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Am. Sub. S. B. No. 4

Senator Roegner

Cosponsors: Senators Manning, Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Maharath, O'Brien, Peterson, Reineke, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko Representatives Galonski, Carruthers, Click, Gross, John, Lanese, Liston, Miller, J., O'Brien, Patton, Richardson, Riedel, Seitz, Young, T.

A BILL

To amend sections 149.43, 4123.88, and 5913.01 of
the Revised Code to include emergency service
telecommunicators, protective services workers,
certain Ohio National Guard members, and certain
mental health care providers as individuals
whose residential and familial information is
exempt from disclosure under the Public Records
Law, and to make changes to the Workers'
Compensation Law regarding information
disclosures.

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

Section 1. That sections 149.43, 4123.88, and 5913.01 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 16
pertaining to the delivery of educational services by an 17
alternative school in this state kept by the nonprofit or for- 18
profit entity operating the alternative school pursuant to 19
section 3313.533 of the Revised Code. "Public record" does not 20
mean any of the following: 21

(a) Medical records; 22

(b) Records pertaining to probation and parole 23
proceedings, to proceedings related to the imposition of 24
community control sanctions and post-release control sanctions, 25
or to proceedings related to determinations under section 26
2967.271 of the Revised Code regarding the release or maintained 27
incarceration of an offender to whom that section applies; 28

(c) Records pertaining to actions under section 2151.85 29
and division (C) of section 2919.121 of the Revised Code and to 30
appeals of actions arising under those sections; 31

(d) Records pertaining to adoption proceedings, including 32
the contents of an adoption file maintained by the department of 33
health under sections 3705.12 to 3705.124 of the Revised Code; 34

(e) Information in a record contained in the putative 35
father registry established by section 3107.062 of the Revised 36
Code, regardless of whether the information is held by the 37
department of job and family services or, pursuant to section 38
3111.69 of the Revised Code, the office of child support in the 39
department or a child support enforcement agency; 40

(f) Records specified in division (A) of section 3107.52 41
of the Revised Code; 42

(g) Trial preparation records; 43

(h) Confidential law enforcement investigatory records;	44
(i) Records containing information that is confidential	45
under section 2710.03 or 4112.05 of the Revised Code;	46
(j) DNA records stored in the DNA database pursuant to	47
section 109.573 of the Revised Code;	48
(k) Inmate records released by the department of	49
rehabilitation and correction to the department of youth	50
services or a court of record pursuant to division (E) of	51
section 5120.21 of the Revised Code;	52
(l) Records maintained by the department of youth services	53
pertaining to children in its custody released by the department	54
of youth services to the department of rehabilitation and	55
correction pursuant to section 5139.05 of the Revised Code;	56
(m) Intellectual property records;	57
(n) Donor profile records;	58
(o) Records maintained by the department of job and family	59
services pursuant to section 3121.894 of the Revised Code;	60
(p) Designated public service worker residential and	61
familial information;	62
(q) In the case of a county hospital operated pursuant to	63
Chapter 339. of the Revised Code or a municipal hospital	64
operated pursuant to Chapter 749. of the Revised Code,	65
information that constitutes a trade secret, as defined in	66
section 1333.61 of the Revised Code;	67
(r) Information pertaining to the recreational activities	68
of a person under the age of eighteen;	69
(s) In the case of a child fatality review board acting	70

under sections 307.621 to 307.629 of the Revised Code or a 71
review conducted pursuant to guidelines established by the 72
director of health under section 3701.70 of the Revised Code, 73
records provided to the board or director, statements made by 74
board members during meetings of the board or by persons 75
participating in the director's review, and all work products of 76
the board or director, and in the case of a child fatality 77
review board, child fatality review data submitted by the board 78
to the department of health or a national child death review 79
database, other than the report prepared pursuant to division 80
(A) of section 307.626 of the Revised Code; 81

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

(u) Test materials, examinations, or evaluation tools used 87
in an examination for licensure as a nursing home administrator 88
that the board of executives of long-term services and supports 89
administers under section 4751.15 of the Revised Code or 90
contracts under that section with a private or government entity 91
to administer; 92

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

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

(x) Financial statements and data any person submits for 98
any purpose to the Ohio housing finance agency or the 99

controlling board in connection with applying for, receiving, or 100
accounting for financial assistance from the agency, and 101
information that identifies any individual who benefits directly 102
or indirectly from financial assistance from the agency; 103

(y) Records listed in section 5101.29 of the Revised Code; 104

(z) Discharges recorded with a county recorder under 105
section 317.24 of the Revised Code, as specified in division (B) 106
(2) of that section; 107

(aa) Usage information including names and addresses of 108
specific residential and commercial customers of a municipally 109
owned or operated public utility; 110

(bb) Records described in division (C) of section 187.04 111
of the Revised Code that are not designated to be made available 112
to the public as provided in that division; 113

(cc) Information and records that are made confidential, 114
privileged, and not subject to disclosure under divisions (B) 115
and (C) of section 2949.221 of the Revised Code; 116

(dd) Personal information, as defined in section 149.45 of 117
the Revised Code; 118

(ee) The confidential name, address, and other personally 119
identifiable information of a program participant in the address 120
confidentiality program established under sections 111.41 to 121
111.47 of the Revised Code, including the contents of any 122
application for absent voter's ballots, absent voter's ballot 123
identification envelope statement of voter, or provisional 124
ballot affirmation completed by a program participant who has a 125
confidential voter registration record, and records or portions 126
of records pertaining to that program that identify the number 127
of program participants that reside within a precinct, ward, 128

township, municipal corporation, county, or any other geographic 129
area smaller than the state. As used in this division, 130
"confidential address" and "program participant" have the 131
meaning defined in section 111.41 of the Revised Code. 132

(ff) Orders for active military service of an individual 133
serving or with previous service in the armed forces of the 134
United States, including a reserve component, or the Ohio 135
organized militia, except that, such order becomes a public 136
record on the day that is fifteen years after the published date 137
or effective date of the call to order; 138

(gg) The name, address, contact information, or other 139
personal information of an individual who is less than eighteen 140
years of age that is included in any record related to a traffic 141
accident involving a school vehicle in which the individual was 142
an occupant at the time of the accident; 143

(hh) Protected health information, as defined in 45 C.F.R. 144
160.103, that is in a claim for payment for a health care 145
product, service, or procedure, as well as any other health 146
claims data in another document that reveals the identity of an 147
individual who is the subject of the data or could be used to 148
reveal that individual's identity; 149

(ii) Any depiction by photograph, film, videotape, or 150
printed or digital image under either of the following 151
circumstances: 152

(i) The depiction is that of a victim of an offense the 153
release of which would be, to a reasonable person of ordinary 154
sensibilities, an offensive and objectionable intrusion into the 155
victim's expectation of bodily privacy and integrity. 156

(ii) The depiction captures or depicts the victim of a 157

sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

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

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

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

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

A record that is not a public record under division (A) (1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any

record protected by the attorney-client privilege, a trial 187
preparation record as defined in this section, a statement 188
prohibiting the release of identifying information signed under 189
section 3107.083 of the Revised Code, a denial of release form 190
filed pursuant to section 3107.46 of the Revised Code, or any 191
record that is exempt from release or disclosure under section 192
149.433 of the Revised Code. If the record is a birth 193
certificate and a biological parent's name redaction request 194
form has been accepted under section 3107.391 of the Revised 195
Code, the name of that parent shall be redacted from the birth 196
certificate before it is released under this paragraph. If any 197
other section of the Revised Code establishes a time period for 198
disclosure of a record that conflicts with the time period 199
specified in this section, the time period in the other section 200
prevails. 201

(2) "Confidential law enforcement investigatory record" 202
means any record that pertains to a law enforcement matter of a 203
criminal, quasi-criminal, civil, or administrative nature, but 204
only to the extent that the release of the record would create a 205
high probability of disclosure of any of the following: 206

(a) The identity of a suspect who has not been charged 207
with the offense to which the record pertains, or of an 208
information source or witness to whom confidentiality has been 209
reasonably promised; 210

(b) Information provided by an information source or 211
witness to whom confidentiality has been reasonably promised, 212
which information would reasonably tend to disclose the source's 213
or witness's identity; 214

(c) Specific confidential investigatory techniques or 215
procedures or specific investigatory work product; 216

(d) Information that would endanger the life or physical 217
safety of law enforcement personnel, a crime victim, a witness, 218
or a confidential information source. 219

(3) "Medical record" means any document or combination of 220
documents, except births, deaths, and the fact of admission to 221
or discharge from a hospital, that pertains to the medical 222
history, diagnosis, prognosis, or medical condition of a patient 223
and that is generated and maintained in the process of medical 224
treatment. 225

(4) "Trial preparation record" means any record that 226
contains information that is specifically compiled in reasonable 227
anticipation of, or in defense of, a civil or criminal action or 228
proceeding, including the independent thought processes and 229
personal trial preparation of an attorney. 230

(5) "Intellectual property record" means a record, other 231
than a financial or administrative record, that is produced or 232
collected by or for faculty or staff of a state institution of 233
higher learning in the conduct of or as a result of study or 234
research on an educational, commercial, scientific, artistic, 235
technical, or scholarly issue, regardless of whether the study 236
or research was sponsored by the institution alone or in 237
conjunction with a governmental body or private concern, and 238
that has not been publicly released, published, or patented. 239

(6) "Donor profile record" means all records about donors 240
or potential donors to a public institution of higher education 241
except the names and reported addresses of the actual donors and 242
the date, amount, and conditions of the actual donation. 243

(7) "Designated public service worker" means a peace 244
officer, parole officer, probation officer, bailiff, prosecuting 245

attorney, assistant prosecuting attorney, correctional employee, 246
county or multicounty corrections officer, community-based 247
correctional facility employee, designated Ohio national guard 248
member, protective services worker, youth services employee, 249
firefighter, EMT, medical director or member of a cooperating 250
physician advisory board of an emergency medical service 251
organization, state board of pharmacy employee, investigator of 252
the bureau of criminal identification and investigation, 253
emergency service telecommunicator, forensic mental health 254
provider, mental health evaluation provider, regional 255
psychiatric hospital employee, judge, magistrate, or federal law 256
enforcement officer. 257

(8) "Designated public service worker residential and 258
familial information" means any information that discloses any 259
of the following about a designated public service worker: 260

(a) The address of the actual personal residence of a 261
designated public service worker, except for the following 262
information: 263

(i) The address of the actual personal residence of a 264
prosecuting attorney or judge; and 265

(ii) The state or political subdivision in which a 266
designated public service worker resides. 267

(b) Information compiled from referral to or participation 268
in an employee assistance program; 269

(c) The social security number, the residential telephone 270
number, any bank account, debit card, charge card, or credit 271
card number, or the emergency telephone number of, or any 272
medical information pertaining to, a designated public service 273
worker; 274

(d) The name of any beneficiary of employment benefits, 275
including, but not limited to, life insurance benefits, provided 276
to a designated public service worker by the designated public 277
service worker's employer; 278

(e) The identity and amount of any charitable or 279
employment benefit deduction made by the designated public 280
service worker's employer from the designated public service 281
worker's compensation, unless the amount of the deduction is 282
required by state or federal law; 283

(f) The name, the residential address, the name of the 284
employer, the address of the employer, the social security 285
number, the residential telephone number, any bank account, 286
debit card, charge card, or credit card number, or the emergency 287
telephone number of the spouse, a former spouse, or any child of 288
a designated public service worker; 289

(g) A photograph of a peace officer who holds a position 290
or has an assignment that may include undercover or plain 291
clothes positions or assignments as determined by the peace 292
officer's appointing authority. 293

(9) As used in divisions (A) (7) and (15) to (17) of this 294
section: 295

"Peace officer" has the meaning defined in section 109.71 296
of the Revised Code and also includes the superintendent and 297
troopers of the state highway patrol; it does not include the 298
sheriff of a county or a supervisory employee who, in the 299
absence of the sheriff, is authorized to stand in for, exercise 300
the authority of, and perform the duties of the sheriff. 301

"Correctional employee" means any employee of the 302
department of rehabilitation and correction who in the course of 303

performing the employee's job duties has or has had contact with 304
inmates and persons under supervision. 305

"County or multicounty corrections officer" means any 306
corrections officer employed by any county or multicounty 307
correctional facility. 308

"Designated Ohio national guard member" means a member of 309
the Ohio national guard who is participating in duties related 310
to remotely piloted aircraft, including, but not limited to, 311
pilots, sensor operators, and mission intelligence personnel, 312
duties related to special forces operations, or duties related 313
to cybersecurity, and is designated by the adjutant general as a 314
designated public service worker for those purposes. 315

"Protective services worker" means any employee of a 316
county agency who is responsible for child protective services, 317
child support services, or adult protective services. 318

"Youth services employee" means any employee of the 319
department of youth services who in the course of performing the 320
employee's job duties has or has had contact with children 321
committed to the custody of the department of youth services. 322

"Firefighter" means any regular, paid or volunteer, member 323
of a lawfully constituted fire department of a municipal 324
corporation, township, fire district, or village. 325

"EMT" means EMTs-basic, EMTs-I, and paramedics that 326
provide emergency medical services for a public emergency 327
medical service organization. "Emergency medical service 328
organization," "EMT-basic," "EMT-I," and "paramedic" have the 329
meanings defined in section 4765.01 of the Revised Code. 330

"Investigator of the bureau of criminal identification and 331
investigation" has the meaning defined in section 2903.11 of the 332

Revised Code. 333

"Emergency service telecommunicator" has the meaning 334
defined in section 4742.01 of the Revised Code. 335

"Forensic mental health provider" means any employee of a 336
community mental health service provider or local alcohol, drug 337
addiction, and mental health services board who, in the course 338
of the employee's duties, has contact with persons committed to 339
a local alcohol, drug addiction, and mental health services 340
board by a court order pursuant to section 2945.38, 2945.39, 341
2945.40, or 2945.402 of the Revised Code. 342

"Mental health evaluation provider" means an individual 343
who, under Chapter 5122. of the Revised Code, examines a 344
respondent who is alleged to be a mentally ill person subject to 345
court order, as defined in section 5122.01 of the Revised Code, 346
and reports to the probate court the respondent's mental 347
condition. 348

"Regional psychiatric hospital employee" means any 349
employee of the department of mental health and addiction 350
services who, in the course of performing the employee's duties, 351
has contact with patients committed to the department of mental 352
health and addiction services by a court order pursuant to 353
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 354
Code. 355

"Federal law enforcement officer" has the meaning defined 356
in section 9.88 of the Revised Code. 357

(10) "Information pertaining to the recreational 358
activities of a person under the age of eighteen" means 359
information that is kept in the ordinary course of business by a 360
public office, that pertains to the recreational activities of a 361

person under the age of eighteen years, and that discloses any 362
of the following: 363

(a) The address or telephone number of a person under the 364
age of eighteen or the address or telephone number of that 365
person's parent, guardian, custodian, or emergency contact 366
person; 367

(b) The social security number, birth date, or 368
photographic image of a person under the age of eighteen; 369

(c) Any medical record, history, or information pertaining 370
to a person under the age of eighteen; 371

(d) Any additional information sought or required about a 372
person under the age of eighteen for the purpose of allowing 373
that person to participate in any recreational activity 374
conducted or sponsored by a public office or to use or obtain 375
admission privileges to any recreational facility owned or 376
operated by a public office. 377

(11) "Community control sanction" has the meaning defined 378
in section 2929.01 of the Revised Code. 379

(12) "Post-release control sanction" has the meaning 380
defined in section 2967.01 of the Revised Code. 381

(13) "Redaction" means obscuring or deleting any 382
information that is exempt from the duty to permit public 383
inspection or copying from an item that otherwise meets the 384
definition of a "record" in section 149.011 of the Revised Code. 385

(14) "Designee," "elected official," and "future official" 386
have the meanings defined in section 109.43 of the Revised Code. 387

(15) "Body-worn camera" means a visual and audio recording 388
device worn on the person of a peace officer while the peace 389

officer is engaged in the performance of the peace officer's 390
duties. 391

(16) "Dashboard camera" means a visual and audio recording 392
device mounted on a peace officer's vehicle or vessel that is 393
used while the peace officer is engaged in the performance of 394
the peace officer's duties. 395

(17) "Restricted portions of a body-worn camera or 396
dashboard camera recording" means any visual or audio portion of 397
a body-worn camera or dashboard camera recording that shows, 398
communicates, or discloses any of the following: 399

(a) The image or identity of a child or information that 400
could lead to the identification of a child who is a primary 401
subject of the recording when the law enforcement agency knows 402
or has reason to know the person is a child based on the law 403
enforcement agency's records or the content of the recording; 404

(b) The death of a person or a deceased person's body, 405
unless the death was caused by a peace officer or, subject to 406
division (H) (1) of this section, the consent of the decedent's 407
executor or administrator has been obtained; 408

(c) The death of a peace officer, firefighter, paramedic, 409
or other first responder, occurring while the decedent was 410
engaged in the performance of official duties, unless, subject 411
to division (H) (1) of this section, the consent of the 412
decedent's executor or administrator has been obtained; 413

(d) Grievous bodily harm, unless the injury was effected 414
by a peace officer or, subject to division (H) (1) of this 415
section, the consent of the injured person or the injured 416
person's guardian has been obtained; 417

(e) An act of severe violence against a person that 418

results in serious physical harm to the person, unless the act 419
and injury was effected by a peace officer or, subject to 420
division (H) (1) of this section, the consent of the injured 421
person or the injured person's guardian has been obtained; 422

(f) Grievous bodily harm to a peace officer, firefighter, 423
paramedic, or other first responder, occurring while the injured 424
person was engaged in the performance of official duties, 425
unless, subject to division (H) (1) of this section, the consent 426
of the injured person or the injured person's guardian has been 427
obtained; 428

(g) An act of severe violence resulting in serious 429
physical harm against a peace officer, firefighter, paramedic, 430
or other first responder, occurring while the injured person was 431
engaged in the performance of official duties, unless, subject 432
to division (H) (1) of this section, the consent of the injured 433
person or the injured person's guardian has been obtained; 434

(h) A person's nude body, unless, subject to division (H) 435
(1) of this section, the person's consent has been obtained; 436

(i) Protected health information, the identity of a person 437
in a health care facility who is not the subject of a law 438
enforcement encounter, or any other information in a health care 439
facility that could identify a person who is not the subject of 440
a law enforcement encounter; 441

(j) Information that could identify the alleged victim of 442
a sex offense, menacing by stalking, or domestic violence; 443

(k) Information, that does not constitute a confidential 444
law enforcement investigatory record, that could identify a 445
person who provides sensitive or confidential information to a 446
law enforcement agency when the disclosure of the person's 447

identity or the information provided could reasonably be 448
expected to threaten or endanger the safety or property of the 449
person or another person; 450

(l) Personal information of a person who is not arrested, 451
cited, charged, or issued a written warning by a peace officer; 452

(m) Proprietary police contingency plans or tactics that 453
are intended to prevent crime and maintain public order and 454
safety; 455

(n) A personal conversation unrelated to work between 456
peace officers or between a peace officer and an employee of a 457
law enforcement agency; 458

(o) A conversation between a peace officer and a member of 459
the public that does not concern law enforcement activities; 460

(p) The interior of a residence, unless the interior of a 461
residence is the location of an adversarial encounter with, or a 462
use of force by, a peace officer; 463

(q) Any portion of the interior of a private business that 464
is not open to the public, unless an adversarial encounter with, 465
or a use of force by, a peace officer occurs in that location. 466

As used in division (A) (17) of this section: 467

"Grievous bodily harm" has the same meaning as in section 468
5924.120 of the Revised Code. 469

"Health care facility" has the same meaning as in section 470
1337.11 of the Revised Code. 471

"Protected health information" has the same meaning as in 472
45 C.F.R. 160.103. 473

"Law enforcement agency" has the same meaning as in 474

section 2925.61 of the Revised Code. 475

"Personal information" means any government-issued 476
identification number, date of birth, address, financial 477
information, or criminal justice information from the law 478
enforcement automated data system or similar databases. 479

"Sex offense" has the same meaning as in section 2907.10 480
of the Revised Code. 481

"Firefighter," "paramedic," and "first responder" have the 482
same meanings as in section 4765.01 of the Revised Code. 483

(B) (1) Upon request by any person and subject to division 484
(B) (8) of this section, all public records responsive to the 485
request shall be promptly prepared and made available for 486
inspection to ~~any person~~ the requester at all reasonable times 487
during regular business hours. Subject to division (B) (8) of 488
this section, upon request by any person, a public office or 489
person responsible for public records shall make copies of the 490
requested public record available to the requester at cost and 491
within a reasonable period of time. If a public record contains 492
information that is exempt from the duty to permit public 493
inspection or to copy the public record, the public office or 494
the person responsible for the public record shall make 495
available all of the information within the public record that 496
is not exempt. When making that public record available for 497
public inspection or copying that public record, the public 498
office or the person responsible for the public record shall 499
notify the requester of any redaction or make the redaction 500
plainly visible. A redaction shall be deemed a denial of a 501
request to inspect or copy the redacted information, except if 502
federal or state law authorizes or requires a public office to 503
make the redaction. 504

(2) To facilitate broader access to public records, a 505
public office or the person responsible for public records shall 506
organize and maintain public records in a manner that they can 507
be made available for inspection or copying in accordance with 508
division (B) of this section. A public office also shall have 509
available a copy of its current records retention schedule at a 510
location readily available to the public. If a requester makes 511
an ambiguous or overly broad request or has difficulty in making 512
a request for copies or inspection of public records under this 513
section such that the public office or the person responsible 514
for the requested public record cannot reasonably identify what 515
public records are being requested, the public office or the 516
person responsible for the requested public record may deny the 517
request but shall provide the requester with an opportunity to 518
revise the request by informing the requester of the manner in 519
which records are maintained by the public office and accessed 520
in the ordinary course of the public office's or person's 521
duties. 522

(3) If a request is ultimately denied, in part or in 523
whole, the public office or the person responsible for the 524
requested public record shall provide the requester with an 525
explanation, including legal authority, setting forth why the 526
request was denied. If the initial request was provided in 527
writing, the explanation also shall be provided to the requester 528
in writing. The explanation shall not preclude the public office 529
or the person responsible for the requested public record from 530
relying upon additional reasons or legal authority in defending 531
an action commenced under division (C) of this section. 532

(4) Unless specifically required or authorized by state or 533
federal law or in accordance with division (B) of this section, 534
no public office or person responsible for public records may 535

limit or condition the availability of public records by 536
requiring disclosure of the requester's identity or the intended 537
use of the requested public record. Any requirement that the 538
requester disclose the requester's identity or the intended use 539
of the requested public record constitutes a denial of the 540
request. 541

(5) A public office or person responsible for public 542
records may ask a requester to make the request in writing, may 543
ask for the requester's identity, and may inquire about the 544
intended use of the information requested, but may do so only 545
after disclosing to the requester that a written request is not 546
mandatory, that the requester may decline to reveal the 547
requester's identity or the intended use, and when a written 548
request or disclosure of the identity or intended use would 549
benefit the requester by enhancing the ability of the public 550
office or person responsible for public records to identify, 551
locate, or deliver the public records sought by the requester. 552

(6) If any person requests a copy of a public record in 553
accordance with division (B) of this section, the public office 554
or person responsible for the public record may require ~~that~~ 555
~~person the requester~~ to pay in advance the cost involved in 556
providing the copy of the public record in accordance with the 557
choice made by the ~~person requesting the copy requester~~ under 558
this division. The public office or the person responsible for 559
the public record shall permit ~~that person the requester~~ to 560
choose to have the public record duplicated upon paper, upon the 561
same medium upon which the public office or person responsible 562
for the public record keeps it, or upon any other medium upon 563
which the public office or person responsible for the public 564
record determines that it reasonably can be duplicated as an 565
integral part of the normal operations of the public office or 566

person responsible for the public record. When the ~~person~~ 567
~~requesting the copy requester~~ makes a choice under this 568
division, the public office or person responsible for the public 569
record shall provide a copy of it in accordance with the choice 570
made by ~~that person~~ the requester. Nothing in this section 571
requires a public office or person responsible for the public 572
record to allow the ~~person requesting requester~~ of a copy of the 573
public record to make the copies of the public record. 574

(7) (a) Upon a request made in accordance with division (B) 575
of this section and subject to division (B) (6) of this section, 576
a public office or person responsible for public records shall 577
transmit a copy of a public record to any person by United 578
States mail or by any other means of delivery or transmission 579
within a reasonable period of time after receiving the request 580
for the copy. The public office or person responsible for the 581
public record may require the person making the request to pay 582
in advance the cost of postage if the copy is transmitted by 583
United States mail or the cost of delivery if the copy is 584
transmitted other than by United States mail, and to pay in 585
advance the costs incurred for other supplies used in the 586
mailing, delivery, or transmission. 587

(b) Any public office may adopt a policy and procedures 588
that it will follow in transmitting, within a reasonable period 589
of time after receiving a request, copies of public records by 590
United States mail or by any other means of delivery or 591
transmission pursuant to division (B) (7) of this section. A 592
public office that adopts a policy and procedures under division 593
(B) (7) of this section shall comply with them in performing its 594
duties under that division. 595

(c) In any policy and procedures adopted under division 596

(B) (7) of this section: 597

(i) A public office may limit the number of records 598
requested by a person that the office will physically deliver by 599
United States mail or by another delivery service to ten per 600
month, unless the person certifies to the office in writing that 601
the person does not intend to use or forward the requested 602
records, or the information contained in them, for commercial 603
purposes; 604

(ii) A public office that chooses to provide some or all 605
of its public records on a web site that is fully accessible to 606
and searchable by members of the public at all times, other than 607
during acts of God outside the public office's control or 608
maintenance, and that charges no fee to search, access, 609
download, or otherwise receive records provided on the web site, 610
may limit to ten per month the number of records requested by a 611
person that the office will deliver in a digital format, unless 612
the requested records are not provided on the web site and 613
unless the person certifies to the office in writing that the 614
person does not intend to use or forward the requested records, 615
or the information contained in them, for commercial purposes. 616

(iii) For purposes of division (B) (7) of this section, 617
"commercial" shall be narrowly construed and does not include 618
reporting or gathering news, reporting or gathering information 619
to assist citizen oversight or understanding of the operation or 620
activities of government, or nonprofit educational research. 621

(8) A public office or person responsible for public 622
records is not required to permit a person who is incarcerated 623
pursuant to a criminal conviction or a juvenile adjudication to 624
inspect or to obtain a copy of any public record concerning a 625
criminal investigation or prosecution or concerning what would 626

be a criminal investigation or prosecution if the subject of the 627
investigation or prosecution were an adult, unless the request 628
to inspect or to obtain a copy of the record is for the purpose 629
of acquiring information that is subject to release as a public 630
record under this section and the judge who imposed the sentence 631
or made the adjudication with respect to the person, or the 632
judge's successor in office, finds that the information sought 633
in the public record is necessary to support what appears to be 634
a justiciable claim of the person. 635

(9) (a) Upon written request made and signed by a 636
journalist, a public office, or person responsible for public 637
records, having custody of the records of the agency employing a 638
specified designated public service worker shall disclose to the 639
journalist the address of the actual personal residence of the 640
designated public service worker and, if the designated public 641
service worker's spouse, former spouse, or child is employed by 642
a public office, the name and address of the employer of the 643
designated public service worker's spouse, former spouse, or 644
child. The request shall include the journalist's name and title 645
and the name and address of the journalist's employer and shall 646
state that disclosure of the information sought would be in the 647
public interest. 648

(b) Division (B) (9) (a) of this section also applies to 649
journalist requests for: 650

(i) Customer information maintained by a municipally owned 651
or operated public utility, other than social security numbers 652
and any private financial information such as credit reports, 653
payment methods, credit card numbers, and bank account 654
information; 655

(ii) Information about minors involved in a school vehicle 656

accident as provided in division (A) (1) (gg) of this section, 657
other than personal information as defined in section 149.45 of 658
the Revised Code. 659

(c) As used in division (B) (9) of this section, 660
"journalist" means a person engaged in, connected with, or 661
employed by any news medium, including a newspaper, magazine, 662
press association, news agency, or wire service, a radio or 663
television station, or a similar medium, for the purpose of 664
gathering, processing, transmitting, compiling, editing, or 665
disseminating information for the general public. 666

(10) Upon a request made by a victim, victim's attorney, 667
or victim's representative, as that term is used in section 668
2930.02 of the Revised Code, a public office or person 669
responsible for public records shall transmit a copy of a 670
depiction of the victim as described in division (A) (1) ~~(gg)~~ (ii) 671
of this section to the victim, victim's attorney, or victim's 672
representative. 673

(C) (1) If a person allegedly is aggrieved by the failure 674
of a public office or the person responsible for public records 675
to promptly prepare a public record and to make it available to 676
the person for inspection in accordance with division (B) of 677
this section or by any other failure of a public office or the 678
person responsible for public records to comply with an 679
obligation in accordance with division (B) of this section, the 680
person allegedly aggrieved may do only one of the following, and 681
not both: 682

(a) File a complaint with the clerk of the court of claims 683
or the clerk of the court of common pleas under section 2743.75 684
of the Revised Code; 685

(b) Commence a mandamus action to obtain a judgment that 686
orders the public office or the person responsible for the 687
public record to comply with division (B) of this section, that 688
awards court costs and reasonable attorney's fees to the person 689
that instituted the mandamus action, and, if applicable, that 690
includes an order fixing statutory damages under division (C) (2) 691
of this section. The mandamus action may be commenced in the 692
court of common pleas of the county in which division (B) of 693
this section allegedly was not complied with, in the supreme 694
court pursuant to its original jurisdiction under Section 2 of 695
Article IV, Ohio Constitution, or in the court of appeals for 696
the appellate district in which division (B) of this section 697
allegedly was not complied with pursuant to its original 698
jurisdiction under Section 3 of Article IV, Ohio Constitution. 699

(2) If a requester transmits a written request by hand 700
delivery, electronic submission, or certified mail to inspect or 701
receive copies of any public record in a manner that fairly 702
describes the public record or class of public records to the 703
public office or person responsible for the requested public 704
records, except as otherwise provided in this section, the 705
requester shall be entitled to recover the amount of statutory 706
damages set forth in this division if a court determines that 707
the public office or the person responsible for public records 708
failed to comply with an obligation in accordance with division 709
(B) of this section. 710

The amount of statutory damages shall be fixed at one 711
hundred dollars for each business day during which the public 712
office or person responsible for the requested public records 713
failed to comply with an obligation in accordance with division 714
(B) of this section, beginning with the day on which the 715
requester files a mandamus action to recover statutory damages, 716

up to a maximum of one thousand dollars. The award of statutory 717
damages shall not be construed as a penalty, but as compensation 718
for injury arising from lost use of the requested information. 719
The existence of this injury shall be conclusively presumed. The 720
award of statutory damages shall be in addition to all other 721
remedies authorized by this section. 722

The court may reduce an award of statutory damages or not 723
award statutory damages if the court determines both of the 724
following: 725

(a) That, based on the ordinary application of statutory 726
law and case law as it existed at the time of the conduct or 727
threatened conduct of the public office or person responsible 728
for the requested public records that allegedly constitutes a 729
failure to comply with an obligation in accordance with division 730
(B) of this section and that was the basis of the mandamus 731
action, a well-informed public office or person responsible for 732
the requested public records reasonably would believe that the 733
conduct or threatened conduct of the public office or person 734
responsible for the requested public records did not constitute 735
a failure to comply with an obligation in accordance with 736
division (B) of this section; 737

(b) That a well-informed public office or person 738
responsible for the requested public records reasonably would 739
believe that the conduct or threatened conduct of the public 740
office or person responsible for the requested public records 741
would serve the public policy that underlies the authority that 742
is asserted as permitting that conduct or threatened conduct. 743

(3) In a mandamus action filed under division (C) (1) of 744
this section, the following apply: 745

(a) (i) If the court orders the public office or the person 746
responsible for the public record to comply with division (B) of 747
this section, the court shall determine and award to the relator 748
all court costs, which shall be construed as remedial and not 749
punitive. 750

(ii) If the court makes a determination described in 751
division (C) (3) (b) (iii) of this section, the court shall 752
determine and award to the relator all court costs, which shall 753
be construed as remedial and not punitive. 754

(b) If the court renders a judgment that orders the public 755
office or the person responsible for the public record to comply 756
with division (B) of this section or if the court determines any 757
of the following, the court may award reasonable attorney's fees 758
to the relator, subject to division (C) (4) of this section: 759

(i) The public office or the person responsible for the 760
public records failed to respond affirmatively or negatively to 761
the public records request in accordance with the time allowed 762
under division (B) of this section. 763

(ii) The public office or the person responsible for the 764
public records promised to permit the relator to inspect or 765
receive copies of the public records requested within a 766
specified period of time but failed to fulfill that promise 767
within that specified period of time. 768

(iii) The public office or the person responsible for the 769
public records acted in bad faith when the office or person 770
voluntarily made the public records available to the relator for 771
the first time after the relator commenced the mandamus action, 772
but before the court issued any order concluding whether or not 773
the public office or person was required to comply with division 774

(B) of this section. No discovery may be conducted on the issue 775
of the alleged bad faith of the public office or person 776
responsible for the public records. This division shall not be 777
construed as creating a presumption that the public office or 778
the person responsible for the public records acted in bad faith 779
when the office or person voluntarily made the public records 780
available to the relator for the first time after the relator 781
commenced the mandamus action, but before the court issued any 782
order described in this division. 783

(c) The court shall not award attorney's fees to the 784
relator if the court determines both of the following: 785

(i) 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

(ii) 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

(4) All of the following apply to any award of reasonable 804

attorney's fees awarded under division (C) (3) (b) of this 805
section: 806

(a) The fees shall be construed as remedial and not 807
punitive. 808

(b) The fees awarded shall not exceed the total of the 809
reasonable attorney's fees incurred before the public record was 810
made available to the relator and the fees described in division 811
(C) (4) (c) of this section. 812

(c) Reasonable attorney's fees shall include reasonable 813
fees incurred to produce proof of the reasonableness and amount 814
of the fees and to otherwise litigate entitlement to the fees. 815

(d) The court may reduce the amount of fees awarded if the 816
court determines that, given the factual circumstances involved 817
with the specific public records request, an alternative means 818
should have been pursued to more effectively and efficiently 819
resolve the dispute that was subject to the mandamus action 820
filed under division (C) (1) of this section. 821

(5) If the court does not issue a writ of mandamus under 822
division (C) of this section and the court determines at that 823
time that the bringing of the mandamus action was frivolous 824
conduct as defined in division (A) of section 2323.51 of the 825
Revised Code, the court may award to the public office all court 826
costs, expenses, and reasonable attorney's fees, as determined 827
by the court. 828

(D) Chapter 1347. of the Revised Code does not limit the 829
provisions of this section. 830

(E) (1) To ensure that all employees of public offices are 831
appropriately educated about a public office's obligations under 832
division (B) of this section, all elected officials or their 833

appropriate designees shall attend training approved by the 834
attorney general as provided in section 109.43 of the Revised 835
Code. A future official may satisfy the requirements of this 836
division by attending the training before taking office, 837
provided that the future official may not send a designee in the 838
future official's place. 839

(2) All public offices shall adopt a public records policy 840
in compliance with this section for responding to public records 841
requests. In adopting a public records policy under this 842
division, a public office may obtain guidance from the model 843
public records policy developed and provided to the public 844
office by the attorney general under section 109.43 of the 845
Revised Code. Except as otherwise provided in this section, the 846
policy may not limit the number of public records that the 847
public office will make available to a single person, may not 848
limit the number of public records that it will make available 849
during a fixed period of time, and may not establish a fixed 850
period of time before it will respond to a request for 851
inspection or copying of public records, unless that period is 852
less than eight hours. 853

The public office shall distribute the public records 854
policy adopted by the public office under this division to the 855
employee of the public office who is the records custodian or 856
records manager or otherwise has custody of the records of that 857
office. The public office shall require that employee to 858
acknowledge receipt of the copy of the public records policy. 859
The public office shall create a poster that describes its 860
public records policy and shall post the poster in a conspicuous 861
place in the public office and in all locations where the public 862
office has branch offices. The public office may post its public 863
records policy on the internet web site of the public office if 864

the public office maintains an internet web site. A public 865
office that has established a manual or handbook of its general 866
policies and procedures for all employees of the public office 867
shall include the public records policy of the public office in 868
the manual or handbook. 869

(F) (1) The bureau of motor vehicles may adopt rules 870
pursuant to Chapter 119. of the Revised Code to reasonably limit 871
the number of bulk commercial special extraction requests made 872
by a person for the same records or for updated records during a 873
calendar year. The rules may include provisions for charges to 874
be made for bulk commercial special extraction requests for the 875
actual cost of the bureau, plus special extraction costs, plus 876
ten per cent. The bureau may charge for expenses for redacting 877
information, the release of which is prohibited by law. 878

(2) As used in division (F) (1) of this section: 879

(a) "Actual cost" means the cost of depleted supplies, 880
records storage media costs, actual mailing and alternative 881
delivery costs, or other transmitting costs, and any direct 882
equipment operating and maintenance costs, including actual 883
costs paid to private contractors for copying services. 884

(b) "Bulk commercial special extraction request" means a 885
request for copies of a record for information in a format other 886
than the format already available, or information that cannot be 887
extracted without examination of all items in a records series, 888
class of records, or database by a person who intends to use or 889
forward the copies for surveys, marketing, solicitation, or 890
resale for commercial purposes. "Bulk commercial special 891
extraction request" does not include a request by a person who 892
gives assurance to the bureau that the person making the request 893
does not intend to use or forward the requested copies for 894

surveys, marketing, solicitation, or resale for commercial 895
purposes. 896

(c) "Commercial" means profit-seeking production, buying, 897
or selling of any good, service, or other product. 898

(d) "Special extraction costs" means the cost of the time 899
spent by the lowest paid employee competent to perform the task, 900
the actual amount paid to outside private contractors employed 901
by the bureau, or the actual cost incurred to create computer 902
programs to make the special extraction. "Special extraction 903
costs" include any charges paid to a public agency for computer 904
or records services. 905

(3) For purposes of divisions (F) (1) and (2) of this 906
section, "surveys, marketing, solicitation, or resale for 907
commercial purposes" shall be narrowly construed and does not 908
include reporting or gathering news, reporting or gathering 909
information to assist citizen oversight or understanding of the 910
operation or activities of government, or nonprofit educational 911
research. 912

(G) A request by a defendant, counsel of a defendant, or 913
any agent of a defendant in a criminal action that public 914
records related to that action be made available under this 915
section shall be considered a demand for discovery pursuant to 916
the Criminal Rules, except to the extent that the Criminal Rules 917
plainly indicate a contrary intent. The defendant, counsel of 918
the defendant, or agent of the defendant making a request under 919
this division shall serve a copy of the request on the 920
prosecuting attorney, director of law, or other chief legal 921
officer responsible for prosecuting the action. 922

(H) (1) Any portion of a body-worn camera or dashboard 923

camera recording described in divisions (A) (17) (b) to (h) of 924
this section may be released by consent of the subject of the 925
recording or a representative of that person, as specified in 926
those divisions, only if either of the following applies: 927

(a) The recording will not be used in connection with any 928
probable or pending criminal proceedings; 929

(b) The recording has been used in connection with a 930
criminal proceeding that was dismissed or for which a judgment 931
has been entered pursuant to Rule 32 of the Rules of Criminal 932
Procedure, and will not be used again in connection with any 933
probable or pending criminal proceedings. 934

(2) If a public office denies a request to release a 935
restricted portion of a body-worn camera or dashboard camera 936
recording, as defined in division (A) (17) of this section, any 937
person may file a mandamus action pursuant to this section or a 938
complaint with the clerk of the court of claims pursuant to 939
section 2743.75 of the Revised Code, requesting the court to 940
order the release of all or portions of the recording. If the 941
court considering the request determines that the filing 942
articulates by clear and convincing evidence that the public 943
interest in the recording substantially outweighs privacy 944
interests and other interests asserted to deny release, the 945
court shall order the public office to release the recording. 946

Sec. 4123.88. (A) No person shall orally or in writing, 947
directly or indirectly, or through any agent or other person 948
fraudulently hold the person's self out or represent the 949
person's self or any of the person's partners or associates as 950
authorized by a claimant or employer to take charge of, or 951
represent the claimant or employer in respect of, any claim or 952
matter in connection therewith before the bureau of workers' 953

compensation or the industrial commission or its district or 954
staff hearing officers. No person shall directly or indirectly 955
solicit authority, or pay or give anything of value to another 956
person to solicit authority, or accept or receive pay or 957
anything of value from another person for soliciting authority, 958
from a claimant or employer to take charge of, or represent the 959
claimant or employer in respect of, any claim or appeal which is 960
or may be filed with the bureau or commission. No person shall, 961
without prior authority from the bureau, a member of the 962
commission, the claimant, or the employer, examine or directly 963
or indirectly cause or employ another person to examine any 964
claim file or any other file pertaining thereto. No person shall 965
forge an authorization for the purpose of examining or cause 966
another person to examine any such file. No district or staff 967
hearing officer or other employee of the bureau or commission, 968
notwithstanding the provisions of section 4123.27 of the Revised 969
Code, shall divulge any information in respect of any claim or 970
appeal which is or may be filed with a district or staff hearing 971
officer, the bureau, or commission to any person other than 972
members of the commission or to the superior of the employee 973
except upon authorization of the administrator of workers' 974
compensation or a member of the commission or upon authorization 975
of the claimant or employer. 976

(B) The records described or referred to in division (A) 977
of this section are not public records as defined in division 978
(A) (1) of section 149.43 of the Revised Code. Any information 979
directly or indirectly identifying the address or telephone 980
number of a claimant, regardless of whether the claimant's claim 981
is active or closed, is not a public record. No person shall 982
solicit or obtain any such information from any such employee 983
without first having obtained an authorization therefor as 984

provided in this section. 985

(C) Except as otherwise specified in division (D) of this 986
section, information kept by the commission or the bureau 987
pursuant to this section is for the exclusive use and 988
information of the commission and the bureau in the discharge of 989
their official duties, and shall not be open to the public nor 990
be used in any court in any action or proceeding pending 991
therein, unless the commission or the bureau is a party to the 992
action or proceeding. The information, however, may be tabulated 993
and published by the commission or the bureau in statistical 994
form for the use and information of other state agencies and the 995
public. 996

(D) (1) Upon receiving a written request made and signed by 997
an individual whose primary occupation is as a journalist, the 998
commission or the bureau shall disclose to the individual the 999
name or names, address or addresses, and telephone number or 1000
numbers of claimants, regardless of whether their claims are 1001
active or closed, ~~and the dependents of those claimants.~~ 1002

(2) An individual described in division (D) (1) of this 1003
section is permitted to request the information described in 1004
that division for multiple ~~workers or dependents~~ claimants in 1005
one written request. 1006

(3) An individual described in division (D) (1) of this 1007
section shall include all of the following in the written 1008
request: 1009

(a) The individual's name, title, and signature; 1010

(b) The name and title of the individual's employer; 1011

(c) A statement that the disclosure of the information 1012
sought is in the public interest. 1013

(4) Neither the commission nor the bureau may inquire as 1014
to the specific public interest served by the disclosure of 1015
information requested by an individual under division (D) of 1016
this section. 1017

(E) As used in this section, "journalist" has the same 1018
meaning as in division (B) (9) of section 149.43 of the Revised 1019
Code. 1020

Sec. 5913.01. (A) The adjutant general is the commander 1021
and administrative head of the Ohio organized militia. The 1022
adjutant general shall: 1023

(1) Be provided offices and shall keep them open during 1024
usual business hours; 1025

(2) Have and maintain custody of all military records, 1026
correspondence, and other documents of the Ohio organized 1027
militia; 1028

(3) Superintend the preparation of all returns and reports 1029
required by the United States from the state on military 1030
matters; 1031

(4) Keep a roster of all officers of the Ohio organized 1032
militia, including retired officers; 1033

(5) Whenever necessary, cause the military provisions of 1034
the Revised Code and the orders, regulations, pamphlets, 1035
circulars, and memorandums of the adjutant general's department 1036
to be printed and distributed to the organizations of the Ohio 1037
organized militia; 1038

(6) Prepare and issue all necessary Ohio organized militia 1039
forms and attest to all commissions issued to officers of the 1040
Ohio organized militia; 1041

(7) Have a seal, and all copies of orders, records, and papers in the adjutant general's office certified and authenticated with that seal shall be competent evidence in like manner as if the originals were produced. All orders issued from the adjutant general's office shall bear a duplicate of the seal.

(8) Keep and preserve the arms, ordnance, equipment, and all other military property belonging to the state or issued to the state by the federal government and issue any regulations necessary to keep, preserve, and repair the property as conditions demand;

(9) Issue adjutant general's property to the units of the Ohio organized militia as the necessity of the service or organizational or allowance tables requires;

(10) Submit an annual report to the governor at such time as the governor requires of the transaction of the adjutant general's department, setting forth the strength and condition of the Ohio organized militia and other matters that the adjutant general chooses;

(11) Designate members of the Ohio national guard, who are participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, as designated public service workers under section 149.43 of the Revised Code;

(12) Command the joint force headquarters of the Ohio national guard.

(B) The adjutant general shall issue and distribute all orders issued in the name of the governor as the commander in

chief of the Ohio organized militia and perform the duties that 1071
the governor directs and other duties prescribed by law. 1072

(C) The adjutant general may enter into cooperative 1073
agreements, contractual arrangements, or agreements for the 1074
acceptance of grants with the United States or any agency or 1075
department of the United States, other states, any department or 1076
political subdivision of this state, or any person or body 1077
politic, to accomplish the purposes of the adjutant general's 1078
department. The adjutant general shall cooperate with, and not 1079
infringe upon, the rights of other state departments, divisions, 1080
boards, commissions, and agencies, political subdivisions, and 1081
other public officials and public and private agencies when the 1082
interests of the adjutant general's department and those other 1083
entities overlap. 1084

The funds made available by the United States for the 1085
exclusive use of the department shall be expended only by the 1086
department and only for the purposes for which the federal funds 1087
were appropriated. In accepting federal funds, the department 1088
agrees to abide by the terms and conditions of the grant or 1089
cooperative agreement and further agrees to expend the federal 1090
funds in accordance with the laws and regulations of the United 1091
States. 1092

Section 2. That existing sections 149.43, 4123.88, and 1093
5913.01 of the Revised Code are hereby repealed. 1094