

**As Reported by the Senate General Government Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. S. B. No. 173**

**Senators DeMora, Gavarone**

**Cosponsors: Senators Craig, Ingram, Smith, Sykes, Antonio, Hicks-Hudson**

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**A BILL**

To amend section 149.43 of the Revised Code to  
specify that certain election officials are  
designated public service workers for purposes  
of the public records law.

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

**Section 1.** That section 149.43 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

proceedings, to proceedings related to the imposition of 18  
community control sanctions and post-release control sanctions, 19  
or to proceedings related to determinations under section 20  
2967.271 of the Revised Code regarding the release or maintained 21  
incarceration of an offender to whom that section applies; 22

(c) Records pertaining to actions under section 2151.85 23  
and division (C) of section 2919.121 of the Revised Code and to 24  
appeals of actions arising under those sections; 25

(d) Records pertaining to adoption proceedings, including 26  
the contents of an adoption file maintained by the department of 27  
health under sections 3705.12 to 3705.124 of the Revised Code; 28

(e) Information in a record contained in the putative 29  
father registry established by section 3107.062 of the Revised 30  
Code, regardless of whether the information is held by the 31  
department of job and family services or, pursuant to section 32  
3111.69 of the Revised Code, the office of child support in the 33  
department or a child support enforcement agency; 34

(f) Records specified in division (A) of section 3107.52 35  
of the Revised Code; 36

(g) Trial preparation records; 37

(h) Confidential law enforcement investigatory records; 38

(i) Records containing information that is confidential 39  
under section 2710.03 or 4112.05 of the Revised Code; 40

(j) DNA records stored in the DNA database pursuant to 41  
section 109.573 of the Revised Code; 42

(k) Inmate records released by the department of 43  
rehabilitation and correction to the department of youth 44  
services or a court of record pursuant to division (E) of 45

section 5120.21 of the Revised Code; 46

(l) Records maintained by the department of youth services 47  
pertaining to children in its custody released by the department 48  
of youth services to the department of rehabilitation and 49  
correction pursuant to section 5139.05 of the Revised Code; 50

(m) Intellectual property records; 51

(n) Donor profile records; 52

(o) Records maintained by the department of job and family 53  
services pursuant to section 3121.894 of the Revised Code; 54

(p) Designated public service worker residential and 55  
familial information; 56

(q) In the case of a county hospital operated pursuant to 57  
Chapter 339. of the Revised Code or a municipal hospital 58  
operated pursuant to Chapter 749. of the Revised Code, 59  
information that constitutes a trade secret, as defined in 60  
section 1333.61 of the Revised Code; 61

(r) Information pertaining to the recreational activities 62  
of a person under the age of eighteen; 63

(s) In the case of a child fatality review board acting 64  
under sections 307.621 to 307.629 of the Revised Code or a 65  
review conducted pursuant to guidelines established by the 66  
director of health under section 3701.70 of the Revised Code, 67  
records provided to the board or director, statements made by 68  
board members during meetings of the board or by persons 69  
participating in the director's review, and all work products of 70  
the board or director, and in the case of a child fatality 71  
review board, child fatality review data submitted by the board 72  
to the department of health or a national child death review 73

database, other than the report prepared pursuant to division 74  
(A) of section 307.626 of the Revised Code; 75

(t) Records provided to and statements made by the 76  
executive director of a public children services agency or a 77  
prosecuting attorney acting pursuant to section 5153.171 of the 78  
Revised Code other than the information released under that 79  
section; 80

(u) Test materials, examinations, or evaluation tools used 81  
in an examination for licensure as a nursing home administrator 82  
that the board of executives of long-term services and supports 83  
administers under section 4751.15 of the Revised Code or 84  
contracts under that section with a private or government entity 85  
to administer; 86

(v) Records the release of which is prohibited by state or 87  
federal law; 88

(w) Proprietary information of or relating to any person 89  
that is submitted to or compiled by the Ohio venture capital 90  
authority created under section 150.01 of the Revised Code; 91

(x) Financial statements and data any person submits for 92  
any purpose to the Ohio housing finance agency or the 93  
controlling board in connection with applying for, receiving, or 94  
accounting for financial assistance from the agency, and 95  
information that identifies any individual who benefits directly 96  
or indirectly from financial assistance from the agency; 97

(y) Records listed in section 5101.29 of the Revised Code; 98

(z) Discharges recorded with a county recorder under 99  
section 317.24 of the Revised Code, as specified in division (B) 100  
(2) of that section; 101

(aa) Usage information including names and addresses of 102  
specific residential and commercial customers of a municipally 103  
owned or operated public utility; 104

(bb) Records described in division (C) of section 187.04 105  
of the Revised Code that are not designated to be made available 106  
to the public as provided in that division; 107

(cc) Information and records that are made confidential, 108  
privileged, and not subject to disclosure under divisions (B) 109  
and (C) of section 2949.221 of the Revised Code; 110

(dd) Personal information, as defined in section 149.45 of 111  
the Revised Code; 112

(ee) The confidential name, address, and other personally 113  
identifiable information of a program participant in the address 114  
confidentiality program established under sections 111.41 to 115  
111.47 of the Revised Code, including the contents of any 116  
application for absent voter's ballots, absent voter's ballot 117  
identification envelope statement of voter, or provisional 118  
ballot affirmation completed by a program participant who has a 119  
confidential voter registration record; records or portions of 120  
records pertaining to that program that identify the number of 121  
program participants that reside within a precinct, ward, 122  
township, municipal corporation, county, or any other geographic 123  
area smaller than the state; and any real property 124  
confidentiality notice filed under section 111.431 of the 125  
Revised Code and the information described in division (C) of 126  
that section. As used in this division, "confidential address" 127  
and "program participant" have the meaning defined in section 128  
111.41 of the Revised Code. 129

(ff) Orders for active military service of an individual 130

serving or with previous service in the armed forces of the 131  
United States, including a reserve component, or the Ohio 132  
organized militia, except that, such order becomes a public 133  
record on the day that is fifteen years after the published date 134  
or effective date of the call to order; 135

(gg) The name, address, contact information, or other 136  
personal information of an individual who is less than eighteen 137  
years of age that is included in any record related to a traffic 138  
accident involving a school vehicle in which the individual was 139  
an occupant at the time of the accident; 140

(hh) Protected health information, as defined in 45 C.F.R. 141  
160.103, that is in a claim for payment for a health care 142  
product, service, or procedure, as well as any other health 143  
claims data in another document that reveals the identity of an 144  
individual who is the subject of the data or could be used to 145  
reveal that individual's identity; 146

(ii) Any depiction by photograph, film, videotape, or 147  
printed or digital image under either of the following 148  
circumstances: 149

(i) The depiction is that of a victim of an offense the 150  
release of which would be, to a reasonable person of ordinary 151  
sensibilities, an offensive and objectionable intrusion into the 152  
victim's expectation of bodily privacy and integrity. 153

(ii) The depiction captures or depicts the victim of a 154  
sexually oriented offense, as defined in section 2950.01 of the 155  
Revised Code, at the actual occurrence of that offense. 156

(jj) Restricted portions of a body-worn camera or 157  
dashboard camera recording; 158

(kk) In the case of a fetal-infant mortality review board 159

acting under sections 3707.70 to 3707.77 of the Revised Code, 160  
records, documents, reports, or other information presented to 161  
the board or a person abstracting such materials on the board's 162  
behalf, statements made by review board members during board 163  
meetings, all work products of the board, and data submitted by 164  
the board to the department of health or a national infant death 165  
review database, other than the report prepared pursuant to 166  
section 3707.77 of the Revised Code. 167

(ll) Records, documents, reports, or other information 168  
presented to the pregnancy-associated mortality review board 169  
established under section 3738.01 of the Revised Code, 170  
statements made by board members during board meetings, all work 171  
products of the board, and data submitted by the board to the 172  
department of health, other than the biennial reports prepared 173  
under section 3738.08 of the Revised Code; 174

(mm) Except as otherwise provided in division (A) (1) (oo) 175  
of this section, telephone numbers for a victim, as defined in 176  
section 2930.01 of the Revised Code or a witness to a crime that 177  
are listed on any law enforcement record or report. 178

(nn) A preneed funeral contract, as defined in section 179  
4717.01 of the Revised Code, and contract terms and personally 180  
identifying information of a preneed funeral contract, that is 181  
contained in a report submitted by or for a funeral home to the 182  
board of embalmers and funeral directors under division (C) of 183  
section 4717.13, division (J) of section 4717.31, or section 184  
4717.41 of the Revised Code. 185

(oo) Telephone numbers for a party to a motor vehicle 186  
accident subject to the requirements of section 5502.11 of the 187  
Revised Code that are listed on any law enforcement record or 188  
report, except that the telephone numbers described in this 189

division are not excluded from the definition of "public record" 190  
under this division on and after the thirtieth day after the 191  
occurrence of the motor vehicle accident. 192

(pp) Records pertaining to individuals who complete 193  
training under section 5502.703 of the Revised Code to be 194  
permitted by a school district board of education or governing 195  
body of a community school established under Chapter 3314. of 196  
the Revised Code, a STEM school established under Chapter 3326. 197  
of the Revised Code, or a chartered nonpublic school to convey 198  
deadly weapons or dangerous ordnance into a school safety zone; 199

(qq) Records, documents, reports, or other information 200  
presented to a domestic violence fatality review board 201  
established under section 307.651 of the Revised Code, 202  
statements made by board members during board meetings, all work 203  
products of the board, and data submitted by the board to the 204  
department of health, other than a report prepared pursuant to 205  
section 307.656 of the Revised Code; 206

(rr) Records, documents, and information the release of 207  
which is prohibited under sections 2930.04 and 2930.07 of the 208  
Revised Code; 209

(ss) Records of an existing qualified nonprofit 210  
corporation that creates a special improvement district under 211  
Chapter 1710. of the Revised Code that do not pertain to a 212  
purpose for which the district is created. 213

A record that is not a public record under division (A) (1) 214  
of this section and that, under law, is permanently retained 215  
becomes a public record on the day that is seventy-five years 216  
after the day on which the record was created, except for any 217  
record protected by the attorney-client privilege, a trial 218



preparation record as defined in this section, a statement 219  
prohibiting the release of identifying information signed under 220  
section 3107.083 of the Revised Code, a denial of release form 221  
filed pursuant to section 3107.46 of the Revised Code, or any 222  
record that is exempt from release or disclosure under section 223  
149.433 of the Revised Code. If the record is a birth 224  
certificate and a biological parent's name redaction request 225  
form has been accepted under section 3107.391 of the Revised 226  
Code, the name of that parent shall be redacted from the birth 227  
certificate before it is released under this paragraph. If any 228  
other section of the Revised Code establishes a time period for 229  
disclosure of a record that conflicts with the time period 230  
specified in this section, the time period in the other section 231  
prevails. 232

(2) "Confidential law enforcement investigatory record" 233  
means any record that pertains to a law enforcement matter of a 234  
criminal, quasi-criminal, civil, or administrative nature, but 235  
only to the extent that the release of the record would create a 236  
high probability of disclosure of any of the following: 237

(a) The identity of a suspect who has not been charged 238  
with the offense to which the record pertains, or of an 239  
information source or witness to whom confidentiality has been 240  
reasonably promised; 241

(b) Information provided by an information source or 242  
witness to whom confidentiality has been reasonably promised, 243  
which information would reasonably tend to disclose the source's 244  
or witness's identity; 245

(c) Specific confidential investigatory techniques or 246  
procedures or specific investigatory work product; 247

(d) Information that would endanger the life or physical 248  
safety of law enforcement personnel, a crime victim, a witness, 249  
or a confidential information source. 250

(3) "Medical record" means any document or combination of 251  
documents, except births, deaths, and the fact of admission to 252  
or discharge from a hospital, that pertains to the medical 253  
history, diagnosis, prognosis, or medical condition of a patient 254  
and that is generated and maintained in the process of medical 255  
treatment. 256

(4) "Trial preparation record" means any record that 257  
contains information that is specifically compiled in reasonable 258  
anticipation of, or in defense of, a civil or criminal action or 259  
proceeding, including the independent thought processes and 260  
personal trial preparation of an attorney. 261

(5) "Intellectual property record" means a record, other 262  
than a financial or administrative record, that is produced or 263  
collected by or for faculty or staff of a state institution of 264  
higher learning in the conduct of or as a result of study or 265  
research on an educational, commercial, scientific, artistic, 266  
technical, or scholarly issue, regardless of whether the study 267  
or research was sponsored by the institution alone or in 268  
conjunction with a governmental body or private concern, and 269  
that has not been publicly released, published, or patented. 270

(6) "Donor profile record" means all records about donors 271  
or potential donors to a public institution of higher education 272  
except the names and reported addresses of the actual donors and 273  
the date, amount, and conditions of the actual donation. 274

(7) "Designated public service worker" means a peace 275  
officer, parole officer, probation officer, bailiff, prosecuting 276

attorney, assistant prosecuting attorney, correctional employee, 277  
county or multicounty corrections officer, community-based 278  
correctional facility employee, designated Ohio national guard 279  
member, protective services worker, youth services employee, 280  
firefighter, EMT, medical director or member of a cooperating 281  
physician advisory board of an emergency medical service 282  
organization, state board of pharmacy employee, investigator of 283  
the bureau of criminal identification and investigation, 284  
emergency service telecommunicator, forensic mental health 285  
provider, mental health evaluation provider, regional 286  
psychiatric hospital employee, judge, magistrate, ~~or~~ federal law 287  
enforcement officer, or election official. 288

(8) "Designated public service worker residential and 289  
familial information" means any information that discloses any 290  
of the following about a designated public service worker: 291

(a) The address of the actual personal residence of a 292  
designated public service worker, except for the following 293  
information: 294

(i) The address of the actual personal residence of a 295  
prosecuting attorney or judge; and 296

(ii) The state or political subdivision in which a 297  
designated public service worker resides. 298

(b) Information compiled from referral to or participation 299  
in an employee assistance program; 300

(c) The social security number, the residential telephone 301  
number, any bank account, debit card, charge card, or credit 302  
card number, or the emergency telephone number of, or any 303  
medical information pertaining to, a designated public service 304  
worker; 305

(d) The name of any beneficiary of employment benefits, 306  
including, but not limited to, life insurance benefits, provided 307  
to a designated public service worker by the designated public 308  
service worker's employer; 309

(e) The identity and amount of any charitable or 310  
employment benefit deduction made by the designated public 311  
service worker's employer from the designated public service 312  
worker's compensation, unless the amount of the deduction is 313  
required by state or federal law; 314

(f) The name, the residential address, the name of the 315  
employer, the address of the employer, the social security 316  
number, the residential telephone number, any bank account, 317  
debit card, charge card, or credit card number, or the emergency 318  
telephone number of the spouse, a former spouse, or any child of 319  
a designated public service worker; 320

(g) A photograph of a peace officer who holds a position 321  
or has an assignment that may include undercover or plain 322  
clothes positions or assignments as determined by the peace 323  
officer's appointing authority. 324

(9) As used in divisions (A) (7) and (15) to (17) of this 325  
section: 326

"Peace officer" has the meaning defined in section 109.71 327  
of the Revised Code and also includes the superintendent and 328  
troopers of the state highway patrol; it does not include the 329  
sheriff of a county or a supervisory employee who, in the 330  
absence of the sheriff, is authorized to stand in for, exercise 331  
the authority of, and perform the duties of the sheriff. 332

"Correctional employee" means any employee of the 333  
department of rehabilitation and correction who in the course of 334

performing the employee's job duties has or has had contact with 335  
inmates and persons under supervision. 336

"County or multicounty corrections officer" means any 337  
corrections officer employed by any county or multicounty 338  
correctional facility. 339

"Designated Ohio national guard member" means a member of 340  
the Ohio national guard who is participating in duties related 341  
to remotely piloted aircraft, including, but not limited to, 342  
pilots, sensor operators, and mission intelligence personnel, 343  
duties related to special forces operations, or duties related 344  
to cybersecurity, and is designated by the adjutant general as a 345  
designated public service worker for those purposes. 346

"Protective services worker" means any employee of a 347  
county agency who is responsible for child protective services, 348  
child support services, or adult protective services. 349

"Youth services employee" means any employee of the 350  
department of youth services who in the course of performing the 351  
employee's job duties has or has had contact with children 352  
committed to the custody of the department of youth services. 353

"Firefighter" means any regular, paid or volunteer, member 354  
of a lawfully constituted fire department of a municipal 355  
corporation, township, fire district, or village. 356

"EMT" means EMTs-basic, EMTs-I, and paramedics that 357  
provide emergency medical services for a public emergency 358  
medical service organization. "Emergency medical service 359  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 360  
meanings defined in section 4765.01 of the Revised Code. 361

"Investigator of the bureau of criminal identification and 362  
investigation" has the meaning defined in section 2903.11 of the 363

Revised Code. 364

"Emergency service telecommunicator" means an individual 365  
employed by an emergency service provider as defined under 366  
section 128.01 of the Revised Code, whose primary responsibility 367  
is to be an operator for the receipt or processing of calls for 368  
emergency services made by telephone, radio, or other electronic 369  
means. 370

"Forensic mental health provider" means any employee of a 371  
community mental health service provider or local alcohol, drug 372  
addiction, and mental health services board who, in the course 373  
of the employee's duties, has contact with persons committed to 374  
a local alcohol, drug addiction, and mental health services 375  
board by a court order pursuant to section 2945.38, 2945.39, 376  
2945.40, or 2945.402 of the Revised Code. 377

"Mental health evaluation provider" means an individual 378  
who, under Chapter 5122. of the Revised Code, examines a 379  
respondent who is alleged to be a mentally ill person subject to 380  
court order, as defined in section 5122.01 of the Revised Code, 381  
and reports to the probate court the respondent's mental 382  
condition. 383

"Regional psychiatric hospital employee" means any 384  
employee of the department of mental health and addiction 385  
services who, in the course of performing the employee's duties, 386  
has contact with patients committed to the department of mental 387  
health and addiction services by a court order pursuant to 388  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 389  
Code. 390

"Federal law enforcement officer" has the meaning defined 391  
in section 9.88 of the Revised Code. 392

"Election official" has the same meaning as in section 393  
3501.01 of the Revised Code but does not include a precinct 394  
election official or a temporary or part-time employee of a 395  
board of elections. 396

(10) "Information pertaining to the recreational 397  
activities of a person under the age of eighteen" means 398  
information that is kept in the ordinary course of business by a 399  
public office, that pertains to the recreational activities of a 400  
person under the age of eighteen years, and that discloses any 401  
of the following: 402

(a) The address or telephone number of a person under the 403  
age of eighteen or the address or telephone number of that 404  
person's parent, guardian, custodian, or emergency contact 405  
person; 406

(b) The social security number, birth date, or 407  
photographic image of a person under the age of eighteen; 408

(c) Any medical record, history, or information pertaining 409  
to a person under the age of eighteen; 410

(d) Any additional information sought or required about a 411  
person under the age of eighteen for the purpose of allowing 412  
that person to participate in any recreational activity 413  
conducted or sponsored by a public office or to use or obtain 414  
admission privileges to any recreational facility owned or 415  
operated by a public office. 416

(11) "Community control sanction" has the meaning defined 417  
in section 2929.01 of the Revised Code. 418

(12) "Post-release control sanction" has the meaning 419  
defined in section 2967.01 of the Revised Code. 420

(13) "Redaction" means obscuring or deleting any 421  
information that is exempt from the duty to permit public 422  
inspection or copying from an item that otherwise meets the 423  
definition of a "record" in section 149.011 of the Revised Code. 424

(14) "Designee," "elected official," and "future official" 425  
have the meanings defined in section 109.43 of the Revised Code. 426

(15) "Body-worn camera" means a visual and audio recording 427  
device worn on the person of a correctional employee, youth 428  
services employee, or peace officer while the correctional 429  
employee, youth services employee, or peace officer is engaged 430  
in the performance of official duties. 431

(16) "Dashboard camera" means a visual and audio recording 432  
device mounted on a peace officer's vehicle or vessel that is 433  
used while the peace officer is engaged in the performance of 434  
the peace officer's duties. 435

(17) "Restricted portions of a body-worn camera or 436  
dashboard camera recording" means any visual or audio portion of 437  
a body-worn camera or dashboard camera recording that shows, 438  
communicates, or discloses any of the following: 439

(a) The image or identity of a child or information that 440  
could lead to the identification of a child who is a primary 441  
subject of the recording when the department of rehabilitation 442  
and correction, department of youth services, or the law 443  
enforcement agency knows or has reason to know the person is a 444  
child based on the department's or law enforcement agency's 445  
records or the content of the recording; 446

(b) The death of a person or a deceased person's body, 447  
unless the death was caused by a correctional employee, youth 448  
services employee, or peace officer or, subject to division (H) 449



(1) of this section, the consent of the decedent's executor or 450  
administrator has been obtained; 451

(c) The death of a correctional employee, youth services 452  
employee, peace officer, firefighter, paramedic, or other first 453  
responder, occurring while the decedent was engaged in the 454  
performance of official duties, unless, subject to division (H) 455  
(1) of this section, the consent of the decedent's executor or 456  
administrator has been obtained; 457

(d) Grievous bodily harm, unless the injury was effected 458  
by a correctional employee, youth services employee, or peace 459  
officer or, subject to division (H) (1) of this section, the 460  
consent of the injured person or the injured person's guardian 461  
has been obtained; 462

(e) An act of severe violence against a person that 463  
results in serious physical harm to the person, unless the act 464  
and injury was effected by a correctional employee, youth 465  
services employee, or peace officer or, subject to division (H) 466  
(1) of this section, the consent of the injured person or the 467  
injured person's guardian has been obtained; 468

(f) Grievous bodily harm to a correctional employee, youth 469  
services employee, peace officer, firefighter, paramedic, or 470  
other first responder, occurring while the injured person was 471  
engaged in the performance of official duties, unless, subject 472  
to division (H) (1) of this section, the consent of the injured 473  
person or the injured person's guardian has been obtained; 474

(g) An act of severe violence resulting in serious 475  
physical harm against a correctional employee, youth services 476  
employee, peace officer, firefighter, paramedic, or other first 477  
responder, occurring while the injured person was engaged in the 478

performance of official duties, unless, subject to division (H) 479  
(1) of this section, the consent of the injured person or the 480  
injured person's guardian has been obtained; 481

(h) A person's nude body, unless, subject to division (H) 482  
(1) of this section, the person's consent has been obtained; 483

(i) Protected health information, the identity of a person 484  
in a health care facility who is not the subject of a 485  
correctional, youth services, or law enforcement encounter, or 486  
any other information in a health care facility that could 487  
identify a person who is not the subject of a correctional, 488  
youth services, or law enforcement encounter; 489

(j) Information that could identify the alleged victim of 490  
a sex offense, menacing by stalking, or domestic violence; 491

(k) Information, that does not constitute a confidential 492  
law enforcement investigatory record, that could identify a 493  
person who provides sensitive or confidential information to the 494  
department of rehabilitation and correction, the department of 495  
youth services, or a law enforcement agency when the disclosure 496  
of the person's identity or the information provided could 497  
reasonably be expected to threaten or endanger the safety or 498  
property of the person or another person; 499

(l) Personal information of a person who is not arrested, 500  
cited, charged, or issued a written warning by a peace officer; 501

(m) Proprietary correctional, youth services, or police 502  
contingency plans or tactics that are intended to prevent crime 503  
and maintain public order and safety; 504

(n) A personal conversation unrelated to work between 505  
correctional employees, youth services employees, or peace 506  
officers or between a correctional employee, youth services 507

employee, or peace officer and an employee of a law enforcement 508  
agency; 509

(o) A conversation between a correctional employee, youth 510  
services employee, or peace officer and a member of the public 511  
that does not concern correctional, youth services, or law 512  
enforcement activities; 513

(p) The interior of a residence, unless the interior of a 514  
residence is the location of an adversarial encounter with, or a 515  
use of force by, a correctional employee, youth services 516  
employee, or peace officer; 517

(q) Any portion of the interior of a private business that 518  
is not open to the public, unless an adversarial encounter with, 519  
or a use of force by, a correctional employee, youth services 520  
employee, or peace officer occurs in that location. 521

As used in division (A) (17) of this section: 522

"Grievous bodily harm" has the same meaning as in section 523  
5924.120 of the Revised Code. 524

"Health care facility" has the same meaning as in section 525  
1337.11 of the Revised Code. 526

"Protected health information" has the same meaning as in 527  
45 C.F.R. 160.103. 528

"Law enforcement agency" means a government entity that 529  
employs peace officers to perform law enforcement duties. 530

"Personal information" means any government-issued 531  
identification number, date of birth, address, financial 532  
information, or criminal justice information from the law 533  
enforcement automated data system or similar databases. 534

"Sex offense" has the same meaning as in section 2907.10 535  
of the Revised Code. 536

"Firefighter," "paramedic," and "first responder" have the 537  
same meanings as in section 4765.01 of the Revised Code. 538

(B) (1) Upon request by any person and subject to division 539  
(B) (8) of this section, all public records responsive to the 540  
request shall be promptly prepared and made available for 541  
inspection to the requester at all reasonable times during 542  
regular business hours. Subject to division (B) (8) of this 543  
section, upon request by any person, a public office or person 544  
responsible for public records shall make copies of the 545  
requested public record available to the requester at cost and 546  
within a reasonable period of time. If a public record contains 547  
information that is exempt from the duty to permit public 548  
inspection or to copy the public record, the public office or 549  
the person responsible for the public record shall make 550  
available all of the information within the public record that 551  
is not exempt. When making that public record available for 552  
public inspection or copying that public record, the public 553  
office or the person responsible for the public record shall 554  
notify the requester of any redaction or make the redaction 555  
plainly visible. A redaction shall be deemed a denial of a 556  
request to inspect or copy the redacted information, except if 557  
federal or state law authorizes or requires a public office to 558  
make the redaction. When the auditor of state receives a request 559  
to inspect or to make a copy of a record that was provided to 560  
the auditor of state for purposes of an audit, but the original 561  
public office has asserted to the auditor of state that the 562  
record is not a public record, the auditor of state may handle 563  
the requests by directing the requestor to the original public 564  
office that provided the record to the auditor of state. 565

(2) To facilitate broader access to public records, a 566  
public office or the person responsible for public records shall 567  
organize and maintain public records in a manner that they can 568  
be made available for inspection or copying in accordance with 569  
division (B) of this section. A public office also shall have 570  
available a copy of its current records retention schedule at a 571  
location readily available to the public. If a requester makes 572  
an ambiguous or overly broad request or has difficulty in making 573  
a request for copies or inspection of public records under this 574  
section such that the public office or the person responsible 575  
for the requested public record cannot reasonably identify what 576  
public records are being requested, the public office or the 577  
person responsible for the requested public record may deny the 578  
request but shall provide the requester with an opportunity to 579  
revise the request by informing the requester of the manner in 580  
which records are maintained by the public office and accessed 581  
in the ordinary course of the public office's or person's 582  
duties. 583

(3) If a request is ultimately denied, in part or in 584  
whole, the public office or the person responsible for the 585  
requested public record shall provide the requester with an 586  
explanation, including legal authority, setting forth why the 587  
request was denied. If the initial request was provided in 588  
writing, the explanation also shall be provided to the requester 589  
in writing. The explanation shall not preclude the public office 590  
or the person responsible for the requested public record from 591  
relying upon additional reasons or legal authority in defending 592  
an action commenced under division (C) of this section. 593

(4) Unless specifically required or authorized by state or 594  
federal law or in accordance with division (B) of this section, 595  
no public office or person responsible for public records may 596

limit or condition the availability of public records by 597  
requiring disclosure of the requester's identity or the intended 598  
use of the requested public record. Any requirement that the 599  
requester disclose the requester's identity or the intended use 600  
of the requested public record constitutes a denial of the 601  
request. 602

(5) A public office or person responsible for public 603  
records may ask a requester to make the request in writing, may 604  
ask for the requester's identity, and may inquire about the 605  
intended use of the information requested, but may do so only 606  
after disclosing to the requester that a written request is not 607  
mandatory, that the requester may decline to reveal the 608  
requester's identity or the intended use, and when a written 609  
request or disclosure of the identity or intended use would 610  
benefit the requester by enhancing the ability of the public 611  
office or person responsible for public records to identify, 612  
locate, or deliver the public records sought by the requester. 613

(6) If any person requests a copy of a public record in 614  
accordance with division (B) of this section, the public office 615  
or person responsible for the public record may require the 616  
requester to pay in advance the cost involved in providing the 617  
copy of the public record in accordance with the choice made by 618  
the requester under this division. The public office or the 619  
person responsible for the public record shall permit the 620  
requester to choose to have the public record duplicated upon 621  
paper, upon the same medium upon which the public office or 622  
person responsible for the public record keeps it, or upon any 623  
other medium upon which the public office or person responsible 624  
for the public record determines that it reasonably can be 625  
duplicated as an integral part of the normal operations of the 626  
public office or person responsible for the public record. When 627

the requester makes a choice under this division, the public 628  
office or person responsible for the public record shall provide 629  
a copy of it in accordance with the choice made by the 630  
requester. Nothing in this section requires a public office or 631  
person responsible for the public record to allow the requester 632  
of a copy of the public record to make the copies of the public 633  
record. 634

(7) (a) Upon a request made in accordance with division (B) 635  
of this section and subject to division (B) (6) of this section, 636  
a public office or person responsible for public records shall 637  
transmit a copy of a public record to any person by United 638  
States mail or by any other means of delivery or transmission 639  
within a reasonable period of time after receiving the request 640  
for the copy. The public office or person responsible for the 641  
public record may require the person making the request to pay 642  
in advance the cost of postage if the copy is transmitted by 643  
United States mail or the cost of delivery if the copy is 644  
transmitted other than by United States mail, and to pay in 645  
advance the costs incurred for other supplies used in the 646  
mailing, delivery, or transmission. 647

(b) Any public office may adopt a policy and procedures 648  
that it will follow in transmitting, within a reasonable period 649  
of time after receiving a request, copies of public records by 650  
United States mail or by any other means of delivery or 651  
transmission pursuant to division (B) (7) of this section. A 652  
public office that adopts a policy and procedures under division 653  
(B) (7) of this section shall comply with them in performing its 654  
duties under that division. 655

(c) In any policy and procedures adopted under division 656  
(B) (7) of this section: 657

(i) A public office may limit the number of records 658  
requested by a person that the office will physically deliver by 659  
United States mail or by another delivery service to ten per 660  
month, unless the person certifies to the office in writing that 661  
the person does not intend to use or forward the requested 662  
records, or the information contained in them, for commercial 663  
purposes; 664

(ii) A public office that chooses to provide some or all 665  
of its public records on a web site that is fully accessible to 666  
and searchable by members of the public at all times, other than 667  
during acts of God outside the public office's control or 668  
maintenance, and that charges no fee to search, access, 669  
download, or otherwise receive records provided on the web site, 670  
may limit to ten per month the number of records requested by a 671  
person that the office will deliver in a digital format, unless 672  
the requested records are not provided on the web site and 673  
unless the person certifies to the office in writing that the 674  
person does not intend to use or forward the requested records, 675  
or the information contained in them, for commercial purposes. 676

(iii) For purposes of division (B)(7) of this section, 677  
"commercial" shall be narrowly construed and does not include 678  
reporting or gathering news, reporting or gathering information 679  
to assist citizen oversight or understanding of the operation or 680  
activities of government, or nonprofit educational research. 681

(8) A public office or person responsible for public 682  
records is not required to permit a person who is incarcerated 683  
pursuant to a criminal conviction or a juvenile adjudication to 684  
inspect or to obtain a copy of any public record concerning a 685  
criminal investigation or prosecution or concerning what would 686  
be a criminal investigation or prosecution if the subject of the 687



investigation or prosecution were an adult, unless the request 688  
to inspect or to obtain a copy of the record is for the purpose 689  
of acquiring information that is subject to release as a public 690  
record under this section and the judge who imposed the sentence 691  
or made the adjudication with respect to the person, or the 692  
judge's successor in office, finds that the information sought 693  
in the public record is necessary to support what appears to be 694  
a justiciable claim of the person. 695

(9) (a) Upon written request made and signed by a 696  
journalist, a public office, or person responsible for public 697  
records, having custody of the records of the agency employing a 698  
specified designated public service worker shall disclose to the 699  
journalist the address of the actual personal residence of the 700  
designated public service worker and, if the designated public 701  
service worker's spouse, former spouse, or child is employed by 702  
a public office, the name and address of the employer of the 703  
designated public service worker's spouse, former spouse, or 704  
child. The request shall include the journalist's name and title 705  
and the name and address of the journalist's employer and shall 706  
state that disclosure of the information sought would be in the 707  
public interest. 708

(b) Division (B) (9) (a) of this section also applies to 709  
journalist requests for: 710

(i) Customer information maintained by a municipally owned 711  
or operated public utility, other than social security numbers 712  
and any private financial information such as credit reports, 713  
payment methods, credit card numbers, and bank account 714  
information; 715

(ii) Information about minors involved in a school vehicle 716  
accident as provided in division (A) (1) (gg) of this section, 717

other than personal information as defined in section 149.45 of 718  
the Revised Code. 719

(c) As used in division (B) (9) of this section, 720  
"journalist" means a person engaged in, connected with, or 721  
employed by any news medium, including a newspaper, magazine, 722  
press association, news agency, or wire service, a radio or 723  
television station, or a similar medium, for the purpose of 724  
gathering, processing, transmitting, compiling, editing, or 725  
disseminating information for the general public. 726

(10) Upon a request made by a victim, victim's attorney, 727  
or victim's representative, as that term is used in section 728  
2930.02 of the Revised Code, a public office or person 729  
responsible for public records shall transmit a copy of a 730  
depiction of the victim as described in division (A) (1) (ii) of 731  
this section to the victim, victim's attorney, or victim's 732  
representative. 733

(C) (1) If a person allegedly is aggrieved by the failure 734  
of a public office or the person responsible for public records 735  
to promptly prepare a public record and to make it available to 736  
the person for inspection in accordance with division (B) of 737  
this section or by any other failure of a public office or the 738  
person responsible for public records to comply with an 739  
obligation in accordance with division (B) of this section, the 740  
person allegedly aggrieved may do only one of the following, and 741  
not both: 742

(a) File a complaint with the clerk of the court of claims 743  
or the clerk of the court of common pleas under section 2743.75 744  
of the Revised Code; 745

(b) Commence a mandamus action to obtain a judgment that 746

orders the public office or the person responsible for the 747  
public record to comply with division (B) of this section, that 748  
awards court costs and reasonable attorney's fees to the person 749  
that instituted the mandamus action, and, if applicable, that 750  
includes an order fixing statutory damages under division (C) (2) 751  
of this section. The mandamus action may be commenced in the 752  
court of common pleas of the county in which division (B) of 753  
this section allegedly was not complied with, in the supreme 754  
court pursuant to its original jurisdiction under Section 2 of 755  
Article IV, Ohio Constitution, or in the court of appeals for 756  
the appellate district in which division (B) of this section 757  
allegedly was not complied with pursuant to its original 758  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 759

(2) If a requester transmits a written request by hand 760  
delivery, electronic submission, or certified mail to inspect or 761  
receive copies of any public record in a manner that fairly 762  
describes the public record or class of public records to the 763  
public office or person responsible for the requested public 764  
records, except as otherwise provided in this section, the 765  
requester shall be entitled to recover the amount of statutory 766  
damages set forth in this division if a court determines that 767  
the public office or the person responsible for public records 768  
failed to comply with an obligation in accordance with division 769  
(B) of this section. 770

The amount of statutory damages shall be fixed at one 771  
hundred dollars for each business day during which the public 772  
office or person responsible for the requested public records 773  
failed to comply with an obligation in accordance with division 774  
(B) of this section, beginning with the day on which the 775  
requester files a mandamus action to recover statutory damages, 776  
up to a maximum of one thousand dollars. The award of statutory 777

damages shall not be construed as a penalty, but as compensation 778  
for injury arising from lost use of the requested information. 779  
The existence of this injury shall be conclusively presumed. The 780  
award of statutory damages shall be in addition to all other 781  
remedies authorized by this section. 782

The court may reduce an award of statutory damages or not 783  
award statutory damages if the court determines both of the 784  
following: 785

(a) That, based on the ordinary application of statutory 786  
law and case law as it existed at the time of the conduct or 787  
threatened conduct of the public office or person responsible 788  
for the requested public records that allegedly constitutes a 789  
failure to comply with an obligation in accordance with division 790  
(B) of this section and that was the basis of the mandamus 791  
action, a well-informed public office or person responsible for 792  
the requested public records reasonably would believe that the 793  
conduct or threatened conduct of the public office or person 794  
responsible for the requested public records did not constitute 795  
a failure to comply with an obligation in accordance with 796  
division (B) of this section; 797

(b) That a well-informed public office or person 798  
responsible for the requested public records reasonably would 799  
believe that the conduct or threatened conduct of the public 800  
office or person responsible for the requested public records 801  
would serve the public policy that underlies the authority that 802  
is asserted as permitting that conduct or threatened conduct. 803

(3) In a mandamus action filed under division (C) (1) of 804  
this section, the following apply: 805

(a) (i) If the court orders the public office or the person 806

responsible for the public record to comply with division (B) of 807  
this section, the court shall determine and award to the relator 808  
all court costs, which shall be construed as remedial and not 809  
punitive. 810

(ii) If the court makes a determination described in 811  
division (C) (3) (b) (iii) of this section, the court shall 812  
determine and award to the relator all court costs, which shall 813  
be construed as remedial and not punitive. 814

(b) If the court renders a judgment that orders the public 815  
office or the person responsible for the public record to comply 816  
with division (B) of this section or if the court determines any 817  
of the following, the court may award reasonable attorney's fees 818  
to the relator, subject to division (C) (4) of this section: 819

(i) The public office or the person responsible for the 820  
public records failed to respond affirmatively or negatively to 821  
the public records request in accordance with the time allowed 822  
under division (B) of this section. 823

(ii) The public office or the person responsible for the 824  
public records promised to permit the relator to inspect or 825  
receive copies of the public records requested within a 826  
specified period of time but failed to fulfill that promise 827  
within that specified period of time. 828

(iii) The public office or the person responsible for the 829  
public records acted in bad faith when the office or person 830  
voluntarily made the public records available to the relator for 831  
the first time after the relator commenced the mandamus action, 832  
but before the court issued any order concluding whether or not 833  
the public office or person was required to comply with division 834  
(B) of this section. No discovery may be conducted on the issue 835

of the alleged bad faith of the public office or person 836  
responsible for the public records. This division shall not be 837  
construed as creating a presumption that the public office or 838  
the person responsible for the public records acted in bad faith 839  
when the office or person voluntarily made the public records 840  
available to the relator for the first time after the relator 841  
commenced the mandamus action, but before the court issued any 842  
order described in this division. 843

(c) The court shall not award attorney's fees to the 844  
relator if the court determines both of the following: 845

(i) That, based on the ordinary application of statutory 846  
law and case law as it existed at the time of the conduct or 847  
threatened conduct of the public office or person responsible 848  
for the requested public records that allegedly constitutes a 849  
failure to comply with an obligation in accordance with division 850  
(B) of this section and that was the basis of the mandamus 851  
action, a well-informed public office or person responsible for 852  
the requested public records reasonably would believe that the 853  
conduct or threatened conduct of the public office or person 854  
responsible for the requested public records did not constitute 855  
a failure to comply with an obligation in accordance with 856  
division (B) of this section; 857

(ii) That a well-informed public office or person 858  
responsible for the requested public records reasonably would 859  
believe that the conduct or threatened conduct of the public 860  
office or person responsible for the requested public records 861  
would serve the public policy that underlies the authority that 862  
is asserted as permitting that conduct or threatened conduct. 863

(4) All of the following apply to any award of reasonable 864  
attorney's fees awarded under division (C) (3) (b) of this 865

section: 866

(a) The fees shall be construed as remedial and not 867  
punitive. 868

(b) The fees awarded shall not exceed the total of the 869  
reasonable attorney's fees incurred before the public record was 870  
made available to the relator and the fees described in division 871  
(C) (4) (c) of this section. 872

(c) Reasonable attorney's fees shall include reasonable 873  
fees incurred to produce proof of the reasonableness and amount 874  
of the fees and to otherwise litigate entitlement to the fees. 875

(d) The court may reduce the amount of fees awarded if the 876  
court determines that, given the factual circumstances involved 877  
with the specific public records request, an alternative means 878  
should have been pursued to more effectively and efficiently 879  
resolve the dispute that was subject to the mandamus action 880  
filed under division (C) (1) of this section. 881

(5) If the court does not issue a writ of mandamus under 882  
division (C) of this section and the court determines at that 883  
time that the bringing of the mandamus action was frivolous 884  
conduct as defined in division (A) of section 2323.51 of the 885  
Revised Code, the court may award to the public office all court 886  
costs, expenses, and reasonable attorney's fees, as determined 887  
by the court. 888

(D) Chapter 1347. of the Revised Code does not limit the 889  
provisions of this section. 890

(E) (1) To ensure that all employees of public offices are 891  
appropriately educated about a public office's obligations under 892  
division (B) of this section, all elected officials or their 893  
appropriate designees shall attend training approved by the 894

attorney general as provided in section 109.43 of the Revised 895  
Code. A future official may satisfy the requirements of this 896  
division by attending the training before taking office, 897  
provided that the future official may not send a designee in the 898  
future official's place. 899

(2) All public offices shall adopt a public records policy 900  
in compliance with this section for responding to public records 901  
requests. In adopting a public records policy under this 902  
division, a public office may obtain guidance from the model 903  
public records policy developed and provided to the public 904  
office by the attorney general under section 109.43 of the 905  
Revised Code. Except as otherwise provided in this section, the 906  
policy may not limit the number of public records that the 907  
public office will make available to a single person, may not 908  
limit the number of public records that it will make available 909  
during a fixed period of time, and may not establish a fixed 910  
period of time before it will respond to a request for 911  
inspection or copying of public records, unless that period is 912  
less than eight hours. 913

The public office shall distribute the public records 914  
policy adopted by the public office under this division to the 915  
employee of the public office who is the records custodian or 916  
records manager or otherwise has custody of the records of that 917  
office. The public office shall require that employee to 918  
acknowledge receipt of the copy of the public records policy. 919  
The public office shall create a poster that describes its 920  
public records policy and shall post the poster in a conspicuous 921  
place in the public office and in all locations where the public 922  
office has branch offices. The public office may post its public 923  
records policy on the internet web site of the public office if 924  
the public office maintains an internet web site. A public 925



office that has established a manual or handbook of its general 926  
policies and procedures for all employees of the public office 927  
shall include the public records policy of the public office in 928  
the manual or handbook. 929

(F) (1) The bureau of motor vehicles may adopt rules 930  
pursuant to Chapter 119. of the Revised Code to reasonably limit 931  
the number of bulk commercial special extraction requests made 932  
by a person for the same records or for updated records during a 933  
calendar year. The rules may include provisions for charges to 934  
be made for bulk commercial special extraction requests for the 935  
actual cost of the bureau, plus special extraction costs, plus 936  
ten per cent. The bureau may charge for expenses for redacting 937  
information, the release of which is prohibited by law. 938

(2) As used in division (F) (1) of this section: 939

(a) "Actual cost" means the cost of depleted supplies, 940  
records storage media costs, actual mailing and alternative 941  
delivery costs, or other transmitting costs, and any direct 942  
equipment operating and maintenance costs, including actual 943  
costs paid to private contractors for copying services. 944

(b) "Bulk commercial special extraction request" means a 945  
request for copies of a record for information in a format other 946  
than the format already available, or information that cannot be 947  
extracted without examination of all items in a records series, 948  
class of records, or database by a person who intends to use or 949  
forward the copies for surveys, marketing, solicitation, or 950  
resale for commercial purposes. "Bulk commercial special 951  
extraction request" does not include a request by a person who 952  
gives assurance to the bureau that the person making the request 953  
does not intend to use or forward the requested copies for 954  
surveys, marketing, solicitation, or resale for commercial 955

purposes. 956

(c) "Commercial" means profit-seeking production, buying, 957  
or selling of any good, service, or other product. 958

(d) "Special extraction costs" means the cost of the time 959  
spent by the lowest paid employee competent to perform the task, 960  
the actual amount paid to outside private contractors employed 961  
by the bureau, or the actual cost incurred to create computer 962  
programs to make the special extraction. "Special extraction 963  
costs" include any charges paid to a public agency for computer 964  
or records services. 965

(3) For purposes of divisions (F) (1) and (2) of this 966  
section, "surveys, marketing, solicitation, or resale for 967  
commercial purposes" shall be narrowly construed and does not 968  
include reporting or gathering news, reporting or gathering 969  
information to assist citizen oversight or understanding of the 970  
operation or activities of government, or nonprofit educational 971  
research. 972

(G) A request by a defendant, counsel of a defendant, or 973  
any agent of a defendant in a criminal action that public 974  
records related to that action be made available under this 975  
section shall be considered a demand for discovery pursuant to 976  
the Criminal Rules, except to the extent that the Criminal Rules 977  
plainly indicate a contrary intent. The defendant, counsel of 978  
the defendant, or agent of the defendant making a request under 979  
this division shall serve a copy of the request on the 980  
prosecuting attorney, director of law, or other chief legal 981  
officer responsible for prosecuting the action. 982

(H) (1) Any portion of a body-worn camera or dashboard 983  
camera recording described in divisions (A) (17) (b) to (h) of 984

this section may be released by consent of the subject of the 985  
recording or a representative of that person, as specified in 986  
those divisions, only if either of the following applies: 987

(a) The recording will not be used in connection with any 988  
probable or pending criminal proceedings; 989

(b) The recording has been used in connection with a 990  
criminal proceeding that was dismissed or for which a judgment 991  
has been entered pursuant to Rule 32 of the Rules of Criminal 992  
Procedure, and will not be used again in connection with any 993  
probable or pending criminal proceedings. 994

(2) If a public office denies a request to release a 995  
restricted portion of a body-worn camera or dashboard camera 996  
recording, as defined in division (A)(17) of this section, any 997  
person may file a mandamus action pursuant to this section or a 998  
complaint with the clerk of the court of claims pursuant to 999  
section 2743.75 of the Revised Code, requesting the court to 1000  
order the release of all or portions of the recording. If the 1001  
court considering the request determines that the filing 1002  
articulates by clear and convincing evidence that the public 1003  
interest in the recording substantially outweighs privacy 1004  
interests and other interests asserted to deny release, the 1005  
court shall order the public office to release the recording. 1006

**Section 2.** That existing section 149.43 of the Revised 1007  
Code is hereby repealed. 1008