

As Introduced

135th General Assembly

Regular Session

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H. B. No. 265

Representatives Wiggam, Hall

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

A BILL

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

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

Section 1. That sections 149.43, 149.45, and 319.28 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 18
proceedings, to proceedings related to the imposition of 19
community control sanctions and post-release control sanctions, 20
or to proceedings related to determinations under section 21
2967.271 of the Revised Code regarding the release or maintained 22
incarceration of an offender to whom that section applies; 23

(c) Records pertaining to actions under section 2151.85 24
and division (C) of section 2919.121 of the Revised Code and to 25
appeals of actions arising under those sections; 26

(d) Records pertaining to adoption proceedings, including 27
the contents of an adoption file maintained by the department of 28
health under sections 3705.12 to 3705.124 of the Revised Code; 29

(e) Information in a record contained in the putative 30
father registry established by section 3107.062 of the Revised 31
Code, regardless of whether the information is held by the 32
department of job and family services or, pursuant to section 33
3111.69 of the Revised Code, the office of child support in the 34
department or a child support enforcement agency; 35

(f) Records specified in division (A) of section 3107.52 36
of the Revised Code; 37

(g) Trial preparation records; 38

(h) Confidential law enforcement investigatory records; 39

(i) Records containing information that is confidential 40
under section 2710.03 or 4112.05 of the Revised Code; 41

(j) DNA records stored in the DNA database pursuant to 42
section 109.573 of the Revised Code; 43

(k) Inmate records released by the department of 44
rehabilitation and correction to the department of youth 45

services or a court of record pursuant to division (E) of 46
section 5120.21 of the Revised Code; 47

(l) Records maintained by the department of youth services 48
pertaining to children in its custody released by the department 49
of youth services to the department of rehabilitation and 50
correction pursuant to section 5139.05 of the Revised Code; 51

(m) Intellectual property records; 52

(n) Donor profile records; 53

(o) Records maintained by the department of job and family 54
services pursuant to section 3121.894 of the Revised Code; 55

(p) Designated public service worker residential and 56
familial information; 57

(q) In the case of a county hospital operated pursuant to 58
Chapter 339. of the Revised Code or a municipal hospital 59
operated pursuant to Chapter 749. of the Revised Code, 60
information that constitutes a trade secret, as defined in 61
section 1333.61 of the Revised Code; 62

(r) Information pertaining to the recreational activities 63
of a person under the age of eighteen; 64

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

to the department of health or a national child death review 74
database, other than the report prepared pursuant to division 75
(A) of section 307.626 of the Revised Code; 76

(t) Records provided to and statements made by the 77
executive director of a public children services agency or a 78
prosecuting attorney acting pursuant to section 5153.171 of the 79
Revised Code other than the information released under that 80
section; 81

(u) Test materials, examinations, or evaluation tools used 82
in an examination for licensure as a nursing home administrator 83
that the board of executives of long-term services and supports 84
administers under section 4751.15 of the Revised Code or 85
contracts under that section with a private or government entity 86
to administer; 87

(v) Records the release of which is prohibited by state or 88
federal law; 89

(w) Proprietary information of or relating to any person 90
that is submitted to or compiled by the Ohio venture capital 91
authority created under section 150.01 of the Revised Code; 92

(x) Financial statements and data any person submits for 93
any purpose to the Ohio housing finance agency or the 94
controlling board in connection with applying for, receiving, or 95
accounting for financial assistance from the agency, and 96
information that identifies any individual who benefits directly 97
or indirectly from financial assistance from the agency; 98

(y) Records listed in section 5101.29 of the Revised Code; 99

(z) Discharges recorded with a county recorder under 100
section 317.24 of the Revised Code, as specified in division (B) 101
(2) of that section; 102

(aa) Usage information including names and addresses of 103
specific residential and commercial customers of a municipally 104
owned or operated public utility; 105

(bb) Records described in division (C) of section 187.04 106
of the Revised Code that are not designated to be made available 107
to the public as provided in that division; 108

(cc) Information and records that are made confidential, 109
privileged, and not subject to disclosure under divisions (B) 110
and (C) of section 2949.221 of the Revised Code; 111

(dd) Personal information, as defined in section 149.45 of 112
the Revised Code; 113

(ee) The confidential name, address, and other personally 114
identifiable information of a program participant in the address 115
confidentiality program established under sections 111.41 to 116
111.47 of the Revised Code, including the contents of any 117
application for absent voter's ballots, absent voter's ballot 118
identification envelope statement of voter, or provisional 119
ballot affirmation completed by a program participant who has a 120
confidential voter registration record; records or portions of 121
records pertaining to that program that identify the number of 122
program participants that reside within a precinct, ward, 123
township, municipal corporation, county, or any other geographic 124
area smaller than the state; and any real property 125
confidentiality notice filed under section 111.431 of the 126
Revised Code and the information described in division (C) of 127
that section. As used in this division, "confidential address" 128
and "program participant" have the meaning defined in section 129
111.41 of the Revised Code. 130

(ff) Orders for active military service of an individual 131

serving or with previous service in the armed forces of the 132
United States, including a reserve component, or the Ohio 133
organized militia, except that, such order becomes a public 134
record on the day that is fifteen years after the published date 135
or effective date of the call to order; 136

(gg) The name, address, contact information, or other 137
personal information of an individual who is less than eighteen 138
years of age that is included in any record related to a traffic 139
accident involving a school vehicle in which the individual was 140
an occupant at the time of the accident; 141

(hh) Protected health information, as defined in 45 C.F.R. 142
160.103, that is in a claim for payment for a health care 143
product, service, or procedure, as well as any other health 144
claims data in another document that reveals the identity of an 145
individual who is the subject of the data or could be used to 146
reveal that individual's identity; 147

(ii) Any depiction by photograph, film, videotape, or 148
printed or digital image under either of the following 149
circumstances: 150

(i) The depiction is that of a victim of an offense the 151
release of which would be, to a reasonable person of ordinary 152
sensibilities, an offensive and objectionable intrusion into the 153
victim's expectation of bodily privacy and integrity. 154

(ii) The depiction captures or depicts the victim of a 155
sexually oriented offense, as defined in section 2950.01 of the 156
Revised Code, at the actual occurrence of that offense. 157

(jj) Restricted portions of a body-worn camera or 158
dashboard camera recording; 159

(kk) In the case of a fetal-infant mortality review board 160

acting under sections 3707.70 to 3707.77 of the Revised Code, 161
records, documents, reports, or other information presented to 162
the board or a person abstracting such materials on the board's 163
behalf, statements made by review board members during board 164
meetings, all work products of the board, and data submitted by 165
the board to the department of health or a national infant death 166
review database, other than the report prepared pursuant to 167
section 3707.77 of the Revised Code. 168

(ll) Records, documents, reports, or other information 169
presented to the pregnancy-associated mortality review board 170
established under section 3738.01 of the Revised Code, 171
statements made by board members during board meetings, all work 172
products of the board, and data submitted by the board to the 173
department of health, other than the biennial reports prepared 174
under section 3738.08 of the Revised Code; 175

(mm) Except as otherwise provided in division (A) (1) (oo) 176
of this section, telephone numbers for a victim, as defined in 177
section 2930.01 of the Revised Code or a witness to a crime that 178
are listed on any law enforcement record or report. 179

(nn) A preneed funeral contract, as defined in section 180
4717.01 of the Revised Code, and contract terms and personally 181
identifying information of a preneed funeral contract, that is 182
contained in a report submitted by or for a funeral home to the 183
board of embalmers and funeral directors under division (C) of 184
section 4717.13, division (J) of section 4717.31, or section 185
4717.41 of the Revised Code. 186

(oo) Telephone numbers for a party to a motor vehicle 187
accident subject to the requirements of section 5502.11 of the 188
Revised Code that are listed on any law enforcement record or 189
report, except that the telephone numbers described in this 190

division are not excluded from the definition of "public record" 191
under this division on and after the thirtieth day after the 192
occurrence of the motor vehicle accident. 193

(pp) Records pertaining to individuals who complete 194
training under section 5502.703 of the Revised Code to be 195
permitted by a school district board of education or governing 196
body of a community school established under Chapter 3314. of 197
the Revised Code, a STEM school established under Chapter 3326. 198
of the Revised Code, or a chartered nonpublic school to convey 199
deadly weapons or dangerous ordnance into a school safety zone; 200

(qq) Records, documents, reports, or other information 201
presented to a domestic violence fatality review board 202
established under section 307.651 of the Revised Code, 203
statements made by board members during board meetings, all work 204
products of the board, and data submitted by the board to the 205
department of health, other than a report prepared pursuant to 206
section 307.656 of the Revised Code; 207

(rr) Records, documents, and information the release of 208
which is prohibited under sections 2930.04 and 2930.07 of the 209
Revised Code; 210

(ss) Records of an existing qualified nonprofit 211
corporation that creates a special improvement district under 212
Chapter 1710. of the Revised Code that do not pertain to a 213
purpose for which the district is created; 214

(tt) Records of the past, current, and future work 215
schedule of a designated public service worker; 216

(uu) A request form submitted to a public office under 217
section 149.45 of the Revised Code; 218

(vv) An affidavit submitted under section 319.28 of the 219

Revised Code. 220

A record that is not a public record under division (A) (1) 221
of this section and that, under law, is permanently retained 222
becomes a public record on the day that is seventy-five years 223
after the day on which the record was created, except for any 224
record protected by the attorney-client privilege, a trial 225
preparation record as defined in this section, a statement 226
prohibiting the release of identifying information signed under 227
section 3107.083 of the Revised Code, a denial of release form 228
filed pursuant to section 3107.46 of the Revised Code, or any 229
record that is exempt from release or disclosure under section 230
149.433 of the Revised Code. If the record is a birth 231
certificate and a biological parent's name redaction request 232
form has been accepted under section 3107.391 of the Revised 233
Code, the name of that parent shall be redacted from the birth 234
certificate before it is released under this paragraph. If any 235
other section of the Revised Code establishes a time period for 236
disclosure of a record that conflicts with the time period 237
specified in this section, the time period in the other section 238
prevails. 239

(2) "Confidential law enforcement investigatory record" 240
means any record that pertains to a law enforcement matter of a 241
criminal, quasi-criminal, civil, or administrative nature, but 242
only to the extent that the release of the record would create a 243
high probability of disclosure of any of the following: 244

(a) The identity of a suspect who has not been charged 245
with the offense to which the record pertains, or of an 246
information source or witness to whom confidentiality has been 247
reasonably promised; 248

(b) Information provided by an information source or 249

witness to whom confidentiality has been reasonably promised, 250
which information would reasonably tend to disclose the source's 251
or witness's identity; 252

(c) Specific confidential investigatory techniques or 253
procedures or specific investigatory work product; 254

(d) Information that would endanger the life or physical 255
safety of law enforcement personnel, a crime victim, a witness, 256
or a confidential information source. 257

(3) "Medical record" means any document or combination of 258
documents, except births, deaths, and the fact of admission to 259
or discharge from a hospital, that pertains to the medical 260
history, diagnosis, prognosis, or medical condition of a patient 261
and that is generated and maintained in the process of medical 262
treatment. 263

(4) "Trial preparation record" means any record that 264
contains information that is specifically compiled in reasonable 265
anticipation of, or in defense of, a civil or criminal action or 266
proceeding, including the independent thought processes and 267
personal trial preparation of an attorney. 268

(5) "Intellectual property record" means a record, other 269
than a financial or administrative record, that is produced or 270
collected by or for faculty or staff of a state institution of 271
higher learning in the conduct of or as a result of study or 272
research on an educational, commercial, scientific, artistic, 273
technical, or scholarly issue, regardless of whether the study 274
or research was sponsored by the institution alone or in 275
conjunction with a governmental body or private concern, and 276
that has not been publicly released, published, or patented. 277

(6) "Donor profile record" means all records about donors 278

or potential donors to a public institution of higher education 279
except the names and reported addresses of the actual donors and 280
the date, amount, and conditions of the actual donation. 281

(7) "Designated public service worker" means a peace 282
officer, parole officer, probation officer, bailiff, prosecuting 283
attorney, assistant prosecuting attorney, correctional employee, 284
county or multicounty corrections officer, community-based 285
correctional facility employee, designated Ohio national guard 286
member, protective services worker, youth services employee, 287
firefighter, EMT, medical director or member of a cooperating 288
physician advisory board of an emergency medical service 289
organization, state board of pharmacy employee, investigator of 290
the bureau of criminal identification and investigation, 291
emergency service telecommunicator, forensic mental health 292
provider, mental health evaluation provider, regional 293
psychiatric hospital employee, judge, magistrate, or federal law 294
enforcement officer. 295

(8) "Designated public service worker residential and 296
familial information" means any information that discloses any 297
of the following about a designated public service worker: 298

(a) The address of the actual personal residence of a 299
designated public service worker, except for the following 300
information: 301

(i) The address of the actual personal residence of a 302
prosecuting attorney or judge; and 303

(ii) The state or political subdivision in which a 304
designated public service worker resides. 305

(b) Information compiled from referral to or participation 306
in an employee assistance program; 307

(c) The social security number, the residential telephone 308
number, any bank account, debit card, charge card, or credit 309
card number, or the emergency telephone number of, or any 310
medical information pertaining to, a designated public service 311
worker; 312

(d) The name of any beneficiary of employment benefits, 313
including, but not limited to, life insurance benefits, provided 314
to a designated public service worker by the designated public 315
service worker's employer; 316

(e) The identity and amount of any charitable or 317
employment benefit deduction made by the designated public 318
service worker's employer from the designated public service 319
worker's compensation, unless the amount of the deduction is 320
required by state or federal law; 321

(f) The name, the residential address, the name of the 322
employer, the address of the employer, the social security 323
number, the residential telephone number, any bank account, 324
debit card, charge card, or credit card number, or the emergency 325
telephone number of the spouse, a former spouse, or any child of 326
a designated public service worker; 327

(g) A photograph of a peace officer who holds a position 328
or has an assignment that may include undercover or plain 329
clothes positions or assignments as determined by the peace 330
officer's appointing authority. 331

(9) As used in divisions (A) (7) and (15) to (17) of this 332
section: 333

"Peace officer" has the meaning defined in section 109.71 334
of the Revised Code and also includes the superintendent and 335
troopers of the state highway patrol; it does not include the 336

sheriff of a county or a supervisory employee who, in the 337
absence of the sheriff, is authorized to stand in for, exercise 338
the authority of, and perform the duties of the sheriff. 339

"Correctional employee" means any employee of the 340
department of rehabilitation and correction who in the course of 341
performing the employee's job duties has or has had contact with 342
inmates and persons under supervision. 343

"County or multicounty corrections officer" means any 344
corrections officer employed by any county or multicounty 345
correctional facility. 346

"Designated Ohio national guard member" means a member of 347
the Ohio national guard who is participating in duties related 348
to remotely piloted aircraft, including, but not limited to, 349
pilots, sensor operators, and mission intelligence personnel, 350
duties related to special forces operations, or duties related 351
to cybersecurity, and is designated by the adjutant general as a 352
designated public service worker for those purposes. 353

"Protective services worker" means any employee of a 354
county agency who is responsible for child protective services, 355
child support services, or adult protective services. 356

"Youth services employee" means any employee of the 357
department of youth services who in the course of performing the 358
employee's job duties has or has had contact with children 359
committed to the custody of the department of youth services. 360

"Firefighter" means any regular, paid or volunteer, member 361
of a lawfully constituted fire department of a municipal 362
corporation, township, fire district, or village. 363

"EMT" means EMTs-basic, EMTs-I, and paramedics that 364
provide emergency medical services for a public emergency 365

medical service organization. "Emergency medical service 366
organization," "EMT-basic," "EMT-I," and "paramedic" have the 367
meanings defined in section 4765.01 of the Revised Code. 368

"Investigator of the bureau of criminal identification and 369
investigation" has the meaning defined in section 2903.11 of the 370
Revised Code. 371

"Emergency service telecommunicator" has the meaning 372
defined in section 4742.01 of the Revised Code. 373

"Forensic mental health provider" means any employee of a 374
community mental health service provider or local alcohol, drug 375
addiction, and mental health services board who, in the course 376
of the employee's duties, has contact with persons committed to 377
a local alcohol, drug addiction, and mental health services 378
board by a court order pursuant to section 2945.38, 2945.39, 379
2945.40, or 2945.402 of the Revised Code. 380

"Mental health evaluation provider" means an individual 381
who, under Chapter 5122. of the Revised Code, examines a 382
respondent who is alleged to be a mentally ill person subject to 383
court order, as defined in section 5122.01 of the Revised Code, 384
and reports to the probate court the respondent's mental 385
condition. 386

"Regional psychiatric hospital employee" means any 387
employee of the department of mental health and addiction 388
services who, in the course of performing the employee's duties, 389
has contact with patients committed to the department of mental 390
health and addiction services by a court order pursuant to 391
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 392
Code. 393

"Federal law enforcement officer" has the meaning defined 394

in section 9.88 of the Revised Code. 395

(10) "Information pertaining to the recreational 396
activities of a person under the age of eighteen" means 397
information that is kept in the ordinary course of business by a 398
public office, that pertains to the recreational activities of a 399
person under the age of eighteen years, and that discloses any 400
of the following: 401

(a) The address or telephone number of a person under the 402
age of eighteen or the address or telephone number of that 403
person's parent, guardian, custodian, or emergency contact 404
person; 405

(b) The social security number, birth date, or 406
photographic image of a person under the age of eighteen; 407

(c) Any medical record, history, or information pertaining 408
to a person under the age of eighteen; 409

(d) Any additional information sought or required about a 410
person under the age of eighteen for the purpose of allowing 411
that person to participate in any recreational activity 412
conducted or sponsored by a public office or to use or obtain 413
admission privileges to any recreational facility owned or 414
operated by a public office. 415

(11) "Community control sanction" has the meaning defined 416
in section 2929.01 of the Revised Code. 417

(12) "Post-release control sanction" has the meaning 418
defined in section 2967.01 of the Revised Code. 419

(13) "Redaction" means obscuring or deleting any 420
information that is exempt from the duty to permit public 421
inspection or copying from an item that otherwise meets the 422

definition of a "record" in section 149.011 of the Revised Code. 423

(14) "Designee," "elected official," and "future official" 424
have the meanings defined in section 109.43 of the Revised Code. 425

(15) "Body-worn camera" means a visual and audio recording 426
device worn on the person of a correctional employee, youth 427
services employee, or peace officer while the correctional 428
employee, youth services employee, or peace officer is engaged 429
in the performance of official duties. 430

(16) "Dashboard camera" means a visual and audio recording 431
device mounted on a peace officer's vehicle or vessel that is 432
used while the peace officer is engaged in the performance of 433
the peace officer's duties. 434

(17) "Restricted portions of a body-worn camera or 435
dashboard camera recording" means any visual or audio portion of 436
a body-worn camera or dashboard camera recording that shows, 437
communicates, or discloses any of the following: 438

(a) The image or identity of a child or information that 439
could lead to the identification of a child who is a primary 440
subject of the recording when the department of rehabilitation 441
and correction, department of youth services, or the law 442
enforcement agency knows or has reason to know the person is a 443
child based on the department's or law enforcement agency's 444
records or the content of the recording; 445

(b) The death of a person or a deceased person's body, 446
unless the death was caused by a correctional employee, youth 447
services employee, or peace officer or, subject to division (H) 448
(1) of this section, the consent of the decedent's executor or 449
administrator has been obtained; 450

(c) The death of a correctional employee, youth services 451

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

(d) Grievous bodily harm, unless the injury was effected 457
by a correctional employee, youth services employee, or peace 458
officer or, subject to division (H) (1) of this section, the 459
consent of the injured person or the injured person's guardian 460
has been obtained; 461

(e) An act of severe violence against a person that 462
results in serious physical harm to the person, unless the act 463
and injury was effected by a correctional employee, youth 464
services employee, or peace officer or, subject to division (H) 465
(1) of this section, the consent of the injured person or the 466
injured person's guardian has been obtained; 467

(f) Grievous bodily harm to a correctional employee, youth 468
services employee, peace officer, firefighter, paramedic, or 469
other first responder, occurring while the injured person was 470
engaged in the performance of official duties, unless, subject 471
to division (H) (1) of this section, the consent of the injured 472
person or the injured person's guardian has been obtained; 473

(g) An act of severe violence resulting in serious 474
physical harm against a correctional employee, youth services 475
employee, peace officer, firefighter, paramedic, or other first 476
responder, occurring while the injured person was engaged in the 477
performance of official duties, unless, subject to division (H) 478
(1) of this section, the consent of the injured person or the 479
injured person's guardian has been obtained; 480

- (h) A person's nude body, unless, subject to division (H) 481
(1) of this section, the person's consent has been obtained; 482
- (i) Protected health information, the identity of a person 483
in a health care facility who is not the subject of a law 484
enforcement encounter, or any other information in a health care 485
facility that could identify a person who is not the subject of 486
a law enforcement encounter; 487
- (j) Information that could identify the alleged victim of 488
a sex offense, menacing by stalking, or domestic violence; 489
- (k) Information, that does not constitute a confidential 490
law enforcement investigatory record, that could identify a 491
person who provides sensitive or confidential information to the 492
department of rehabilitation and correction, the department of 493
youth services, or a law enforcement agency when the disclosure 494
of the person's identity or the information provided could 495
reasonably be expected to threaten or endanger the safety or 496
property of the person or another person; 497
- (l) Personal information of a person who is not arrested, 498
cited, charged, or issued a written warning by a peace officer; 499
- (m) Proprietary police contingency plans or tactics that 500
are intended to prevent crime and maintain public order and 501
safety; 502
- (n) A personal conversation unrelated to work between 503
peace officers or between a peace officer and an employee of a 504
law enforcement agency; 505
- (o) A conversation between a peace officer and a member of 506
the public that does not concern law enforcement activities; 507
- (p) The interior of a residence, unless the interior of a 508

residence is the location of an adversarial encounter with, or a 509
use of force by, a peace officer; 510

(q) Any portion of the interior of a private business that 511
is not open to the public, unless an adversarial encounter with, 512
or a use of force by, a peace officer occurs in that location. 513

As used in division (A) (17) of this section: 514

"Grievous bodily harm" has the same meaning as in section 515
5924.120 of the Revised Code. 516

"Health care facility" has the same meaning as in section 517
1337.11 of the Revised Code. 518

"Protected health information" has the same meaning as in 519
45 C.F.R. 160.103. 520

"Law enforcement agency" means a government entity that 521
employs peace officers to perform law enforcement duties. 522

"Personal information" means any government-issued 523
identification number, date of birth, address, financial 524
information, or criminal justice information from the law 525
enforcement automated data system or similar databases. 526

"Sex offense" has the same meaning as in section 2907.10 527
of the Revised Code. 528

"Firefighter," "paramedic," and "first responder" have the 529
same meanings as in section 4765.01 of the Revised Code. 530

(B) (1) Upon request by any person and subject to division 531
(B) (8) of this section, all public records responsive to the 532
request shall be promptly prepared and made available for 533
inspection to the requester at all reasonable times during 534
regular business hours. Subject to division (B) (8) of this 535

section, upon request by any person, a public office or person 536
responsible for public records shall make copies of the 537
requested public record available to the requester at cost and 538
within a reasonable period of time. If a public record contains 539
information that is exempt from the duty to permit public 540
inspection or to copy the public record, the public office or 541
the person responsible for the public record shall make 542
available all of the information within the public record that 543
is not exempt. When making that public record available for 544
public inspection or copying that public record, the public 545
office or the person responsible for the public record shall 546
notify the requester of any redaction or make the redaction 547
plainly visible. A redaction shall be deemed a denial of a 548
request to inspect or copy the redacted information, except if 549
federal or state law authorizes or requires a public office to 550
make the redaction. 551

(2) To facilitate broader access to public records, a 552
public office or the person responsible for public records shall 553
organize and maintain public records in a manner that they can 554
be made available for inspection or copying in accordance with 555
division (B) of this section. A public office also shall have 556
available a copy of its current records retention schedule at a 557
location readily available to the public. If a requester makes 558
an ambiguous or overly broad request or has difficulty in making 559
a request for copies or inspection of public records under this 560
section such that the public office or the person responsible 561
for the requested public record cannot reasonably identify what 562
public records are being requested, the public office or the 563
person responsible for the requested public record may deny the 564
request but shall provide the requester with an opportunity to 565
revise the request by informing the requester of the manner in 566

which records are maintained by the public office and accessed 567
in the ordinary course of the public office's or person's 568
duties. 569

(3) If a request is ultimately denied, in part or in 570
whole, the public office or the person responsible for the 571
requested public record shall provide the requester with an 572
explanation, including legal authority, setting forth why the 573
request was denied. If the initial request was provided in 574
writing, the explanation also shall be provided to the requester 575
in writing. The explanation shall not preclude the public office 576
or the person responsible for the requested public record from 577
relying upon additional reasons or legal authority in defending 578
an action commenced under division (C) of this section. 579

(4) Unless specifically required or authorized by state or 580
federal law or in accordance with division (B) of this section, 581
no public office or person responsible for public records may 582
limit or condition the availability of public records by 583
requiring disclosure of the requester's identity or the intended 584
use of the requested public record. Any requirement that the 585
requester disclose the requester's identity or the intended use 586
of the requested public record constitutes a denial of the 587
request. 588

(5) A public office or person responsible for public 589
records may ask a requester to make the request in writing, may 590
ask for the requester's identity, and may inquire about the 591
intended use of the information requested, but may do so only 592
after disclosing to the requester that a written request is not 593
mandatory, that the requester may decline to reveal the 594
requester's identity or the intended use, and when a written 595
request or disclosure of the identity or intended use would 596

benefit the requester by enhancing the ability of the public 597
office or person responsible for public records to identify, 598
locate, or deliver the public records sought by the requester. 599

(6) If any person requests a copy of a public record in 600
accordance with division (B) of this section, the public office 601
or person responsible for the public record may require the 602
requester to pay in advance the cost involved in providing the 603
copy of the public record in accordance with the choice made by 604
the requester under this division. The public office or the 605
person responsible for the public record shall permit the 606
requester to choose to have the public record duplicated upon 607
paper, upon the same medium upon which the public office or 608
person responsible for the public record keeps it, or upon any 609
other medium upon which the public office or person responsible 610
for the public record determines that it reasonably can be 611
duplicated as an integral part of the normal operations of the 612
public office or person responsible for the public record. When 613
the requester makes a choice under this division, the public 614
office or person responsible for the public record shall provide 615
a copy of it in accordance with the choice made by the 616
requester. Nothing in this section requires a public office or 617
person responsible for the public record to allow the requester 618
of a copy of the public record to make the copies of the public 619
record. 620

(7) (a) Upon a request made in accordance with division (B) 621
of this section and subject to division (B) (6) of this section, 622
a public office or person responsible for public records shall 623
transmit a copy of a public record to any person by United 624
States mail or by any other means of delivery or transmission 625
within a reasonable period of time after receiving the request 626
for the copy. The public office or person responsible for the 627

public record may require the person making the request to pay 628
in advance the cost of postage if the copy is transmitted by 629
United States mail or the cost of delivery if the copy is 630
transmitted other than by United States mail, and to pay in 631
advance the costs incurred for other supplies used in the 632
mailing, delivery, or transmission. 633

(b) Any public office may adopt a policy and procedures 634
that it will follow in transmitting, within a reasonable period 635
of time after receiving a request, copies of public records by 636
United States mail or by any other means of delivery or 637
transmission pursuant to division (B) (7) of this section. A 638
public office that adopts a policy and procedures under division 639
(B) (7) of this section shall comply with them in performing its 640
duties under that division. 641

(c) In any policy and procedures adopted under division 642
(B) (7) of this section: 643

(i) A public office may limit the number of records 644
requested by a person that the office will physically deliver by 645
United States mail or by another delivery service to ten per 646
month, unless the person certifies to the office in writing that 647
the person does not intend to use or forward the requested 648
records, or the information contained in them, for commercial 649
purposes; 650

(ii) A public office that chooses to provide some or all 651
of its public records on a web site that is fully accessible to 652
and searchable by members of the public at all times, other than 653
during acts of God outside the public office's control or 654
maintenance, and that charges no fee to search, access, 655
download, or otherwise receive records provided on the web site, 656
may limit to ten per month the number of records requested by a 657

person that the office will deliver in a digital format, unless 658
the requested records are not provided on the web site and 659
unless the person certifies to the office in writing that the 660
person does not intend to use or forward the requested records, 661
or the information contained in them, for commercial purposes. 662

(iii) For purposes of division (B)(7) of this section, 663
"commercial" shall be narrowly construed and does not include 664
reporting or gathering news, reporting or gathering information 665
to assist citizen oversight or understanding of the operation or 666
activities of government, or nonprofit educational research. 667

(8) A public office or person responsible for public 668
records is not required to permit a person who is incarcerated 669
pursuant to a criminal conviction or a juvenile adjudication to 670
inspect or to obtain a copy of any public record concerning a 671
criminal investigation or prosecution or concerning what would 672
be a criminal investigation or prosecution if the subject of the 673
investigation or prosecution were an adult, unless the request 674
to inspect or to obtain a copy of the record is for the purpose 675
of acquiring information that is subject to release as a public 676
record under this section and the judge who imposed the sentence 677
or made the adjudication with respect to the person, or the 678
judge's successor in office, finds that the information sought 679
in the public record is necessary to support what appears to be 680
a justiciable claim of the person. 681

(9) (a) Upon written request made and signed by a 682
journalist, a public office, or person responsible for public 683
records, having custody of the records of the agency employing a 684
specified designated public service worker shall disclose to the 685
journalist the address of the actual personal residence of the 686
designated public service worker and, if the designated public 687

service worker's spouse, former spouse, or child is employed by 688
a public office, the name and address of the employer of the 689
designated public service worker's spouse, former spouse, or 690
child. The request shall include the journalist's name and title 691
and the name and address of the journalist's employer and shall 692
state that disclosure of the information sought would be in the 693
public interest. 694

(b) Division (B)(9)(a) of this section also applies to 695
journalist requests for: 696

(i) Customer information maintained by a municipally owned 697
or operated public utility, other than social security numbers 698
and any private financial information such as credit reports, 699
payment methods, credit card numbers, and bank account 700
information; 701

(ii) Information about minors involved in a school vehicle 702
accident as provided in division (A)(1)(gg) of this section, 703
other than personal information as defined in section 149.45 of 704
the Revised Code. 705

(c) As used in division (B)(9) of this section, 706
"journalist" means a person engaged in, connected with, or 707
employed by any news medium, including a newspaper, magazine, 708
press association, news agency, or wire service, a radio or 709
television station, or a similar medium, for the purpose of 710
gathering, processing, transmitting, compiling, editing, or 711
disseminating information for the general public. 712

(10) Upon a request made by a victim, victim's attorney, 713
or victim's representative, as that term is used in section 714
2930.02 of the Revised Code, a public office or person 715
responsible for public records shall transmit a copy of a 716

depiction of the victim as described in division (A) (1) (ii) of 717
this section to the victim, victim's attorney, or victim's 718
representative. 719

(C) (1) If a person allegedly is aggrieved by the failure 720
of a public office or the person responsible for public records 721
to promptly prepare a public record and to make it available to 722
the person for inspection in accordance with division (B) of 723
this section or by any other failure of a public office or the 724
person responsible for public records to comply with an 725
obligation in accordance with division (B) of this section, the 726
person allegedly aggrieved may do only one of the following, and 727
not both: 728

(a) File a complaint with the clerk of the court of claims 729
or the clerk of the court of common pleas under section 2743.75 730
of the Revised Code; 731

(b) Commence a mandamus action to obtain a judgment that 732
orders the public office or the person responsible for the 733
public record to comply with division (B) of this section, that 734
awards court costs and reasonable attorney's fees to the person 735
that instituted the mandamus action, and, if applicable, that 736
includes an order fixing statutory damages under division (C) (2) 737
of this section. The mandamus action may be commenced in the 738
court of common pleas of the county in which division (B) of 739
this section allegedly was not complied with, in the supreme 740
court pursuant to its original jurisdiction under Section 2 of 741
Article IV, Ohio Constitution, or in the court of appeals for 742
the appellate district in which division (B) of this section 743
allegedly was not complied with pursuant to its original 744
jurisdiction under Section 3 of Article IV, Ohio Constitution. 745

(2) If a requester transmits a written request by hand 746

delivery, electronic submission, or certified mail to inspect or 747
receive copies of any public record in a manner that fairly 748
describes the public record or class of public records to the 749
public office or person responsible for the requested public 750
records, except as otherwise provided in this section, the 751
requester shall be entitled to recover the amount of statutory 752
damages set forth in this division if a court determines that 753
the public office or the person responsible for public records 754
failed to comply with an obligation in accordance with division 755
(B) of this section. 756

The amount of statutory damages shall be fixed at one 757
hundred dollars for each business day during which the public 758
office or person responsible for the requested public records 759
failed to comply with an obligation in accordance with division 760
(B) of this section, beginning with the day on which the 761
requester files a mandamus action to recover statutory damages, 762
up to a maximum of one thousand dollars. The award of statutory 763
damages shall not be construed as a penalty, but as compensation 764
for injury arising from lost use of the requested information. 765
The existence of this injury shall be conclusively presumed. The 766
award of statutory damages shall be in addition to all other 767
remedies authorized by this section. 768

The court may reduce an award of statutory damages or not 769
award statutory damages if the court determines both of the 770
following: 771

(a) That, based on the ordinary application of statutory 772
law and case law as it existed at the time of the conduct or 773
threatened conduct of the public office or person responsible 774
for the requested public records that allegedly constitutes a 775
failure to comply with an obligation in accordance with division 776

(B) of this section and that was the basis of the mandamus 777
action, a well-informed public office or person responsible for 778
the requested public records reasonably would believe that the 779
conduct or threatened conduct of the public office or person 780
responsible for the requested public records did not constitute 781
a failure to comply with an obligation in accordance with 782
division (B) of this section; 783

(b) That a well-informed public office or person 784
responsible for the requested public records reasonably would 785
believe that the conduct or threatened conduct of the public 786
office or person responsible for the requested public records 787
would serve the public policy that underlies the authority that 788
is asserted as permitting that conduct or threatened conduct. 789

(3) In a mandamus action filed under division (C) (1) of 790
this section, the following apply: 791

(a) (i) If the court orders the public office or the person 792
responsible for the public record to comply with division (B) of 793
this section, the court shall determine and award to the relator 794
all court costs, which shall be construed as remedial and not 795
punitive. 796

(ii) If the court makes a determination described in 797
division (C) (3) (b) (iii) of this section, the court shall 798
determine and award to the relator all court costs, which shall 799
be construed as remedial and not punitive. 800

(b) If the court renders a judgment that orders the public 801
office or the person responsible for the public record to comply 802
with division (B) of this section or if the court determines any 803
of the following, the court may award reasonable attorney's fees 804
to the relator, subject to division (C) (4) of this section: 805

(i) The public office or the person responsible for the 806
public records failed to respond affirmatively or negatively to 807
the public records request in accordance with the time allowed 808
under division (B) of this section. 809

(ii) The public office or the person responsible for the 810
public records promised to permit the relator to inspect or 811
receive copies of the public records requested within a 812
specified period of time but failed to fulfill that promise 813
within that specified period of time. 814

(iii) The public office or the person responsible for the 815
public records acted in bad faith when the office or person 816
voluntarily made the public records available to the relator for 817
the first time after the relator commenced the mandamus action, 818
but before the court issued any order concluding whether or not 819
the public office or person was required to comply with division 820
(B) of this section. No discovery may be conducted on the issue 821
of the alleged bad faith of the public office or person 822
responsible for the public records. This division shall not be 823
construed as creating a presumption that the public office or 824
the person responsible for the public records acted in bad faith 825
when the office or person voluntarily made the public records 826
available to the relator for the first time after the relator 827
commenced the mandamus action, but before the court issued any 828
order described in this division. 829

(c) The court shall not award attorney's fees to the 830
relator if the court determines both of the following: 831

(i) That, based on the ordinary application of statutory 832
law and case law as it existed at the time of the conduct or 833
threatened conduct of the public office or person responsible 834
for the requested public records that allegedly constitutes a 835

failure to comply with an obligation in accordance with division 836
(B) of this section and that was the basis of the mandamus 837
action, a well-informed public office or person responsible for 838
the requested public records reasonably would believe that the 839
conduct or threatened conduct of the public office or person 840
responsible for the requested public records did not constitute 841
a failure to comply with an obligation in accordance with 842
division (B) of this section; 843

(ii) That a well-informed public office or person 844
responsible for the requested public records reasonably would 845
believe that the conduct or threatened conduct of the public 846
office or person responsible for the requested public records 847
would serve the public policy that underlies the authority that 848
is asserted as permitting that conduct or threatened conduct. 849

(4) All of the following apply to any award of reasonable 850
attorney's fees awarded under division (C) (3) (b) of this 851
section: 852

(a) The fees shall be construed as remedial and not 853
punitive. 854

(b) The fees awarded shall not exceed the total of the 855
reasonable attorney's fees incurred before the public record was 856
made available to the relator and the fees described in division 857
(C) (4) (c) of this section. 858

(c) Reasonable attorney's fees shall include reasonable 859
fees incurred to produce proof of the reasonableness and amount 860
of the fees and to otherwise litigate entitlement to the fees. 861

(d) The court may reduce the amount of fees awarded if the 862
court determines that, given the factual circumstances involved 863
with the specific public records request, an alternative means 864

should have been pursued to more effectively and efficiently 865
resolve the dispute that was subject to the mandamus action 866
filed under division (C) (1) of this section. 867

(5) If the court does not issue a writ of mandamus under 868
division (C) of this section and the court determines at that 869
time that the bringing of the mandamus action was frivolous 870
conduct as defined in division (A) of section 2323.51 of the 871
Revised Code, the court may award to the public office all court 872
costs, expenses, and reasonable attorney's fees, as determined 873
by the court. 874

(D) Chapter 1347. of the Revised Code does not limit the 875
provisions of this section. 876

(E) (1) To ensure that all employees of public offices are 877
appropriately educated about a public office's obligations under 878
division (B) of this section, all elected officials or their 879
appropriate designees shall attend training approved by the 880
attorney general as provided in section 109.43 of the Revised 881
Code. A future official may satisfy the requirements of this 882
division by attending the training before taking office, 883
provided that the future official may not send a designee in the 884
future official's place. 885

(2) All public offices shall adopt a public records policy 886
in compliance with this section for responding to public records 887
requests. In adopting a public records policy under this 888
division, a public office may obtain guidance from the model 889
public records policy developed and provided to the public 890
office by the attorney general under section 109.43 of the 891
Revised Code. Except as otherwise provided in this section, the 892
policy may not limit the number of public records that the 893
public office will make available to a single person, may not 894

limit the number of public records that it will make available 895
during a fixed period of time, and may not establish a fixed 896
period of time before it will respond to a request for 897
inspection or copying of public records, unless that period is 898
less than eight hours. 899

The public office shall distribute the public records 900
policy adopted by the public office under this division to the 901
employee of the public office who is the records custodian or 902
records manager or otherwise has custody of the records of that 903
office. The public office shall require that employee to 904
acknowledge receipt of the copy of the public records policy. 905
The public office shall create a poster that describes its 906
public records policy and shall post the poster in a conspicuous 907
place in the public office and in all locations where the public 908
office has branch offices. The public office may post its public 909
records policy on the internet web site of the public office if 910
the public office maintains an internet web site. A public 911
office that has established a manual or handbook of its general 912
policies and procedures for all employees of the public office 913
shall include the public records policy of the public office in 914
the manual or handbook. 915

(F) (1) The bureau of motor vehicles may adopt rules 916
pursuant to Chapter 119. of the Revised Code to reasonably limit 917
the number of bulk commercial special extraction requests made 918
by a person for the same records or for updated records during a 919
calendar year. The rules may include provisions for charges to 920
be made for bulk commercial special extraction requests for the 921
actual cost of the bureau, plus special extraction costs, plus 922
ten per cent. The bureau may charge for expenses for redacting 923
information, the release of which is prohibited by law. 924

- (2) As used in division (F) (1) of this section: 925
- (a) "Actual cost" means the cost of depleted supplies, 926
records storage media costs, actual mailing and alternative 927
delivery costs, or other transmitting costs, and any direct 928
equipment operating and maintenance costs, including actual 929
costs paid to private contractors for copying services. 930
- (b) "Bulk commercial special extraction request" means a 931
request for copies of a record for information in a format other 932
than the format already available, or information that cannot be 933
extracted without examination of all items in a records series, 934
class of records, or database by a person who intends to use or 935
forward the copies for surveys, marketing, solicitation, or 936
resale for commercial purposes. "Bulk commercial special 937
extraction request" does not include a request by a person who 938
gives assurance to the bureau that the person making the request 939
does not intend to use or forward the requested copies for 940
surveys, marketing, solicitation, or resale for commercial 941
purposes. 942
- (c) "Commercial" means profit-seeking production, buying, 943
or selling of any good, service, or other product. 944
- (d) "Special extraction costs" means the cost of the time 945
spent by the lowest paid employee competent to perform the task, 946
the actual amount paid to outside private contractors employed 947
by the bureau, or the actual cost incurred to create computer 948
programs to make the special extraction. "Special extraction 949
costs" include any charges paid to a public agency for computer 950
or records services. 951
- (3) For purposes of divisions (F) (1) and (2) of this 952
section, "surveys, marketing, solicitation, or resale for 953

commercial purposes" shall be narrowly construed and does not 954
include reporting or gathering news, reporting or gathering 955
information to assist citizen oversight or understanding of the 956
operation or activities of government, or nonprofit educational 957
research. 958

(G) A request by a defendant, counsel of a defendant, or 959
any agent of a defendant in a criminal action that public 960
records related to that action be made available under this 961
section shall be considered a demand for discovery pursuant to 962
the Criminal Rules, except to the extent that the Criminal Rules 963
plainly indicate a contrary intent. The defendant, counsel of 964
the defendant, or agent of the defendant making a request under 965
this division shall serve a copy of the request on the 966
prosecuting attorney, director of law, or other chief legal 967
officer responsible for prosecuting the action. 968

(H) (1) Any portion of a body-worn camera or dashboard 969
camera recording described in divisions (A) (17) (b) to (h) of 970
this section may be released by consent of the subject of the 971
recording or a representative of that person, as specified in 972
those divisions, only if either of the following applies: 973

(a) The recording will not be used in connection with any 974
probable or pending criminal proceedings; 975

(b) The recording has been used in connection with a 976
criminal proceeding that was dismissed or for which a judgment 977
has been entered pursuant to Rule 32 of the Rules of Criminal 978
Procedure, and will not be used again in connection with any 979
probable or pending criminal proceedings. 980

(2) If a public office denies a request to release a 981
restricted portion of a body-worn camera or dashboard camera 982

recording, as defined in division (A)(17) of this section, any 983
person may file a mandamus action pursuant to this section or a 984
complaint with the clerk of the court of claims pursuant to 985
section 2743.75 of the Revised Code, requesting the court to 986
order the release of all or portions of the recording. If the 987
court considering the request determines that the filing 988
articulates by clear and convincing evidence that the public 989
interest in the recording substantially outweighs privacy 990
interests and other interests asserted to deny release, the 991
court shall order the public office to release the recording. 992

Sec. 149.45. (A) As used in this section: 993

(1) "Personal information" means any of the following: 994

(a) An individual's social security number; 995

(b) An individual's state or federal tax identification 996
number; 997

(c) An individual's driver's license number or state 998
identification number; 999

(d) An individual's checking account number, savings 1000
account number, credit card number, or debit card number; 1001

(e) An individual's demand deposit account number, money 1002
market account number, mutual fund account number, or any other 1003
financial or medical account number. 1004

(2) "Public record," "designated public service worker," 1005
and "designated public service worker residential and familial 1006
information" have the meanings defined in section 149.43 of the 1007
Revised Code. 1008

(3) "Truncate" means to redact all but the last four 1009
digits of an individual's social security number. 1010

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

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

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

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

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

practicable. If a redaction is not practicable, the public 1041
office or person responsible for the public office's public 1042
records shall verbally or in writing within five business days 1043
after receiving the written request explain to the individual 1044
why the redaction is impracticable. 1045

(3) The attorney general shall develop a form to be used 1046
by an individual to request a redaction pursuant to division (C) 1047
(1) of this section. The form shall include a place to provide 1048
any information that identifies the location of the personal 1049
information to be redacted. 1050

(D) (1) A designated public service worker and a former 1051
designated public service worker may request that a public 1052
office, other than a county auditor, or a person responsible for 1053
the public records of a public office, other than a county 1054
auditor, redact the designated public service worker's or former 1055
designated public service worker's address from any record made 1056
available to the general public on the internet that includes 1057
designated public service worker residential and familial 1058
information of the designated public service worker or former 1059
designated public service worker making the request. A 1060
designated public service worker or former designated public 1061
service worker who makes a request for a redaction pursuant to 1062
this division shall make the request in writing and on a form 1063
developed by the attorney general. 1064

(2) Upon receiving a written request for a redaction 1065
pursuant to division (D) (1) of this section, a public office, 1066
other than a county auditor, or a person responsible for the 1067
public records of a public office, other than a county auditor, 1068
shall act within five business days in accordance with the 1069
request to redact the address of the designated public service 1070

worker or former designated public service worker making the 1071
request from any record made available to the general public on 1072
the internet that includes designated public service worker 1073
residential and familial information of the designated public 1074
service worker or former designated public service worker making 1075
the request, if practicable. If a redaction is not practicable, 1076
the public office or person responsible for the public office's 1077
public records shall verbally or in writing within five business 1078
days after receiving the written request explain to the 1079
designated public service worker or former designated public 1080
service worker why the redaction is impracticable. 1081

(3) Except as provided in this section and section 319.28 1082
of the Revised Code, a public office, other than an employer of 1083
a designated public service worker or former designated public 1084
service worker, or a person responsible for the public records 1085
of the employer, is not required to redact designated public 1086
service worker residential and familial information of the 1087
designated public service worker or former designated public 1088
service worker from other records maintained by the public 1089
office. 1090

(4) The attorney general shall develop a form to be used 1091
by a designated public service worker or former designated 1092
public service worker to request a redaction pursuant to 1093
division (D)(1) of this section. The form shall include a place 1094
to provide any information that identifies the location of the 1095
address of the designated public service worker or former 1096
designated public service worker to be redacted. 1097

(E)(1) If a public office or a person responsible for a 1098
public office's public records becomes aware that an electronic 1099
record of that public office that is made available to the 1100

general public on the internet contains an individual's social 1101
security number that was mistakenly not redacted, encrypted, or 1102
truncated as required by division (B) (1) or (2) of this section, 1103
the public office or person responsible for the public office's 1104
public records shall redact, encrypt, or truncate the 1105
individual's social security number within a reasonable period 1106
of time. 1107

(2) A public office or a person responsible for a public 1108
office's public records is not liable in damages in a civil 1109
action for any harm an individual allegedly sustains as a result 1110
of the inclusion of that individual's personal information on 1111
any record made available to the general public on the internet 1112
or any harm a designated public service worker sustains as a 1113
result of the inclusion of the designated public service 1114
worker's address on any record made available to the general 1115
public on the internet in violation of this section, unless the 1116
public office or person responsible for the public office's 1117
public records acted with malicious purpose, in bad faith, or in 1118
a wanton or reckless manner or unless division (A) (6) (a) or (c) 1119
of section 2744.03 of the Revised Code applies. 1120

(F) An form submitted under division (C) or (D) of this 1121
section is not a public record under division (A) (1) (uu) of 1122
section 149.43 of the Revised Code. 1123

Sec. 319.28. (A) Except as otherwise provided in division 1124
(B) of this section, on or before the first Monday of August, 1125
annually, the county auditor shall compile and make up a general 1126
tax list of real and public utility property in the county, 1127
either in tabular form and alphabetical order, or, with the 1128
consent of the county treasurer, by listing all parcels in a 1129
permanent parcel number sequence to which a separate 1130

alphabetical index is keyed, containing the names of the several 1131
persons, companies, firms, partnerships, associations, and 1132
corporations in whose names real property has been listed in 1133
each township, municipal corporation, special district, or 1134
separate school district, or part of either in the auditor's 1135
county, placing separately, in appropriate columns opposite each 1136
name, the description of each tract, lot, or parcel of real 1137
estate, the value of each tract, lot, or parcel, the value of 1138
the improvements thereon, and of the names of the several public 1139
utilities whose property, subject to taxation on the general tax 1140
list and duplicate, has been apportioned by the department of 1141
taxation to the county, and the amount so apportioned to each 1142
township, municipal corporation, special district, or separate 1143
school district or part of either in the auditor's county, as 1144
shown by the certificates of apportionment of public utility 1145
property. If the name of the owner of any tract, lot, or parcel 1146
of real estate is unknown to the auditor, "unknown" shall be 1147
entered in the column of names opposite said tract, lot, or 1148
parcel. Such lists shall be prepared in duplicate. On or before 1149
the first Monday of September in each year, the auditor shall 1150
correct such lists in accordance with the additions and 1151
deductions ordered by the tax commissioner and by the county 1152
board of revision, and shall certify and on the first day of 1153
October deliver one copy thereof to the county treasurer. The 1154
copies prepared by the auditor shall constitute the auditor's 1155
general tax list and treasurer's general duplicate of real and 1156
public utility property for the current year. 1157

Once a permanent parcel numbering system has been 1158
established in any county as provided by the preceding 1159
paragraph, such system shall remain in effect until otherwise 1160
agreed upon by the county auditor and county treasurer. 1161

(B) (1) An individual, or the spouse of that individual, 1162
whose residential and familial information is not a public 1163
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1164
the Revised Code may submit an affidavit to the county auditor 1165
requesting the county auditor to remove the name of the 1166
individual filing the affidavit from any record made available 1167
to the general public on the internet or a publicly accessible 1168
database, and from the general tax list and duplicate of real 1169
and public utility property, and to instead insert the 1170
individual's initials on any such record, and on the general tax 1171
list and duplicate of real and public utility property as the 1172
name of the individual that appears on the deed. 1173

(2) Upon receiving an affidavit described in division (B) 1174
(1) of this section, the county auditor shall act within five 1175
business days in accordance with the request to remove the 1176
individual's name from any record made available to the general 1177
public on the internet or a publicly accessible database, and 1178
from the general tax list and duplicate of real and public 1179
utility property and insert the individual's initials on any 1180
such record and on the general tax list and duplicate of real 1181
and public utility property, if practicable. If the removal and 1182
insertion is not practicable, the county auditor shall verbally 1183
or in writing within five business days after receiving the 1184
affidavit explain to the individual why the removal and 1185
insertion is impracticable. 1186

(C) The county auditor shall keep confidential information 1187
that is subject to a real property confidentiality notice under 1188
section 111.431 of the Revised Code, in accordance with that 1189
section. An affidavit submitted under division (B) (1) of this 1190
section is not a public record under division (A) (1) (vv) of 1191
section 149.43 of the Revised Code. 1192

Section 2. That existing sections 149.43, 149.45, and 1193
319.28 of the Revised Code are hereby repealed. 1194

Section 3. Section 149.43 of the Revised Code is presented 1195
in this act as a composite of the section as amended by H.B. 45, 1196
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 1197
134th General Assembly. The General Assembly, applying the 1198
principle stated in division (B) of section 1.52 of the Revised 1199
Code that amendments are to be harmonized and reconciled if 1200
reasonably capable of simultaneous operation, finds that the 1201
composite is the resulting version of the section in effect 1202
prior to the effective date of the section as presented in this 1203
act. 1204
1205