation 1202
for injury arising from lost use of the requested information. 1203
The existence of this injury shall be conclusively presumed. The 1204
award of statutory damages shall be in addition to all other 1205
remedies authorized by this section. 1206

The court may reduce an award of statutory damages or not 1207
award statutory damages if the court determines both of the 1208
following: 1209

(a) That, based on the ordinary application of statutory 1210
law and case law as it existed at the time of the conduct or 1211

threatened conduct of the public office or person responsible 1212
for the requested public records that allegedly constitutes a 1213
failure to comply with an obligation in accordance with division 1214
(B) of this section and that was the basis of the mandamus 1215
action, a well-informed public office or person responsible for 1216
the requested public records reasonably would believe that the 1217
conduct or threatened conduct of the public office or person 1218
responsible for the requested public records did not constitute 1219
a failure to comply with an obligation in accordance with 1220
division (B) of this section; 1221

(b) That a well-informed public office or person 1222
responsible for the requested public records reasonably would 1223
believe that the conduct or threatened conduct of the public 1224
office or person responsible for the requested public records 1225
would serve the public policy that underlies the authority that 1226
is asserted as permitting that conduct or threatened conduct. 1227

(3) In a mandamus action filed under division (C) (1) of 1228
this section, the following apply: 1229

(a) (i) If the court orders the public office or the person 1230
responsible for the public record to comply with division (B) of 1231
this section, the court shall determine and award to the relator 1232
all court costs, which shall be construed as remedial and not 1233
punitive. 1234

(ii) If the court makes a determination described in 1235
division (C) (3) (b) (iii) of this section, the court shall 1236
determine and award to the relator all court costs, which shall 1237
be construed as remedial and not punitive. 1238

(b) If the court renders a judgment that orders the public 1239
office or the person responsible for the public record to comply 1240

with division (B) of this section or if the court determines any 1241
of the following, the court may award reasonable attorney's fees 1242
to the relator, subject to division (C) (4) of this section: 1243

(i) The public office or the person responsible for the 1244
public records failed to respond affirmatively or negatively to 1245
the public records request in accordance with the time allowed 1246
under division (B) of this section. 1247

(ii) The public office or the person responsible for the 1248
public records promised to permit the relator to inspect or 1249
receive copies of the public records requested within a 1250
specified period of time but failed to fulfill that promise 1251
within that specified period of time. 1252

(iii) The public office or the person responsible for the 1253
public records acted in bad faith when the office or person 1254
voluntarily made the public records available to the relator for 1255
the first time after the relator commenced the mandamus action, 1256
but before the court issued any order concluding whether or not 1257
the public office or person was required to comply with division 1258
(B) of this section. No discovery may be conducted on the issue 1259
of the alleged bad faith of the public office or person 1260
responsible for the public records. This division shall not be 1261
construed as creating a presumption that the public office or 1262
the person responsible for the public records acted in bad faith 1263
when the office or person voluntarily made the public records 1264
available to the relator for the first time after the relator 1265
commenced the mandamus action, but before the court issued any 1266
order described in this division. 1267

(c) The court shall not award attorney's fees to the 1268
relator if the court determines both of the following: 1269

(i) That, based on the ordinary application of statutory 1270
law and case law as it existed at the time of the conduct or 1271
threatened conduct of the public office or person responsible 1272
for the requested public records that allegedly constitutes a 1273
failure to comply with an obligation in accordance with division 1274
(B) of this section and that was the basis of the mandamus 1275
action, a well-informed public office or person responsible for 1276
the requested public records reasonably would believe that the 1277
conduct or threatened conduct of the public office or person 1278
responsible for the requested public records did not constitute 1279
a failure to comply with an obligation in accordance with 1280
division (B) of this section; 1281

(ii) That a well-informed public office or person 1282
responsible for the requested public records reasonably would 1283
believe that the conduct or threatened conduct of the public 1284
office or person responsible for the requested public records 1285
would serve the public policy that underlies the authority that 1286
is asserted as permitting that conduct or threatened conduct. 1287

(4) All of the following apply to any award of reasonable 1288
attorney's fees awarded under division (C) (3) (b) of this 1289
section: 1290

(a) The fees shall be construed as remedial and not 1291
punitive. 1292

(b) The fees awarded shall not exceed the total of the 1293
reasonable attorney's fees incurred before the public record was 1294
made available to the relator and the fees described in division 1295
(C) (4) (c) of this section. 1296

(c) Reasonable attorney's fees shall include reasonable 1297
fees incurred to produce proof of the reasonableness and amount 1298

of the fees and to otherwise litigate entitlement to the fees. 1299

(d) The court may reduce the amount of fees awarded if the 1300
court determines that, given the factual circumstances involved 1301
with the specific public records request, an alternative means 1302
should have been pursued to more effectively and efficiently 1303
resolve the dispute that was subject to the mandamus action 1304
filed under division (C) (1) of this section. 1305

(5) If the court does not issue a writ of mandamus under 1306
division (C) of this section and the court determines at that 1307
time that the bringing of the mandamus action was frivolous 1308
conduct as defined in division (A) of section 2323.51 of the 1309
Revised Code, the court may award to the public office all court 1310
costs, expenses, and reasonable attorney's fees, as determined 1311
by the court. 1312

(D) Chapter 1347. of the Revised Code does not limit the 1313
provisions of this section. 1314

(E) (1) To ensure that all employees of public offices are 1315
appropriately educated about a public office's obligations under 1316
division (B) of this section, all elected officials or their 1317
appropriate designees shall attend training approved by the 1318
attorney general as provided in section 109.43 of the Revised 1319
Code. A future official may satisfy the requirements of this 1320
division by attending the training before taking office, 1321
provided that the future official may not send a designee in the 1322
future official's place. 1323

(2) All public offices shall adopt a public records policy 1324
in compliance with this section for responding to public records 1325
requests. In adopting a public records policy under this 1326
division, a public office may obtain guidance from the model 1327

public records policy developed and provided to the public 1328
office by the attorney general under section 109.43 of the 1329
Revised Code. Except as otherwise provided in this section, the 1330
policy may not limit the number of public records that the 1331
public office will make available to a single person, may not 1332
limit the number of public records that it will make available 1333
during a fixed period of time, and may not establish a fixed 1334
period of time before it will respond to a request for 1335
inspection or copying of public records, unless that period is 1336
less than eight hours. 1337

The public office shall distribute the public records 1338
policy adopted by the public office under this division to the 1339
employee of the public office who is the records custodian or 1340
records manager or otherwise has custody of the records of that 1341
office. The public office shall require that employee to 1342
acknowledge receipt of the copy of the public records policy. 1343
The public office shall create a poster that describes its 1344
public records policy and shall post the poster in a conspicuous 1345
place in the public office and in all locations where the public 1346
office has branch offices. The public office may post its public 1347
records policy on the internet web site of the public office if 1348
the public office maintains an internet web site. A public 1349
office that has established a manual or handbook of its general 1350
policies and procedures for all employees of the public office 1351
shall include the public records policy of the public office in 1352
the manual or handbook. 1353

(F) (1) The bureau of motor vehicles may adopt rules 1354
pursuant to Chapter 119. of the Revised Code to reasonably limit 1355
the number of bulk commercial special extraction requests made 1356
by a person for the same records or for updated records during a 1357
calendar year. The rules may include provisions for charges to 1358

be made for bulk commercial special extraction requests for the 1359
actual cost of the bureau, plus special extraction costs, plus 1360
ten per cent. The bureau may charge for expenses for redacting 1361
information, the release of which is prohibited by law. 1362

(2) As used in division (F)(1) of this section: 1363

(a) "Actual cost" means the cost of depleted supplies, 1364
records storage media costs, actual mailing and alternative 1365
delivery costs, or other transmitting costs, and any direct 1366
equipment operating and maintenance costs, including actual 1367
costs paid to private contractors for copying services. 1368

(b) "Bulk commercial special extraction request" means a 1369
request for copies of a record for information in a format other 1370
than the format already available, or information that cannot be 1371
extracted without examination of all items in a records series, 1372
class of records, or database by a person who intends to use or 1373
forward the copies for surveys, marketing, solicitation, or 1374
resale for commercial purposes. "Bulk commercial special 1375
extraction request" does not include a request by a person who 1376
gives assurance to the bureau that the person making the request 1377
does not intend to use or forward the requested copies for 1378
surveys, marketing, solicitation, or resale for commercial 1379
purposes. 1380

(c) "Commercial" means profit-seeking production, buying, 1381
or selling of any good, service, or other product. 1382

(d) "Special extraction costs" means the cost of the time 1383
spent by the lowest paid employee competent to perform the task, 1384
the actual amount paid to outside private contractors employed 1385
by the bureau, or the actual cost incurred to create computer 1386
programs to make the special extraction. "Special extraction 1387

costs" include any charges paid to a public agency for computer 1388
or records services. 1389

(3) For purposes of divisions (F) (1) and (2) of this 1390
section, "surveys, marketing, solicitation, or resale for 1391
commercial purposes" shall be narrowly construed and does not 1392
include reporting or gathering news, reporting or gathering 1393
information to assist citizen oversight or understanding of the 1394
operation or activities of government, or nonprofit educational 1395
research. 1396

(G) A request by a defendant, counsel of a defendant, or 1397
any agent of a defendant in a criminal action that public 1398
records related to that action be made available under this 1399
section shall be considered a demand for discovery pursuant to 1400
the Criminal Rules, except to the extent that the Criminal Rules 1401
plainly indicate a contrary intent. The defendant, counsel of 1402
the defendant, or agent of the defendant making a request under 1403
this division shall serve a copy of the request on the 1404
prosecuting attorney, director of law, or other chief legal 1405
officer responsible for prosecuting the action. 1406

(H) (1) Any portion of a body-worn camera or dashboard 1407
camera recording described in divisions (A) (17) (b) to (h) of 1408
this section may be released by consent of the subject of the 1409
recording or a representative of that person, as specified in 1410
those divisions, only if either of the following applies: 1411

(a) The recording will not be used in connection with any 1412
probable or pending criminal proceedings; 1413

(b) The recording has been used in connection with a 1414
criminal proceeding that was dismissed or for which a judgment 1415
has been entered pursuant to Rule 32 of the Rules of Criminal 1416

Procedure, and will not be used again in connection with any 1417
probable or pending criminal proceedings. 1418

(2) If a public office denies a request to release a 1419
restricted portion of a body-worn camera or dashboard camera 1420
recording, as defined in division (A)(17) of this section, any 1421
person may file a mandamus action pursuant to this section or a 1422
complaint with the clerk of the court of claims pursuant to 1423
section 2743.75 of the Revised Code, requesting the court to 1424
order the release of all or portions of the recording. If the 1425
court considering the request determines that the filing 1426
articulates by clear and convincing evidence that the public 1427
interest in the recording substantially outweighs privacy 1428
interests and other interests asserted to deny release, the 1429
court shall order the public office to release the recording. 1430

Sec. 315.25. (A) The county engineer shall make and keep, 1431
in a book provided for that purpose, an accurate record of all 1432
surveys made by ~~him the engineer~~ or ~~his the engineer's~~ deputies 1433
for the purpose of locating any land or road lines, or fixing 1434
any corner or monument by which it may be determined, whether 1435
official or otherwise. Such surveys shall include corners, 1436
distances, azimuths, angles, calculations, plats, and a 1437
description of the monuments set up, with such references 1438
thereto as will aid in finding the names of the parties for whom 1439
the surveys are made, and the date of making such surveys. Such 1440
book shall be kept as a public record by the engineer at ~~his the~~ 1441
engineer's office, and it shall be at all proper times open to 1442
inspection and examination by all persons interested therein. 1443
Any other surveys made in the county by competent surveyors, 1444
certified by such surveyor to be correct and deemed worthy of 1445
preservation, may, by order of the board of county 1446
commissioners, be recorded by the engineer. 1447

(B) The county engineer shall keep confidential 1448
information that is subject to a real property confidentiality 1449
notice under section 111.431 of the Revised Code, in accordance 1450
with that section. 1451

Sec. 317.13. (A) Except as otherwise provided in division 1452
(B) of this section, the county recorder shall record in the 1453
official records, in legible handwriting, typewriting, or 1454
printing, or by any authorized photographic or electronic 1455
process, all deeds, mortgages, plats, or other instruments of 1456
writing that are required or authorized by the Revised Code to 1457
be recorded and that are presented to the county recorder for 1458
that purpose. The county recorder shall record the instruments 1459
in regular succession, according to the priority of 1460
presentation, and shall enter the file number at the beginning 1461
of the record. On the record of each instrument, the county 1462
recorder shall record the date and precise time the instrument 1463
was presented for record. All records made, prior to July 28, 1464
1949, by means authorized by this section or by section 9.01 of 1465
the Revised Code shall be deemed properly made. 1466

(B) The county recorder may refuse to record an instrument 1467
of writing presented for recording if the instrument is not 1468
required or authorized by the Revised Code to be recorded or the 1469
county recorder has reasonable cause to believe the instrument 1470
is materially false or fraudulent. This division does not create 1471
a duty upon a recorder to inspect, evaluate, or investigate an 1472
instrument of writing that is presented for recording. 1473

(C) If a person presents an instrument of writing to the 1474
county recorder for recording and the county recorder, pursuant 1475
to division (B) of this section, refuses to record the 1476
instrument, the person has a cause of action for an order from 1477

the court of common pleas in the county that the county recorder 1478
serves, to require the county recorder to record the instrument. 1479
If the court determines that the instrument is required or 1480
authorized by the Revised Code to be recorded and is not 1481
materially false or fraudulent, it shall order the county 1482
recorder to record the instrument. 1483

(D) The county recorder shall keep confidential 1484
information that is subject to a real property confidentiality 1485
notice under section 111.431 of the Revised Code, in accordance 1486
with that section. 1487

Sec. 319.28. (A) Except as otherwise provided in division 1488
(B) of this section, on or before the first Monday of August, 1489
annually, the county auditor shall compile and make up a general 1490
tax list of real and public utility property in the county, 1491
either in tabular form and alphabetical order, or, with the 1492
consent of the county treasurer, by listing all parcels in a 1493
permanent parcel number sequence to which a separate 1494
alphabetical index is keyed, containing the names of the several 1495
persons, companies, firms, partnerships, associations, and 1496
corporations in whose names real property has been listed in 1497
each township, municipal corporation, special district, or 1498
separate school district, or part of either in the auditor's 1499
county, placing separately, in appropriate columns opposite each 1500
name, the description of each tract, lot, or parcel of real 1501
estate, the value of each tract, lot, or parcel, the value of 1502
the improvements thereon, and of the names of the several public 1503
utilities whose property, subject to taxation on the general tax 1504
list and duplicate, has been apportioned by the department of 1505
taxation to the county, and the amount so apportioned to each 1506
township, municipal corporation, special district, or separate 1507
school district or part of either in the auditor's county, as 1508

shown by the certificates of apportionment of public utility 1509
property. If the name of the owner of any tract, lot, or parcel 1510
of real estate is unknown to the auditor, "unknown" shall be 1511
entered in the column of names opposite said tract, lot, or 1512
parcel. Such lists shall be prepared in duplicate. On or before 1513
the first Monday of September in each year, the auditor shall 1514
correct such lists in accordance with the additions and 1515
deductions ordered by the tax commissioner and by the county 1516
board of revision, and shall certify and on the first day of 1517
October deliver one copy thereof to the county treasurer. The 1518
copies prepared by the auditor shall constitute the auditor's 1519
general tax list and treasurer's general duplicate of real and 1520
public utility property for the current year. 1521

Once a permanent parcel numbering system has been 1522
established in any county as provided by the preceding 1523
paragraph, such system shall remain in effect until otherwise 1524
agreed upon by the county auditor and county treasurer. 1525

(B) (1) An individual, or the spouse of that individual, 1526
whose residential and familial information is not a public 1527
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1528
the Revised Code may submit an affidavit to the county auditor 1529
requesting the county auditor to remove the name of the 1530
individual filing the affidavit from any record made available 1531
to the general public on the internet or a publicly accessible 1532
database, and from the general tax list and duplicate_of real 1533
and public utility property, and to instead insert the 1534
individual's initials on any such record, and on the general tax 1535
list and duplicate of real and public utility property as the 1536
name of the individual that appears on the deed. 1537

(2) Upon receiving an affidavit described in division (B) 1538

(1) of this section, the county auditor shall act within five 1539
business days in accordance with the request to remove the 1540
individual's name from any record made available to the general 1541
public on the internet or a publicly accessible database, and 1542
from the general tax list and duplicate of real and public 1543
utility property and insert the individual's initials on any 1544
such record and on the general tax list and duplicate of real 1545
and public utility property, if practicable. If the removal and 1546
insertion is not practicable, the county auditor shall verbally 1547
or in writing within five business days after receiving the 1548
affidavit explain to the individual why the removal and 1549
insertion is impracticable. 1550

(C) The county auditor shall keep confidential information 1551
that is subject to a real property confidentiality notice under 1552
section 111.431 of the Revised Code, in accordance with that 1553
section. 1554

Sec. 321.25. The county treasurer shall keep confidential 1555
information that is subject to a real property confidentiality 1556
notice under section 111.431 of the Revised Code, in accordance 1557
with that section. 1558

Sec. 2303.12. (A) The clerk of the court of common pleas 1559
shall keep at least four books. They shall be called the 1560
appearance docket, trial docket and printed duplicates of the 1561
trial docket for the use of the court and the officers thereof, 1562
journal, and execution docket. ~~He~~ The clerk shall also keep a 1563
record in book form or ~~he~~ the clerk may prepare a record by 1564
using any photostatic, photographic, miniature photographic, 1565
film, microfilm, or microphotographic process, electrostatic 1566
process, perforated tape, magnetic tape, or other 1567
electromagnetic means, electronic data processing, machine 1568

readable media, graphic or video display, or any combination 1569
thereof, which correctly and accurately copies or reproduces the 1570
original document, paper, or instrument in writing. ~~He~~ The clerk 1571
shall use materials that comply with the minimum standards of 1572
quality for permanent photographic records prescribed by the 1573
National Bureau of Standards. ~~He~~ The clerk shall keep an index 1574
to the trial docket and to the printed duplicates of the trial 1575
docket and of the journal direct, and to the appearance docket, 1576
record, and execution docket, direct and reverse. All clerks 1577
keeping records and information by the methods described in this 1578
section shall keep and make readily available to the public the 1579
machine and equipment necessary to reproduce the records and 1580
information in a readable form. 1581

(B) The clerk of the court of common pleas shall keep 1582
confidential information that is subject to a real property 1583
confidentiality notice under section 111.431 of the Revised 1584
Code, in accordance with that section. 1585

Section 2. That existing sections 111.42, 111.43, 111.45, 1586
111.46, 111.99, 149.43, 315.25, 317.13, 319.28, and 2303.12 of 1587
the Revised Code are hereby repealed. 1588