

**As Reported by the House Civil Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 265**

**Representatives Wiggam, Hall**

**Cosponsors: Representatives Plummer, Williams, Willis, Gross, Young, T., Click**

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**A BILL**

To amend sections 149.43, 149.45, 319.28, and 319.54 of the Revised Code to exempt redaction request forms, affidavits, and the records of the work schedules of designated public service workers from disclosure under public records law.

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

**Section 1.** That sections 149.43, 149.45, 319.28, and 319.54 of the Revised Code be amended to read as follows:

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

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

(a) Medical records;

|                                                                  |    |
|------------------------------------------------------------------|----|
| (b) Records pertaining to probation and parole                   | 19 |
| proceedings, to proceedings related to the imposition of         | 20 |
| community control sanctions and post-release control sanctions,  | 21 |
| or to proceedings related to determinations under section        | 22 |
| 2967.271 of the Revised Code regarding the release or maintained | 23 |
| incarceration of an offender to whom that section applies;       | 24 |
| (c) Records pertaining to actions under section 2151.85          | 25 |
| and division (C) of section 2919.121 of the Revised Code and to  | 26 |
| appeals of actions arising under those sections;                 | 27 |
| (d) Records pertaining to adoption proceedings, including        | 28 |
| the contents of an adoption file maintained by the department of | 29 |
| health under sections 3705.12 to 3705.124 of the Revised Code;   | 30 |
| (e) Information in a record contained in the putative            | 31 |
| father registry established by section 3107.062 of the Revised   | 32 |
| Code, regardless of whether the information is held by the       | 33 |
| department of job and family services or, pursuant to section    | 34 |
| 3111.69 of the Revised Code, the office of child support in the  | 35 |
| department or a child support enforcement agency;                | 36 |
| (f) Records specified in division (A) of section 3107.52         | 37 |
| of the Revised Code;                                             | 38 |
| (g) Trial preparation records;                                   | 39 |
| (h) Confidential law enforcement investigatory records;          | 40 |
| (i) Records containing information that is confidential          | 41 |
| under section 2710.03 or 4112.05 of the Revised Code;            | 42 |
| (j) DNA records stored in the DNA database pursuant to           | 43 |
| section 109.573 of the Revised Code;                             | 44 |
| (k) Inmate records released by the department of                 | 45 |
| rehabilitation and correction to the department of youth         | 46 |

services or a court of record pursuant to division (E) of 47  
section 5120.21 of the Revised Code; 48

(l) Records maintained by the department of youth services 49  
pertaining to children in its custody released by the department 50  
of youth services to the department of rehabilitation and 51  
correction pursuant to section 5139.05 of the Revised Code; 52

(m) Intellectual property records; 53

(n) Donor profile records; 54

(o) Records maintained by the department of job and family 55  
services pursuant to section 3121.894 of the Revised Code; 56

(p) Designated public service worker residential and 57  
familial information; 58

(q) In the case of a county hospital operated pursuant to 59  
Chapter 339. of the Revised Code or a municipal hospital 60  
operated pursuant to Chapter 749. of the Revised Code, 61  
information that constitutes a trade secret, as defined in 62  
section 1333.61 of the Revised Code; 63

(r) Information pertaining to the recreational activities 64  
of a person under the age of eighteen; 65

(s) In the case of a child fatality review board acting 66  
under sections 307.621 to 307.629 of the Revised Code or a 67  
review conducted pursuant to guidelines established by the 68  
director of health under section 3701.70 of the Revised Code, 69  
records provided to the board or director, statements made by 70  
board members during meetings of the board or by persons 71  
participating in the director's review, and all work products of 72  
the board or director, and in the case of a child fatality 73  
review board, child fatality review data submitted by the board 74

to the department of health or a national child death review 75  
database, other than the report prepared pursuant to division 76  
(A) of section 307.626 of the Revised Code; 77

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

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

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

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

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

(y) Records listed in section 5101.29 of the Revised Code; 100

(z) Discharges recorded with a county recorder under 101  
section 317.24 of the Revised Code, as specified in division (B) 102  
(2) of that section; 103

(aa) Usage information including names and addresses of 104  
specific residential and commercial customers of a municipally 105  
owned or operated public utility; 106

(bb) Records described in division (C) of section 187.04 107  
of the Revised Code that are not designated to be made available 108  
to the public as provided in that division; 109

(cc) Information and records that are made confidential, 110  
privileged, and not subject to disclosure under divisions (B) 111  
and (C) of section 2949.221 of the Revised Code; 112

(dd) Personal information, as defined in section 149.45 of 113  
the Revised Code; 114

(ee) The confidential name, address, and other personally 115  
identifiable information of a program participant in the address 116  
confidentiality program established under sections 111.41 to 117  
111.47 of the Revised Code, including the contents of any 118  
application for absent voter's ballots, absent voter's ballot 119  
identification envelope statement of voter, or provisional 120  
ballot affirmation completed by a program participant who has a 121  
confidential voter registration record; records or portions of 122  
records pertaining to that program that identify the number of 123  
program participants that reside within a precinct, ward, 124  
township, municipal corporation, county, or any other geographic 125  
area smaller than the state; and any real property 126  
confidentiality notice filed under section 111.431 of the 127  
Revised Code and the information described in division (C) of 128  
that section. As used in this division, "confidential address" 129  
and "program participant" have the meaning defined in section 130  
111.41 of the Revised Code. 131

(ff) Orders for active military service of an individual 132

serving or with previous service in the armed forces of the 133  
United States, including a reserve component, or the Ohio 134  
organized militia, except that, such order becomes a public 135  
record on the day that is fifteen years after the published date 136  
or effective date of the call to order; 137

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

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

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

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

(ii) The depiction captures or depicts the victim of a 156  
sexually oriented offense, as defined in section 2950.01 of the 157  
Revised Code, at the actual occurrence of that offense. 158

(jj) Restricted portions of a body-worn camera or 159  
dashboard camera recording; 160

(kk) In the case of a fetal-infant mortality review board 161

acting under sections 3707.70 to 3707.77 of the Revised Code, 162  
records, documents, reports, or other information presented to 163  
the board or a person abstracting such materials on the board's 164  
behalf, statements made by review board members during board 165  
meetings, all work products of the board, and data submitted by 166  
the board to the department of health or a national infant death 167  
review database, other than the report prepared pursuant to 168  
section 3707.77 of the Revised Code. 169

(ll) Records, documents, reports, or other information 170  
presented to the pregnancy-associated mortality review board 171  
established under section 3738.01 of the Revised Code, 172  
statements made by board members during board meetings, all work 173  
products of the board, and data submitted by the board to the 174  
department of health, other than the biennial reports prepared 175  
under section 3738.08 of the Revised Code; 176

(mm) Except as otherwise provided in division (A) (1) (oo) 177  
of this section, telephone numbers for a victim, as defined in 178  
section 2930.01 of the Revised Code or a witness to a crime that 179  
are listed on any law enforcement record or report. 180

(nn) A preneed funeral contract, as defined in section 181  
4717.01 of the Revised Code, and contract terms and personally 182  
identifying information of a preneed funeral contract, that is 183  
contained in a report submitted by or for a funeral home to the 184  
board of embalmers and funeral directors under division (C) of 185  
section 4717.13, division (J) of section 4717.31, or section 186  
4717.41 of the Revised Code. 187

(oo) Telephone numbers for a party to a motor vehicle 188  
accident subject to the requirements of section 5502.11 of the 189  
Revised Code that are listed on any law enforcement record or 190  
report, except that the telephone numbers described in this 191

division are not excluded from the definition of "public record" 192  
under this division on and after the thirtieth day after the 193  
occurrence of the motor vehicle accident. 194

(pp) Records pertaining to individuals who complete 195  
training under section 5502.703 of the Revised Code to be 196  
permitted by a school district board of education or governing 197  
body of a community school established under Chapter 3314. of 198  
the Revised Code, a STEM school established under Chapter 3326. 199  
of the Revised Code, or a chartered nonpublic school to convey 200  
deadly weapons or dangerous ordnance into a school safety zone; 201

(qq) Records, documents, reports, or other information 202  
presented to a domestic violence fatality review board 203  
established under section 307.651 of the Revised Code, 204  
statements made by board members during board meetings, all work 205  
products of the board, and data submitted by the board to the 206  
department of health, other than a report prepared pursuant to 207  
section 307.656 of the Revised Code; 208

(rr) Records, documents, and information the release of 209  
which is prohibited under sections 2930.04 and 2930.07 of the 210  
Revised Code; 211

(ss) Records of an existing qualified nonprofit 212  
corporation that creates a special improvement district under 213  
Chapter 1710. of the Revised Code that do not pertain to a 214  
purpose for which the district is created; 215

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

(uu) A request form or confirmation letter submitted to a 220

public office under section 149.45 of the Revised Code; 221

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

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

(2) "Confidential law enforcement investigatory record" 245  
means any record that pertains to a law enforcement matter of a 246  
criminal, quasi-criminal, civil, or administrative nature, but 247  
only to the extent that the release of the record would create a 248  
high probability of disclosure of any of the following: 249

(a) The identity of a suspect who has not been charged 250

with the offense to which the record pertains, or of an 251  
information source or witness to whom confidentiality has been 252  
reasonably promised; 253

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

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

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

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

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

(5) "Intellectual property record" means a record, other 274  
than a financial or administrative record, that is produced or 275  
collected by or for faculty or staff of a state institution of 276  
higher learning in the conduct of or as a result of study or 277  
research on an educational, commercial, scientific, artistic, 278  
technical, or scholarly issue, regardless of whether the study 279

or research was sponsored by the institution alone or in 280  
conjunction with a governmental body or private concern, and 281  
that has not been publicly released, published, or patented. 282

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

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

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

(a) The address of the actual personal residence of a 304  
designated public service worker, except for the following 305  
information: 306

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

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

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

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

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

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

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

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

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

section: 338

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

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

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

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

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

"Youth services employee" means any employee of the 362  
department of youth services who in the course of performing the 363  
employee's job duties has or has had contact with children 364  
committed to the custody of the department of youth services. 365

"Firefighter" means any regular, paid or volunteer, member 366

of a lawfully constituted fire department of a municipal 367  
corporation, township, fire district, or village. 368

"EMT" means EMTs-basic, EMTs-I, and paramedics that 369  
provide emergency medical services for a public emergency 370  
medical service organization. "Emergency medical service 371  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 372  
meanings defined in section 4765.01 of the Revised Code. 373

"Investigator of the bureau of criminal identification and 374  
investigation" has the meaning defined in section 2903.11 of the 375  
Revised Code. 376

"Emergency service telecommunicator" means an individual 377  
employed by an emergency service provider as defined under 378  
section 128.01 of the Revised Code, whose primary responsibility 379  
is to be an operator for the receipt or processing of calls for 380  
emergency services made by telephone, radio, or other electronic 381  
means. 382

"Forensic mental health provider" means any employee of a 383  
community mental health service provider or local alcohol, drug 384  
addiction, and mental health services board who, in the course 385  
of the employee's duties, has contact with persons committed to 386  
a local alcohol, drug addiction, and mental health services 387  
board by a court order pursuant to section 2945.38, 2945.39, 388  
2945.40, or 2945.402 of the Revised Code. 389

"Mental health evaluation provider" means an individual 390  
who, under Chapter 5122. of the Revised Code, examines a 391  
respondent who is alleged to be a mentally ill person subject to 392  
court order, as defined in section 5122.01 of the Revised Code, 393  
and reports to the probate court the respondent's mental 394  
condition. 395

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

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

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

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

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

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

(d) Any additional information sought or required about a 419  
person under the age of eighteen for the purpose of allowing 420  
that person to participate in any recreational activity 421  
conducted or sponsored by a public office or to use or obtain 422  
admission privileges to any recreational facility owned or 423  
operated by a public office. 424

- (11) "Community control sanction" has the meaning defined 425  
in section 2929.01 of the Revised Code. 426
- (12) "Post-release control sanction" has the meaning 427  
defined in section 2967.01 of the Revised Code. 428
- (13) "Redaction" means obscuring or deleting any 429  
information that is exempt from the duty to permit public 430  
inspection or copying from an item that otherwise meets the 431  
definition of a "record" in section 149.011 of the Revised Code. 432
- (14) "Designee," "elected official," and "future official" 433  
have the meanings defined in section 109.43 of the Revised Code. 434
- (15) "Body-worn camera" means a visual and audio recording 435  
device worn on the person of a correctional employee, youth 436  
services employee, or peace officer while the correctional 437  
employee, youth services employee, or peace officer is engaged 438  
in the performance of official duties. 439
- (16) "Dashboard camera" means a visual and audio recording 440  
device mounted on a peace officer's vehicle or vessel that is 441  
used while the peace officer is engaged in the performance of 442  
the peace officer's duties. 443
- (17) "Restricted portions of a body-worn camera or 444  
dashboard camera recording" means any visual or audio portion of 445  
a body-worn camera or dashboard camera recording that shows, 446  
communicates, or discloses any of the following: 447
- (a) The image or identity of a child or information that 448  
could lead to the identification of a child who is a primary 449  
subject of the recording when the department of rehabilitation 450  
and correction, department of youth services, or the law 451  
enforcement agency knows or has reason to know the person is a 452  
child based on the department's or law enforcement agency's 453

records or the content of the recording; 454

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

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

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

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

(f) Grievous bodily harm to a correctional employee, youth 477  
services employee, peace officer, firefighter, paramedic, or 478  
other first responder, occurring while the injured person was 479  
engaged in the performance of official duties, unless, subject 480  
to division (H) (1) of this section, the consent of the injured 481  
person or the injured person's guardian has been obtained; 482

(g) An act of severe violence resulting in serious 483  
physical harm against a correctional employee, youth services 484  
employee, peace officer, firefighter, paramedic, or other first 485  
responder, occurring while the injured person was engaged in the 486  
performance of official duties, unless, subject to division (H) 487  
(1) of this section, the consent of the injured person or the 488  
injured person's guardian has been obtained; 489

(h) A person's nude body, unless, subject to division (H) 490  
(1) of this section, the person's consent has been obtained; 491

(i) Protected health information, the identity of a person 492  
in a health care facility who is not the subject of a 493  
correctional, youth services, or law enforcement encounter, or 494  
any other information in a health care facility that could 495  
identify a person who is not the subject of a correctional, 496  
youth services, or law enforcement encounter; 497

(j) Information that could identify the alleged victim of 498  
a sex offense, menacing by stalking, or domestic violence; 499

(k) Information, that does not constitute a confidential 500  
law enforcement investigatory record, that could identify a 501  
person who provides sensitive or confidential information to the 502  
department of rehabilitation and correction, the department of 503  
youth services, or a law enforcement agency when the disclosure 504  
of the person's identity or the information provided could 505  
reasonably be expected to threaten or endanger the safety or 506  
property of the person or another person; 507

(l) Personal information of a person who is not arrested, 508  
cited, charged, or issued a written warning by a peace officer; 509

(m) Proprietary correctional, youth services, or police 510  
contingency plans or tactics that are intended to prevent crime 511

and maintain public order and safety; 512

(n) A personal conversation unrelated to work between 513  
correctional employees, youth services employees, or peace 514  
officers or between a correctional employee, youth services 515  
employee, or peace officer and an employee of a law enforcement 516  
agency; 517

(o) A conversation between a correctional employee, youth 518  
services employee, or peace officer and a member of the public 519  
that does not concern correctional, youth services, or law 520  
enforcement activities; 521

(p) The interior of a residence, unless the interior of a 522  
residence is the location of an adversarial encounter with, or a 523  
use of force by, a correctional employee, youth services 524  
employee, or peace officer; 525

(q) Any portion of the interior of a private business that 526  
is not open to the public, unless an adversarial encounter with, 527  
or a use of force by, a correctional employee, youth services 528  
employee, or peace officer occurs in that location. 529

As used in division (A) (17) of this section: 530

"Grievous bodily harm" has the same meaning as in section 531  
5924.120 of the Revised Code. 532

"Health care facility" has the same meaning as in section 533  
1337.11 of the Revised Code. 534

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

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

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

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

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

(B) (1) Upon request by any person and subject to division 547  
(B) (8) of this section, all public records responsive to the 548  
request shall be promptly prepared and made available for 549  
inspection to the requester at all reasonable times during 550  
regular business hours. Subject to division (B) (8) of this 551  
section, upon request by any person, a public office or person 552  
responsible for public records shall make copies of the 553  
requested public record available to the requester at cost and 554  
within a reasonable period of time. If a public record contains 555  
information that is exempt from the duty to permit public 556  
inspection or to copy the public record, the public office or 557  
the person responsible for the public record shall make 558  
available all of the information within the public record that 559  
is not exempt. When making that public record available for 560  
public inspection or copying that public record, the public 561  
office or the person responsible for the public record shall 562  
notify the requester of any redaction or make the redaction 563  
plainly visible. A redaction shall be deemed a denial of a 564  
request to inspect or copy the redacted information, except if 565  
federal or state law authorizes or requires a public office to 566  
make the redaction. When the auditor of state receives a request 567  
to inspect or to make a copy of a record that was provided to 568

the auditor of state for purposes of an audit, but the original 569  
public office has asserted to the auditor of state that the 570  
record is not a public record, the auditor of state may handle 571  
the requests by directing the requestor to the original public 572  
office that provided the record to the auditor of state. 573

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

(3) If a request is ultimately denied, in part or in 592  
whole, the public office or the person responsible for the 593  
requested public record shall provide the requester with an 594  
explanation, including legal authority, setting forth why the 595  
request was denied. If the initial request was provided in 596  
writing, the explanation also shall be provided to the requester 597  
in writing. The explanation shall not preclude the public office 598  
or the person responsible for the requested public record from 599

relying upon additional reasons or legal authority in defending 600  
an action commenced under division (C) of this section. 601

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

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

(6) If any person requests a copy of a public record in 622  
accordance with division (B) of this section, the public office 623  
or person responsible for the public record may require the 624  
requester to pay in advance the cost involved in providing the 625  
copy of the public record in accordance with the choice made by 626  
the requester under this division. The public office or the 627  
person responsible for the public record shall permit the 628  
requester to choose to have the public record duplicated upon 629

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

(7) (a) Upon a request made in accordance with division (B) 643  
of this section and subject to division (B) (6) of this section, 644  
a public office or person responsible for public records shall 645  
transmit a copy of a public record to any person by United 646  
States mail or by any other means of delivery or transmission 647  
within a reasonable period of time after receiving the request 648  
for the copy. The public office or person responsible for the 649  
public record may require the person making the request to pay 650  
in advance the cost of postage if the copy is transmitted by 651  
United States mail or the cost of delivery if the copy is 652  
transmitted other than by United States mail, and to pay in 653  
advance the costs incurred for other supplies used in the 654  
mailing, delivery, or transmission. 655

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

public office that adopts a policy and procedures under division 661  
(B) (7) of this section shall comply with them in performing its 662  
duties under that division. 663

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

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

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

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

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

(9) (a) Upon written request made and signed by a 704  
journalist, a public office, or person responsible for public 705  
records, having custody of the records of the agency employing a 706  
specified designated public service worker shall disclose to the 707  
journalist the address of the actual personal residence of the 708  
designated public service worker and, if the designated public 709  
service worker's spouse, former spouse, or child is employed by 710  
a public office, the name and address of the employer of the 711  
designated public service worker's spouse, former spouse, or 712  
child, and any past, current, and future work schedules of the 713  
designated public service worker. The request shall include the 714  
journalist's name and title and the name and address of the 715  
journalist's employer and shall state that disclosure of the 716  
information sought would be in the public interest. 717

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

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

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

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

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

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

(10) Upon a request made by a victim, victim's attorney, 740  
or victim's representative, as that term is used in section 741  
2930.02 of the Revised Code, a public office or person 742  
responsible for public records shall transmit a copy of a 743  
depiction of the victim as described in division (A)(1)(ii) of 744  
this section to the victim, victim's attorney, or victim's 745  
representative. 746

(C)(1) If a person allegedly is aggrieved by the failure 747  
of a public office or the person responsible for public records 748

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

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

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

(2) If a requester transmits a written request by hand 773  
delivery, electronic submission, or certified mail to inspect or 774  
receive copies of any public record in a manner that fairly 775  
describes the public record or class of public records to the 776  
public office or person responsible for the requested public 777  
records, except as otherwise provided in this section, the 778

requester shall be entitled to recover the amount of statutory 779  
damages set forth in this division if a court determines that 780  
the public office or the person responsible for public records 781  
failed to comply with an obligation in accordance with division 782  
(B) of this section. 783

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

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

(a) That, based on the ordinary application of statutory 799  
law and case law as it existed at the time of the conduct or 800  
threatened conduct of the public office or person responsible 801  
for the requested public records that allegedly constitutes a 802  
failure to comply with an obligation in accordance with division 803  
(B) of this section and that was the basis of the mandamus 804  
action, a well-informed public office or person responsible for 805  
the requested public records reasonably would believe that the 806  
conduct or threatened conduct of the public office or person 807  
responsible for the requested public records did not constitute 808

a failure to comply with an obligation in accordance with 809  
division (B) of this section; 810

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

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

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

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

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

(i) The public office or the person responsible for the 833  
public records failed to respond affirmatively or negatively to 834  
the public records request in accordance with the time allowed 835  
under division (B) of this section. 836

(ii) The public office or the person responsible for the 837

public records promised to permit the relator to inspect or 838  
receive copies of the public records requested within a 839  
specified period of time but failed to fulfill that promise 840  
within that specified period of time. 841

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

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

(i) That, based on the ordinary application of statutory 859  
law and case law as it existed at the time of the conduct or 860  
threatened conduct of the public office or person responsible 861  
for the requested public records that allegedly constitutes a 862  
failure to comply with an obligation in accordance with division 863  
(B) of this section and that was the basis of the mandamus 864  
action, a well-informed public office or person responsible for 865  
the requested public records reasonably would believe that the 866  
conduct or threatened conduct of the public office or person 867

responsible for the requested public records did not constitute 868  
a failure to comply with an obligation in accordance with 869  
division (B) of this section; 870

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

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

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

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

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

(d) The court may reduce the amount of fees awarded if the 889  
court determines that, given the factual circumstances involved 890  
with the specific public records request, an alternative means 891  
should have been pursued to more effectively and efficiently 892  
resolve the dispute that was subject to the mandamus action 893  
filed under division (C) (1) of this section. 894

(5) If the court does not issue a writ of mandamus under 895  
division (C) of this section and the court determines at that 896

time that the bringing of the mandamus action was frivolous 897  
conduct as defined in division (A) of section 2323.51 of the 898  
Revised Code, the court may award to the public office all court 899  
costs, expenses, and reasonable attorney's fees, as determined 900  
by the court. 901

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

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

(2) All public offices shall adopt a public records policy 913  
in compliance with this section for responding to public records 914  
requests. In adopting a public records policy under this 915  
division, a public office may obtain guidance from the model 916  
public records policy developed and provided to the public 917  
office by the attorney general under section 109.43 of the 918  
Revised Code. Except as otherwise provided in this section, the 919  
policy may not limit the number of public records that the 920  
public office will make available to a single person, may not 921  
limit the number of public records that it will make available 922  
during a fixed period of time, and may not establish a fixed 923  
period of time before it will respond to a request for 924  
inspection or copying of public records, unless that period is 925  
less than eight hours. 926

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

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

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

(a) "Actual cost" means the cost of depleted supplies, 953  
records storage media costs, actual mailing and alternative 954  
delivery costs, or other transmitting costs, and any direct 955  
equipment operating and maintenance costs, including actual 956

costs paid to private contractors for copying services. 957

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

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

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

(3) For purposes of divisions (F) (1) and (2) of this 979  
section, "surveys, marketing, solicitation, or resale for 980  
commercial purposes" shall be narrowly construed and does not 981  
include reporting or gathering news, reporting or gathering 982  
information to assist citizen oversight or understanding of the 983  
operation or activities of government, or nonprofit educational 984  
research. 985

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

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

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

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

(2) If a public office denies a request to release a 1008  
restricted portion of a body-worn camera or dashboard camera 1009  
recording, as defined in division (A) (17) of this section, any 1010  
person may file a mandamus action pursuant to this section or a 1011  
complaint with the clerk of the court of claims pursuant to 1012  
section 2743.75 of the Revised Code, requesting the court to 1013  
order the release of all or portions of the recording. If the 1014  
court considering the request determines that the filing 1015

articulates by clear and convincing evidence that the public 1016  
interest in the recording substantially outweighs privacy 1017  
interests and other interests asserted to deny release, the 1018  
court shall order the public office to release the recording. 1019

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

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

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

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

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

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

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

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

(3) "Qualifying former designated public service worker" 1036  
means a former designated public service worker with a minimum 1037  
of five years of qualifying service who was an employee in good 1038  
standing at the completion of such service, or a former 1039  
designated public service worker who was an elected official, 1040  
regardless of length of service. 1041

(4) "Truncate" means to redact all but the last four 1042

digits of an individual's social security number. 1043

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

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

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

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

(2) Upon receiving a request for a redaction pursuant to 1068  
division (C) (1) of this section, a public office or a person 1069  
responsible for a public office's public records shall act 1070  
within five business days in accordance with the request to 1071

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

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

(D) (1) A designated public service worker and a qualifying 1084  
former designated public service worker may request that a 1085  
public office, other than a county auditor, or a person 1086  
responsible for the public records of a public office, other 1087  
than a county auditor, redact the ~~designated public service~~ 1088  
~~worker's requestor's~~ address from any record made available to 1089  
the general public on the internet that includes designated 1090  
public service worker residential and familial information of 1091  
the ~~designated public service worker~~ making the 1092  
request requestor. A designated public service worker or 1093  
qualifying former designated public service worker who makes a 1094  
request for a redaction pursuant to this division shall make the 1095  
request in writing and on a form developed by the attorney 1096  
general. A qualifying former designated public service worker 1097  
shall provide, with the form, a confirmation letter from each 1098  
employer at which the worker accumulated service confirming the 1099  
years of service and that the worker departed service in good 1100  
standing. A qualifying former designated public service worker, 1101  
who was an elected official, shall provide, with the form, a 1102

certificate of oath or a certificate of election, for the last 1103  
term of office served, or a notarized affidavit attesting to the 1104  
required service. 1105

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

(3) Except as provided in this section and section 319.28 1123  
of the Revised Code, a public office, other than an employer of 1124  
a designated public service worker or qualifying former 1125  
designated public service worker, or a person responsible for 1126  
the public records of the employer, is not required to redact 1127  
designated public service worker residential and familial 1128  
information of the designated public service worker or 1129  
qualifying former designated public service worker from other 1130  
records maintained by the public office. 1131

(4) The attorney general shall develop a form to be used 1132

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

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

(2) A public office or a person responsible for a public 1150  
office's public records is not liable in damages in a civil 1151  
action for any harm an individual allegedly sustains as a result 1152  
of the inclusion of that individual's personal information on 1153  
any record made available to the general public on the internet 1154  
or any harm a designated public service worker sustains as a 1155  
result of the inclusion of the designated public service 1156  
worker's address on any record made available to the general 1157  
public on the internet in violation of this section, unless the 1158  
public office or person responsible for the public office's 1159  
public records acted with malicious purpose, in bad faith, or in 1160  
a wanton or reckless manner or unless division (A) (6) (a) or (c) 1161  
of section 2744.03 of the Revised Code applies. 1162

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

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

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

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

(B) Except as otherwise provided in division ~~(B)~~ (C) of 1172  
this section, on or before the first Monday of August, annually, 1173  
the county auditor shall compile and make up a general tax list 1174  
of real and public utility property in the county, either in 1175  
tabular form and alphabetical order, or, with the consent of the 1176  
county treasurer, by listing all parcels in a permanent parcel 1177  
number sequence to which a separate alphabetical index is keyed, 1178  
containing the names of the several persons, companies, firms, 1179  
partnerships, associations, and corporations in whose names real 1180  
property has been listed in each township, municipal 1181  
corporation, special district, or separate school district, or 1182  
part of either in the auditor's county, placing separately, in 1183  
appropriate columns opposite each name, the description of each 1184  
tract, lot, or parcel of real estate, the value of each tract, 1185  
lot, or parcel, the value of the improvements thereon, and of 1186  
the names of the several public utilities whose property, 1187  
subject to taxation on the general tax list and duplicate, has 1188  
been apportioned by the department of taxation to the county, 1189  
and the amount so apportioned to each township, municipal 1190  
corporation, special district, or separate school district or 1191  
part of either in the auditor's county, as shown by the 1192

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

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

~~(B) (1) An individual~~ (C) (1) A designated public service 1210  
worker, a qualified former designated public service worker, or 1211  
the spouse of ~~that~~ either individual, whose residential and 1212  
familial information is not a public record under divisions (A) 1213  
(1) (p) and (A) (7) of section 149.43 of the Revised Code may 1214  
submit an affidavit to the county auditor requesting the county 1215  
auditor to remove the name of the individual filing the 1216  
affidavit from any record made available to the general public 1217  
on the internet or a publicly accessible database, and from the 1218  
general tax list and duplicate of real and public utility 1219  
property, and to instead insert the individual's initials on any 1220  
such record, and on the general tax list and duplicate of real 1221  
and public utility property as the name of the individual that 1222  
appears on the deed. A qualifying former designated public 1223

service worker shall provide, with the affidavit, a confirmation 1224  
letter from each employer at which the worker accumulated 1225  
service confirming the years of service and that the worker 1226  
departed service in good standing. A qualifying former 1227  
designated public service worker, who was an elected official, 1228  
shall provide, with the form, a certificate of oath or a 1229  
certificate of election, for the last term of office served, or 1230  
a notarized affidavit attesting to the required service. 1231

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

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

**Sec. 319.54.** (A) On all moneys collected by the county 1252  
treasurer on any tax duplicate of the county, other than estate 1253

tax duplicates, and on all moneys received as advance payments 1254  
of personal property and classified property taxes, the county 1255  
auditor, on settlement with the treasurer and tax commissioner, 1256  
on or before the date prescribed by law for such settlement or 1257  
any lawful extension of such date, shall be allowed as 1258  
compensation for the county auditor's services the following 1259  
percentages: 1260

(1) On the first one hundred thousand dollars, two and 1261  
one-half per cent; 1262

(2) On the next two million dollars, eight thousand three 1263  
hundred eighteen ten-thousandths of one per cent; 1264

(3) On the next two million dollars, six thousand six 1265  
hundred fifty-five ten-thousandths of one per cent; 1266

(4) On all further sums, one thousand six hundred sixty- 1267  
three ten-thousandths of one per cent. 1268

If any settlement is not made on or before the date 1269  
prescribed by law for such settlement or any lawful extension of 1270  
such date, the aggregate compensation allowed to the auditor 1271  
shall be reduced one per cent for each day such settlement is 1272  
delayed after the prescribed date. No penalty shall apply if the 1273  
auditor and treasurer grant all requests for advances up to 1274  
ninety per cent of the settlement pursuant to section 321.34 of 1275  
the Revised Code. The compensation allowed in accordance with 1276  
this section on settlements made before the dates prescribed by 1277  
law, or the reduced compensation allowed in accordance with this 1278  
section on settlements made after the date prescribed by law or 1279  
any lawful extension of such date, shall be apportioned ratably 1280  
by the auditor and deducted from the shares or portions of the 1281  
revenue payable to the state as well as to the county, 1282

townships, municipal corporations, and school districts. 1283

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

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

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

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

(b) On the next five million dollars, two per cent; 1311

|                                                                                                                                                                                                                                                                                                                                                                                          |                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| (c) On the next five million dollars, one per cent;                                                                                                                                                                                                                                                                                                                                      | 1312                                                 |
| (d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;                                                                                                                                                                                                                                                                                 | 1313<br>1314                                         |
| (e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.                                                                                                                                                                                                                                                                        | 1315<br>1316                                         |
| (2) For payments made in or after 2011, the following percentages:                                                                                                                                                                                                                                                                                                                       | 1317<br>1318                                         |
| (a) On the first five hundred thousand dollars, four per cent;                                                                                                                                                                                                                                                                                                                           | 1319<br>1320                                         |
| (b) On the next ten million dollars, two per cent;                                                                                                                                                                                                                                                                                                                                       | 1321                                                 |
| (c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.                                                                                                                                                                                                                                                                                       | 1322<br>1323                                         |
| Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.                                                                                                                                                            | 1324<br>1325<br>1326<br>1327                         |
| (D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.                                                                                                                                                                                         | 1328<br>1329<br>1330<br>1331                         |
| (E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, two per cent of the amount collected and reported that year in excess of refunds distributed, for the use of the general fund of the county. | 1332<br>1333<br>1334<br>1335<br>1336<br>1337<br>1338 |

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

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

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

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

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

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

(b) Solely in order to provide or release security for a 1366  
debt or obligation; 1367

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

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

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

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

(g) Pursuant to a reorganization of corporations or 1391  
unincorporated associations or pursuant to the dissolution of a 1392  
corporation, to the extent that the corporation conveys the 1393  
property to a stockholder as a distribution in kind of the 1394  
corporation's assets in exchange for the stockholder's shares in 1395  
the dissolved corporation; 1396

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

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

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

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

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

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

(n) Pursuant to division (B) of section 317.22 of the 1421  
Revised Code, or section 2113.61 of the Revised Code, between 1422  
spouses or to a surviving spouse pursuant to section 5302.17 of 1423  
the Revised Code as it existed prior to April 4, 1985, between 1424  
persons pursuant to section 5302.17 or 5302.18 of the Revised 1425

Code on or after April 4, 1985, to a person who is a surviving, 1426  
survivorship tenant pursuant to section 5302.17 of the Revised 1427  
Code on or after April 4, 1985, or pursuant to section 5309.45 1428  
of the Revised Code; 1429

(o) To a trustee acting on behalf of minor children of the 1430  
deceased; 1431

(p) Of an easement or right-of-way when the value of the 1432  
interest conveyed does not exceed one thousand dollars; 1433

(q) Of property sold to a surviving spouse pursuant to 1434  
section 2106.16 of the Revised Code; 1435

(r) To or from an organization exempt from federal income 1436  
taxation under section 501(c)(3) of the "Internal Revenue Code 1437  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided 1438  
such transfer is without consideration and is in furtherance of 1439  
the charitable or public purposes of such organization; 1440

(s) Among the heirs at law or devisees, including a 1441  
surviving spouse, of a common decedent, when no consideration in 1442  
money is paid or to be paid for the real property or 1443  
manufactured or mobile home; 1444

(t) To a trustee of a trust, when the grantor of the trust 1445  
has reserved an unlimited power to revoke the trust; 1446

(u) To the grantor of a trust by a trustee of the trust, 1447  
when the transfer is made to the grantor pursuant to the 1448  
exercise of the grantor's power to revoke the trust or to 1449  
withdraw trust assets; 1450

(v) To the beneficiaries of a trust if the fee was paid on 1451  
the transfer from the grantor of the trust to the trustee or if 1452  
the transfer is made pursuant to trust provisions which became 1453

irrevocable at the death of the grantor; 1454

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

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

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

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

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

The real property transfer fee provided for in division 1480  
(G) (3) of this section shall be applicable to any conveyance of 1481  
real property presented to the auditor on or after January 1, 1482

1968, regardless of its time of execution or delivery. 1483

The transfer fee for a used manufactured home or used 1484  
mobile home shall be computed by and paid to the county auditor 1485  
of the county in which the home is located immediately prior to 1486  
the transfer. 1487

**Section 2.** That existing sections 149.43, 149.45, 319.28, 1488  
and 319.54 of the Revised Code are hereby repealed. 1489