

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 82

Senators DeMora, Gavarone

A BILL

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

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

Section 1. That section 149.43 of the Revised Code be
amended to read as follows:

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

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

(a) Medical records;

(b) Records pertaining to probation and parole
proceedings, to proceedings related to the imposition of

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

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

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

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

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

(g) Trial preparation records; 37

(h) Confidential law enforcement investigatory records; 38

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

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

(k) Inmate records released by the department of 43
rehabilitation and correction to the department of youth 44
services or a court of record pursuant to division (E) of 45
section 5120.21 of the Revised Code; 46

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

(m) Intellectual property records; 51

(n) Donor profile records; 52

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

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

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

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

(s) In the case of a child fatality review board acting 64
under sections 307.621 to 307.629 of the Revised Code or a 65
review conducted pursuant to guidelines established by the 66
director of health under section 3701.70 of the Revised Code, 67
records provided to the board or director, statements made by 68
board members during meetings of the board or by persons 69
participating in the director's review, and all work products of 70
the board or director, and in the case of a child fatality 71
review board, child fatality review data submitted by the board 72
to the department of health or a national child death review 73
database, other than the report prepared pursuant to division 74
(A) of section 307.626 of the Revised Code; 75

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

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

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

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

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

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

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

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

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

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

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

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

(ff) Orders for active military service of an individual 130
serving or with previous service in the armed forces of the 131
United States, including a reserve component, or the Ohio 132
organized militia, except that, such order becomes a public 133
record on the day that is fifteen years after the published date 134

or effective date of the call to order; 135

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

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

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

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

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

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

(kk) In the case of a fetal-infant mortality review board 159
acting under sections 3707.70 to 3707.77 of the Revised Code, 160
records, documents, reports, or other information presented to 161
the board or a person abstracting such materials on the board's 162
behalf, statements made by review board members during board 163

meetings, all work products of the board, and data submitted by 164
the board to the department of health or a national infant death 165
review database, other than the report prepared pursuant to 166
section 3707.77 of the Revised Code. 167

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

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

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

(oo) Telephone numbers for a party to a motor vehicle 186
accident subject to the requirements of section 5502.11 of the 187
Revised Code that are listed on any law enforcement record or 188
report, except that the telephone numbers described in this 189
division are not excluded from the definition of "public record" 190
under this division on and after the thirtieth day after the 191
occurrence of the motor vehicle accident. 192

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

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

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

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

(tt) Educational support services data, as defined in 214
section 3319.325 of the Revised Code. 215

A record that is not a public record under division (A) (1) 216
of this section and that, under law, is permanently retained 217
becomes a public record on the day that is seventy-five years 218
after the day on which the record was created, except for any 219
record protected by the attorney-client privilege, a trial 220
preparation record as defined in this section, a statement 221

prohibiting the release of identifying information signed under 222
section 3107.083 of the Revised Code, a denial of release form 223
filed pursuant to section 3107.46 of the Revised Code, or any 224
record that is exempt from release or disclosure under section 225
149.433 of the Revised Code. If the record is a birth 226
certificate and a biological parent's name redaction request 227
form has been accepted under section 3107.391 of the Revised 228
Code, the name of that parent shall be redacted from the birth 229
certificate before it is released under this paragraph. If any 230
other section of the Revised Code establishes a time period for 231
disclosure of a record that conflicts with the time period 232
specified in this section, the time period in the other section 233
prevails. 234

(2) "Confidential law enforcement investigatory record" 235
means any record that pertains to a law enforcement matter of a 236
criminal, quasi-criminal, civil, or administrative nature, but 237
only to the extent that the release of the record would create a 238
high probability of disclosure of any of the following: 239

(a) The identity of a suspect who has not been charged 240
with the offense to which the record pertains, or of an 241
information source or witness to whom confidentiality has been 242
reasonably promised; 243

(b) Information provided by an information source or 244
witness to whom confidentiality has been reasonably promised, 245
which information would reasonably tend to disclose the source's 246
or witness's identity; 247

(c) Specific confidential investigatory techniques or 248
procedures or specific investigatory work product; 249

(d) Information that would endanger the life or physical 250

safety of law enforcement personnel, a crime victim, a witness, 251
or a confidential information source. 252

(3) "Medical record" means any document or combination of 253
documents, except births, deaths, and the fact of admission to 254
or discharge from a hospital, that pertains to the medical 255
history, diagnosis, prognosis, or medical condition of a patient 256
and that is generated and maintained in the process of medical 257
treatment. 258

(4) "Trial preparation record" means any record that 259
contains information that is specifically compiled in reasonable 260
anticipation of, or in defense of, a civil or criminal action or 261
proceeding, including the independent thought processes and 262
personal trial preparation of an attorney. 263

(5) "Intellectual property record" means a record, other 264
than a financial or administrative record, that is produced or 265
collected by or for faculty or staff of a state institution of 266
higher learning in the conduct of or as a result of study or 267
research on an educational, commercial, scientific, artistic, 268
technical, or scholarly issue, regardless of whether the study 269
or research was sponsored by the institution alone or in 270
conjunction with a governmental body or private concern, and 271
that has not been publicly released, published, or patented. 272

(6) "Donor profile record" means all records about donors 273
or potential donors to a public institution of higher education 274
except the names and reported addresses of the actual donors and 275
the date, amount, and conditions of the actual donation. 276

(7) "Designated public service worker" means a peace 277
officer, parole officer, probation officer, bailiff, prosecuting 278
attorney, assistant prosecuting attorney, correctional employee, 279

county or multicounty corrections officer, community-based 280
correctional facility employee, designated Ohio national guard 281
member, protective services worker, youth services employee, 282
firefighter, EMT, medical director or member of a cooperating 283
physician advisory board of an emergency medical service 284
organization, state board of pharmacy employee, investigator of 285
the bureau of criminal identification and investigation, 286
emergency service telecommunicator, forensic mental health 287
provider, mental health evaluation provider, regional 288
psychiatric hospital employee, judge, magistrate, ~~or~~ federal law 289
enforcement officer, or election official. 290

(8) "Designated public service worker residential and 291
familial information" means any information that discloses any 292
of the following about a designated public service worker: 293

(a) The address of the actual personal residence of a 294
designated public service worker, except for the following 295
information: 296

(i) The address of the actual personal residence of a 297
prosecuting attorney or judge; and 298

(ii) The state or political subdivision in which a 299
designated public service worker resides. 300

(b) Information compiled from referral to or participation 301
in an employee assistance program; 302

(c) The social security number, the residential telephone 303
number, any bank account, debit card, charge card, or credit 304
card number, or the emergency telephone number of, or any 305
medical information pertaining to, a designated public service 306
worker; 307

(d) The name of any beneficiary of employment benefits, 308

including, but not limited to, life insurance benefits, provided 309
to a designated public service worker by the designated public 310
service worker's employer; 311

(e) The identity and amount of any charitable or 312
employment benefit deduction made by the designated public 313
service worker's employer from the designated public service 314
worker's compensation, unless the amount of the deduction is 315
required by state or federal law; 316

(f) The name, the residential address, the name of the 317
employer, the address of the employer, the social security 318
number, the residential telephone number, any bank account, 319
debit card, charge card, or credit card number, or the emergency 320
telephone number of the spouse, a former spouse, or any child of 321
a designated public service worker; 322

(g) A photograph of a peace officer who holds a position 323
or has an assignment that may include undercover or plain 324
clothes positions or assignments as determined by the peace 325
officer's appointing authority. 326

(9) As used in divisions (A) (7) and (15) to (17) of this 327
section: 328

"Peace officer" has the meaning defined in section 109.71 329
of the Revised Code and also includes the superintendent and 330
troopers of the state highway patrol; it does not include the 331
sheriff of a county or a supervisory employee who, in the 332
absence of the sheriff, is authorized to stand in for, exercise 333
the authority of, and perform the duties of the sheriff. 334

"Correctional employee" means any employee of the 335
department of rehabilitation and correction who in the course of 336
performing the employee's job duties has or has had contact with 337

inmates and persons under supervision. 338

"County or multicounty corrections officer" means any 339
corrections officer employed by any county or multicounty 340
correctional facility. 341

"Designated Ohio national guard member" means a member of 342
the Ohio national guard who is participating in duties related 343
to remotely piloted aircraft, including, but not limited to, 344
pilots, sensor operators, and mission intelligence personnel, 345
duties related to special forces operations, or duties related 346
to cybersecurity, and is designated by the adjutant general as a 347
designated public service worker for those purposes. 348

"Protective services worker" means any employee of a 349
county agency who is responsible for child protective services, 350
child support services, or adult protective services. 351

"Youth services employee" means any employee of the 352
department of youth services who in the course of performing the 353
employee's job duties has or has had contact with children 354
committed to the custody of the department of youth services. 355

"Firefighter" means any regular, paid or volunteer, member 356
of a lawfully constituted fire department of a municipal 357
corporation, township, fire district, or village. 358

"EMT" means EMTs-basic, EMTs-I, and paramedics that 359
provide emergency medical services for a public emergency 360
medical service organization. "Emergency medical service 361
organization," "EMT-basic," "EMT-I," and "paramedic" have the 362
meanings defined in section 4765.01 of the Revised Code. 363

"Investigator of the bureau of criminal identification and 364
investigation" has the meaning defined in section 2903.11 of the 365
Revised Code. 366

"Emergency service telecommunicator" means an individual 367
employed by an emergency service provider as defined under 368
section 128.01 of the Revised Code, whose primary responsibility 369
is to be an operator for the receipt or processing of calls for 370
emergency services made by telephone, radio, or other electronic 371
means. 372

"Forensic mental health provider" means any employee of a 373
community mental health service provider or local alcohol, drug 374
addiction, and mental health services board who, in the course 375
of the employee's duties, has contact with persons committed to 376
a local alcohol, drug addiction, and mental health services 377
board by a court order pursuant to section 2945.38, 2945.39, 378
2945.40, or 2945.402 of the Revised Code. 379

"Mental health evaluation provider" means an individual 380
who, under Chapter 5122. of the Revised Code, examines a 381
respondent who is alleged to be a mentally ill person subject to 382
court order, as defined in section 5122.01 of the Revised Code, 383
and reports to the probate court the respondent's mental 384
condition. 385

"Regional psychiatric hospital employee" means any 386
employee of the department of mental health and addiction 387
services who, in the course of performing the employee's duties, 388
has contact with patients committed to the department of mental 389
health and addiction services by a court order pursuant to 390
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 391
Code. 392

"Federal law enforcement officer" has the meaning defined 393
in section 9.88 of the Revised Code. 394

"Election official" has the same meaning as in section 395

3501.01 of the Revised Code but does not include a precinct 396
election official or a temporary or part-time employee of a 397
board of elections. 398

(10) "Information pertaining to the recreational 399
activities of a person under the age of eighteen" means 400
information that is kept in the ordinary course of business by a 401
public office, that pertains to the recreational activities of a 402
person under the age of eighteen years, and that discloses any 403
of the following: 404

(a) The address or telephone number of a person under the 405
age of eighteen or the address or telephone number of that 406
person's parent, guardian, custodian, or emergency contact 407
person; 408

(b) The social security number, birth date, or 409
photographic image of a person under the age of eighteen; 410

(c) Any medical record, history, or information pertaining 411
to a person under the age of eighteen; 412

(d) Any additional information sought or required about a 413
person under the age of eighteen for the purpose of allowing 414
that person to participate in any recreational activity 415
conducted or sponsored by a public office or to use or obtain 416
admission privileges to any recreational facility owned or 417
operated by a public office. 418

(11) "Community control sanction" has the meaning defined 419
in section 2929.01 of the Revised Code. 420

(12) "Post-release control sanction" has the meaning 421
defined in section 2967.01 of the Revised Code. 422

(13) "Redaction" means obscuring or deleting any 423

information that is exempt from the duty to permit public 424
inspection or copying from an item that otherwise meets the 425
definition of a "record" in section 149.011 of the Revised Code. 426

(14) "Designee," "elected official," and "future official" 427
have the meanings defined in section 109.43 of the Revised Code. 428

(15) "Body-worn camera" means a visual and audio recording 429
device worn on the person of a correctional employee, youth 430
services employee, or peace officer while the correctional 431
employee, youth services employee, or peace officer is engaged 432
in the performance of official duties. 433

(16) "Dashboard camera" means a visual and audio recording 434
device mounted on a peace officer's vehicle or vessel that is 435
used while the peace officer is engaged in the performance of 436
the peace officer's duties. 437

(17) "Restricted portions of a body-worn camera or 438
dashboard camera recording" means any visual or audio portion of 439
a body-worn camera or dashboard camera recording that shows, 440
communicates, or discloses any of the following: 441

(a) The image or identity of a child or information that 442
could lead to the identification of a child who is a primary 443
subject of the recording when the department of rehabilitation 444
and correction, department of youth services, or the law 445
enforcement agency knows or has reason to know the person is a 446
child based on the department's or law enforcement agency's 447
records or the content of the recording; 448

(b) The death of a person or a deceased person's body, 449
unless the death was caused by a correctional employee, youth 450
services employee, or peace officer or, subject to division (H) 451
(1) of this section, the consent of the decedent's executor or 452

administrator has been obtained; 453

(c) The death of a correctional employee, youth services 454
employee, peace officer, firefighter, paramedic, or other first 455
responder, occurring while the decedent was engaged in the 456
performance of official duties, unless, subject to division (H) 457
(1) of this section, the consent of the decedent's executor or 458
administrator has been obtained; 459

(d) Grievous bodily harm, unless the injury was effected 460
by a correctional employee, youth services employee, or peace 461
officer or, subject to division (H) (1) of this section, the 462
consent of the injured person or the injured person's guardian 463
has been obtained; 464

(e) An act of severe violence against a person that 465
results in serious physical harm to the person, unless the act 466
and injury was effected by a correctional employee, youth 467
services employee, or peace officer or, subject to division (H) 468
(1) of this section, the consent of the injured person or the 469
injured person's guardian has been obtained; 470

(f) Grievous bodily harm to a correctional employee, youth 471
services employee, peace officer, firefighter, paramedic, or 472
other first responder, occurring while the injured person was 473
engaged in the performance of official duties, unless, subject 474
to division (H) (1) of this section, the consent of the injured 475
person or the injured person's guardian has been obtained; 476

(g) An act of severe violence resulting in serious 477
physical harm against a correctional employee, youth services 478
employee, peace officer, firefighter, paramedic, or other first 479
responder, occurring while the injured person was engaged in the 480
performance of official duties, unless, subject to division (H) 481

(1) of this section, the consent of the injured person or the 482
injured person's guardian has been obtained; 483

(h) A person's nude body, unless, subject to division (H) 484
(1) of this section, the person's consent has been obtained; 485

(i) Protected health information, the identity of a person 486
in a health care facility who is not the subject of a 487
correctional, youth services, or law enforcement encounter, or 488
any other information in a health care facility that could 489
identify a person who is not the subject of a correctional, 490
youth services, or law enforcement encounter; 491

(j) Information that could identify the alleged victim of 492
a sex offense, menacing by stalking, or domestic violence; 493

(k) Information, that does not constitute a confidential 494
law enforcement investigatory record, that could identify a 495
person who provides sensitive or confidential information to the 496
department of rehabilitation and correction, the department of 497
youth services, or a law enforcement agency when the disclosure 498
of the person's identity or the information provided could 499
reasonably be expected to threaten or endanger the safety or 500
property of the person or another person; 501

(l) Personal information of a person who is not arrested, 502
cited, charged, or issued a written warning by a peace officer; 503

(m) Proprietary correctional, youth services, or police 504
contingency plans or tactics that are intended to prevent crime 505
and maintain public order and safety; 506

(n) A personal conversation unrelated to work between 507
correctional employees, youth services employees, or peace 508
officers or between a correctional employee, youth services 509
employee, or peace officer and an employee of a law enforcement 510

agency; 511

(o) A conversation between a correctional employee, youth 512
services employee, or peace officer and a member of the public 513
that does not concern correctional, youth services, or law 514
enforcement activities; 515

(p) The interior of a residence, unless the interior of a 516
residence is the location of an adversarial encounter with, or a 517
use of force by, a correctional employee, youth services 518
employee, or peace officer; 519

(q) Any portion of the interior of a private business that 520
is not open to the public, unless an adversarial encounter with, 521
or a use of force by, a correctional employee, youth services 522
employee, or peace officer occurs in that location. 523

As used in division (A) (17) of this section: 524

"Grievous bodily harm" has the same meaning as in section 525
5924.120 of the Revised Code. 526

"Health care facility" has the same meaning as in section 527
1337.11 of the Revised Code. 528

"Protected health information" has the same meaning as in 529
45 C.F.R. 160.103. 530

"Law enforcement agency" means a government entity that 531
employs peace officers to perform law enforcement duties. 532

"Personal information" means any government-issued 533
identification number, date of birth, address, financial 534
information, or criminal justice information from the law 535
enforcement automated data system or similar databases. 536

"Sex offense" has the same meaning as in section 2907.10 537

of the Revised Code. 538

"Firefighter," "paramedic," and "first responder" have the 539
same meanings as in section 4765.01 of the Revised Code. 540

(B) (1) Upon request by any person and subject to division 541
(B) (8) of this section, all public records responsive to the 542
request shall be promptly prepared and made available for 543
inspection to the requester at all reasonable times during 544
regular business hours. Subject to division (B) (8) of this 545
section, upon request by any person, a public office or person 546
responsible for public records shall make copies of the 547
requested public record available to the requester at cost and 548
within a reasonable period of time. If a public record contains 549
information that is exempt from the duty to permit public 550
inspection or to copy the public record, the public office or 551
the person responsible for the public record shall make 552
available all of the information within the public record that 553
is not exempt. When making that public record available for 554
public inspection or copying that public record, the public 555
office or the person responsible for the public record shall 556
notify the requester of any redaction or make the redaction 557
plainly visible. A redaction shall be deemed a denial of a 558
request to inspect or copy the redacted information, except if 559
federal or state law authorizes or requires a public office to 560
make the redaction. When the auditor of state receives a request 561
to inspect or to make a copy of a record that was provided to 562
the auditor of state for purposes of an audit, but the original 563
public office has asserted to the auditor of state that the 564
record is not a public record, the auditor of state may handle 565
the requests by directing the requestor to the original public 566
office that provided the record to the auditor of state. 567

(2) To facilitate broader access to public records, a 568
public office or the person responsible for public records shall 569
organize and maintain public records in a manner that they can 570
be made available for inspection or copying in accordance with 571
division (B) of this section. A public office also shall have 572
available a copy of its current records retention schedule at a 573
location readily available to the public. If a requester makes 574
an ambiguous or overly broad request or has difficulty in making 575
a request for copies or inspection of public records under this 576
section such that the public office or the person responsible 577
for the requested public record cannot reasonably identify what 578
public records are being requested, the public office or the 579
person responsible for the requested public record may deny the 580
request but shall provide the requester with an opportunity to 581
revise the request by informing the requester of the manner in 582
which records are maintained by the public office and accessed 583
in the ordinary course of the public office's or person's 584
duties. 585

(3) If a request is ultimately denied, in part or in 586
whole, the public office or the person responsible for the 587
requested public record shall provide the requester with an 588
explanation, including legal authority, setting forth why the 589
request was denied. If the initial request was provided in 590
writing, the explanation also shall be provided to the requester 591
in writing. The explanation shall not preclude the public office 592
or the person responsible for the requested public record from 593
relying upon additional reasons or legal authority in defending 594
an action commenced under division (C) of this section. 595

(4) Unless specifically required or authorized by state or 596
federal law or in accordance with division (B) of this section, 597
no public office or person responsible for public records may 598

limit or condition the availability of public records by 599
requiring disclosure of the requester's identity or the intended 600
use of the requested public record. Any requirement that the 601
requester disclose the requester's identity or the intended use 602
of the requested public record constitutes a denial of the 603
request. 604

(5) A public office or person responsible for public 605
records may ask a requester to make the request in writing, may 606
ask for the requester's identity, and may inquire about the 607
intended use of the information requested, but may do so only 608
after disclosing to the requester that a written request is not 609
mandatory, that the requester may decline to reveal the 610
requester's identity or the intended use, and when a written 611
request or disclosure of the identity or intended use would 612
benefit the requester by enhancing the ability of the public 613
office or person responsible for public records to identify, 614
locate, or deliver the public records sought by the requester. 615

(6) If any person requests a copy of a public record in 616
accordance with division (B) of this section, the public office 617
or person responsible for the public record may require the 618
requester to pay in advance the cost involved in providing the 619
copy of the public record in accordance with the choice made by 620
the requester under this division. The public office or the 621
person responsible for the public record shall permit the 622
requester to choose to have the public record duplicated upon 623
paper, upon the same medium upon which the public office or 624
person responsible for the public record keeps it, or upon any 625
other medium upon which the public office or person responsible 626
for the public record determines that it reasonably can be 627
duplicated as an integral part of the normal operations of the 628
public office or person responsible for the public record. When 629

the requester makes a choice under this division, the public 630
office or person responsible for the public record shall provide 631
a copy of it in accordance with the choice made by the 632
requester. Nothing in this section requires a public office or 633
person responsible for the public record to allow the requester 634
of a copy of the public record to make the copies of the public 635
record. 636

(7) (a) Upon a request made in accordance with division (B) 637
of this section and subject to division (B) (6) of this section, 638
a public office or person responsible for public records shall 639
transmit a copy of a public record to any person by United 640
States mail or by any other means of delivery or transmission 641
within a reasonable period of time after receiving the request 642
for the copy. The public office or person responsible for the 643
public record may require the person making the request to pay 644
in advance the cost of postage if the copy is transmitted by 645
United States mail or the cost of delivery if the copy is 646
transmitted other than by United States mail, and to pay in 647
advance the costs incurred for other supplies used in the 648
mailing, delivery, or transmission. 649

(b) Any public office may adopt a policy and procedures 650
that it will follow in transmitting, within a reasonable period 651
of time after receiving a request, copies of public records by 652
United States mail or by any other means of delivery or 653
transmission pursuant to division (B) (7) of this section. A 654
public office that adopts a policy and procedures under division 655
(B) (7) of this section shall comply with them in performing its 656
duties under that division. 657

(c) In any policy and procedures adopted under division 658
(B) (7) of this section: 659

(i) A public office may limit the number of records 660
requested by a person that the office will physically deliver by 661
United States mail or by another delivery service to ten per 662
month, unless the person certifies to the office in writing that 663
the person does not intend to use or forward the requested 664
records, or the information contained in them, for commercial 665
purposes; 666

(ii) A public office that chooses to provide some or all 667
of its public records on a web site that is fully accessible to 668
and searchable by members of the public at all times, other than 669
during acts of God outside the public office's control or 670
maintenance, and that charges no fee to search, access, 671
download, or otherwise receive records provided on the web site, 672
may limit to ten per month the number of records requested by a 673
person that the office will deliver in a digital format, unless 674
the requested records are not provided on the web site and 675
unless the person certifies to the office in writing that the 676
person does not intend to use or forward the requested records, 677
or the information contained in them, for commercial purposes. 678

(iii) For purposes of division (B)(7) of this section, 679
"commercial" shall be narrowly construed and does not include 680
reporting or gathering news, reporting or gathering information 681
to assist citizen oversight or understanding of the operation or 682
activities of government, or nonprofit educational research. 683

(8) A public office or person responsible for public 684
records is not required to permit a person who is incarcerated 685
pursuant to a criminal conviction or a juvenile adjudication to 686
inspect or to obtain a copy of any public record concerning a 687
criminal investigation or prosecution or concerning what would 688
be a criminal investigation or prosecution if the subject of the 689

investigation or prosecution were an adult, unless the request 690
to inspect or to obtain a copy of the record is for the purpose 691
of acquiring information that is subject to release as a public 692
record under this section and the judge who imposed the sentence 693
or made the adjudication with respect to the person, or the 694
judge's successor in office, finds that the information sought 695
in the public record is necessary to support what appears to be 696
a justiciable claim of the person. 697

(9) (a) Upon written request made and signed by a 698
journalist, a public office, or person responsible for public 699
records, having custody of the records of the agency employing a 700
specified designated public service worker shall disclose to the 701
journalist the address of the actual personal residence of the 702
designated public service worker and, if the designated public 703
service worker's spouse, former spouse, or child is employed by 704
a public office, the name and address of the employer of the 705
designated public service worker's spouse, former spouse, or 706
child. The request shall include the journalist's name and title 707
and the name and address of the journalist's employer and shall 708
state that disclosure of the information sought would be in the 709
public interest. 710

(b) Division (B) (9) (a) of this section also applies to 711
journalist requests for: 712

(i) Customer information maintained by a municipally owned 713
or operated public utility, other than social security numbers 714
and any private financial information such as credit reports, 715
payment methods, credit card numbers, and bank account 716
information; 717

(ii) Information about minors involved in a school vehicle 718
accident as provided in division (A) (1) (gg) of this section, 719

other than personal information as defined in section 149.45 of 720
the Revised Code. 721

(c) As used in division (B) (9) of this section, 722
"journalist" means a person engaged in, connected with, or 723
employed by any news medium, including a newspaper, magazine, 724
press association, news agency, or wire service, a radio or 725
television station, or a similar medium, for the purpose of 726
gathering, processing, transmitting, compiling, editing, or 727
disseminating information for the general public. 728

(10) Upon a request made by a victim, victim's attorney, 729
or victim's representative, as that term is used in section 730
2930.02 of the Revised Code, a public office or person 731
responsible for public records shall transmit a copy of a 732
depiction of the victim as described in division (A) (1) (ii) of 733
this section to the victim, victim's attorney, or victim's 734
representative. 735

(C) (1) If a person allegedly is aggrieved by the failure 736
of a public office or the person responsible for public records 737
to promptly prepare a public record and to make it available to 738
the person for inspection in accordance with division (B) of 739
this section or by any other failure of a public office or the 740
person responsible for public records to comply with an 741
obligation in accordance with division (B) of this section, the 742
person allegedly aggrieved may do only one of the following, and 743
not both: 744

(a) File a complaint with the clerk of the court of claims 745
or the clerk of the court of common pleas under section 2743.75 746
of the Revised Code; 747

(b) Commence a mandamus action to obtain a judgment that 748

orders the public office or the person responsible for the 749
public record to comply with division (B) of this section, that 750
awards court costs and reasonable attorney's fees to the person 751
that instituted the mandamus action, and, if applicable, that 752
includes an order fixing statutory damages under division (C) (2) 753
of this section. The mandamus action may be commenced in the 754
court of common pleas of the county in which division (B) of 755
this section allegedly was not complied with, in the supreme 756
court pursuant to its original jurisdiction under Section 2 of 757
Article IV, Ohio Constitution, or in the court of appeals for 758
the appellate district in which division (B) of this section 759
allegedly was not complied with pursuant to its original 760
jurisdiction under Section 3 of Article IV, Ohio Constitution. 761

(2) If a requester transmits a written request by hand 762
delivery, electronic submission, or certified mail to inspect or 763
receive copies of any public record in a manner that fairly 764
describes the public record or class of public records to the 765
public office or person responsible for the requested public 766
records, except as otherwise provided in this section, the 767
requester shall be entitled to recover the amount of statutory 768
damages set forth in this division if a court determines that 769
the public office or the person responsible for public records 770
failed to comply with an obligation in accordance with division 771
(B) of this section. 772

The amount of statutory damages shall be fixed at one 773
hundred dollars for each business day during which the public 774
office or person responsible for the requested public records 775
failed to comply with an obligation in accordance with division 776
(B) of this section, beginning with the day on which the 777
requester files a mandamus action to recover statutory damages, 778
up to a maximum of one thousand dollars. The award of statutory 779

damages shall not be construed as a penalty, but as compensation 780
for injury arising from lost use of the requested information. 781
The existence of this injury shall be conclusively presumed. The 782
award of statutory damages shall be in addition to all other 783
remedies authorized by this section. 784

The court may reduce an award of statutory damages or not 785
award statutory damages if the court determines both of the 786
following: 787

(a) That, based on the ordinary application of statutory 788
law and case law as it existed at the time of the conduct or 789
threatened conduct of the public office or person responsible 790
for the requested public records that allegedly constitutes a 791
failure to comply with an obligation in accordance with division 792
(B) of this section and that was the basis of the mandamus 793
action, a well-informed public office or person responsible for 794
the requested public records reasonably would believe that the 795
conduct or threatened conduct of the public office or person 796
responsible for the requested public records did not constitute 797
a failure to comply with an obligation in accordance with 798
division (B) of this section; 799

(b) That a well-informed public office or person 800
responsible for the requested public records reasonably would 801
believe that the conduct or threatened conduct of the public 802
office or person responsible for the requested public records 803
would serve the public policy that underlies the authority that 804
is asserted as permitting that conduct or threatened conduct. 805

(3) In a mandamus action filed under division (C) (1) of 806
this section, the following apply: 807

(a) (i) If the court orders the public office or the person 808

responsible for the public record to comply with division (B) of 809
this section, the court shall determine and award to the relator 810
all court costs, which shall be construed as remedial and not 811
punitive. 812

(ii) If the court makes a determination described in 813
division (C) (3) (b) (iii) of this section, the court shall 814
determine and award to the relator all court costs, which shall 815
be construed as remedial and not punitive. 816

(b) If the court renders a judgment that orders the public 817
office or the person responsible for the public record to comply 818
with division (B) of this section or if the court determines any 819
of the following, the court may award reasonable attorney's fees 820
to the relator, subject to division (C) (4) of this section: 821

(i) The public office or the person responsible for the 822
public records failed to respond affirmatively or negatively to 823
the public records request in accordance with the time allowed 824
under division (B) of this section. 825

(ii) The public office or the person responsible for the 826
public records promised to permit the relator to inspect or 827
receive copies of the public records requested within a 828
specified period of time but failed to fulfill that promise 829
within that specified period of time. 830

(iii) The public office or the person responsible for the 831
public records acted in bad faith when the office or person 832
voluntarily made the public records available to the relator for 833
the first time after the relator commenced the mandamus action, 834
but before the court issued any order concluding whether or not 835
the public office or person was required to comply with division 836
(B) of this section. No discovery may be conducted on the issue 837

of the alleged bad faith of the public office or person 838
responsible for the public records. This division shall not be 839
construed as creating a presumption that the public office or 840
the person responsible for the public records acted in bad faith 841
when the office or person voluntarily made the public records 842
available to the relator for the first time after the relator 843
commenced the mandamus action, but before the court issued any 844
order described in this division. 845

(c) The court shall not award attorney's fees to the 846
relator if the court determines both of the following: 847

(i) That, based on the ordinary application of statutory 848
law and case law as it existed at the time of the conduct or 849
threatened conduct of the public office or person responsible 850
for the requested public records that allegedly constitutes a 851
failure to comply with an obligation in accordance with division 852
(B) of this section and that was the basis of the mandamus 853
action, a well-informed public office or person responsible for 854
the requested public records reasonably would believe that the 855
conduct or threatened conduct of the public office or person 856
responsible for the requested public records did not constitute 857
a failure to comply with an obligation in accordance with 858
division (B) of this section; 859

(ii) That a well-informed public office or person 860
responsible for the requested public records reasonably would 861
believe that the conduct or threatened conduct of the public 862
office or person responsible for the requested public records 863
would serve the public policy that underlies the authority that 864
is asserted as permitting that conduct or threatened conduct. 865

(4) All of the following apply to any award of reasonable 866
attorney's fees awarded under division (C) (3) (b) of this 867

section: 868

(a) The fees shall be construed as remedial and not 869
punitive. 870

(b) The fees awarded shall not exceed the total of the 871
reasonable attorney's fees incurred before the public record was 872
made available to the relator and the fees described in division 873
(C) (4) (c) of this section. 874

(c) Reasonable attorney's fees shall include reasonable 875
fees incurred to produce proof of the reasonableness and amount 876
of the fees and to otherwise litigate entitlement to the fees. 877

(d) The court may reduce the amount of fees awarded if the 878
court determines that, given the factual circumstances involved 879
with the specific public records request, an alternative means 880
should have been pursued to more effectively and efficiently 881
resolve the dispute that was subject to the mandamus action 882
filed under division (C) (1) of this section. 883

(5) If the court does not issue a writ of mandamus under 884
division (C) of this section and the court determines at that 885
time that the bringing of the mandamus action was frivolous 886
conduct as defined in division (A) of section 2323.51 of the 887
Revised Code, the court may award to the public office all court 888
costs, expenses, and reasonable attorney's fees, as determined 889
by the court. 890

(D) Chapter 1347. of the Revised Code does not limit the 891
provisions of this section. 892

(E) (1) To ensure that all employees of public offices are 893
appropriately educated about a public office's obligations under 894
division (B) of this section, all elected officials or their 895
appropriate designees shall attend training approved by the 896

attorney general as provided in section 109.43 of the Revised 897
Code. A future official may satisfy the requirements of this 898
division by attending the training before taking office, 899
provided that the future official may not send a designee in the 900
future official's place. 901

(2) All public offices shall adopt a public records policy 902
in compliance with this section for responding to public records 903
requests. In adopting a public records policy under this 904
division, a public office may obtain guidance from the model 905
public records policy developed and provided to the public 906
office by the attorney general under section 109.43 of the 907
Revised Code. Except as otherwise provided in this section, the 908
policy may not limit the number of public records that the 909
public office will make available to a single person, may not 910
limit the number of public records that it will make available 911
during a fixed period of time, and may not establish a fixed 912
period of time before it will respond to a request for 913
inspection or copying of public records, unless that period is 914
less than eight hours. 915

The public office shall distribute the public records 916
policy adopted by the public office under this division to the 917
employee of the public office who is the records custodian or 918
records manager or otherwise has custody of the records of that 919
office. The public office shall require that employee to 920
acknowledge receipt of the copy of the public records policy. 921
The public office shall create a poster that describes its 922
public records policy and shall post the poster in a conspicuous 923
place in the public office and in all locations where the public 924
office has branch offices. The public office may post its public 925
records policy on the internet web site of the public office if 926
the public office maintains an internet web site. A public 927

office that has established a manual or handbook of its general 928
policies and procedures for all employees of the public office 929
shall include the public records policy of the public office in 930
the manual or handbook. 931

(F) (1) The bureau of motor vehicles may adopt rules 932
pursuant to Chapter 119. of the Revised Code to reasonably limit 933
the number of bulk commercial special extraction requests made 934
by a person for the same records or for updated records during a 935
calendar year. The rules may include provisions for charges to 936
be made for bulk commercial special extraction requests for the 937
actual cost of the bureau, plus special extraction costs, plus 938
ten per cent. The bureau may charge for expenses for redacting 939
information, the release of which is prohibited by law. 940

(2) As used in division (F) (1) of this section: 941

(a) "Actual cost" means the cost of depleted supplies, 942
records storage media costs, actual mailing and alternative 943
delivery costs, or other transmitting costs, and any direct 944
equipment operating and maintenance costs, including actual 945
costs paid to private contractors for copying services. 946

(b) "Bulk commercial special extraction request" means a 947
request for copies of a record for information in a format other 948
than the format already available, or information that cannot be 949
extracted without examination of all items in a records series, 950
class of records, or database by a person who intends to use or 951
forward the copies for surveys, marketing, solicitation, or 952
resale for commercial purposes. "Bulk commercial special 953
extraction request" does not include a request by a person who 954
gives assurance to the bureau that the person making the request 955
does not intend to use or forward the requested copies for 956
surveys, marketing, solicitation, or resale for commercial 957

purposes. 958

(c) "Commercial" means profit-seeking production, buying, 959
or selling of any good, service, or other product. 960

(d) "Special extraction costs" means the cost of the time 961
spent by the lowest paid employee competent to perform the task, 962
the actual amount paid to outside private contractors employed 963
by the bureau, or the actual cost incurred to create computer 964
programs to make the special extraction. "Special extraction 965
costs" include any charges paid to a public agency for computer 966
or records services. 967

(3) For purposes of divisions (F) (1) and (2) of this 968
section, "surveys, marketing, solicitation, or resale for 969
commercial purposes" shall be narrowly construed and does not 970
include reporting or gathering news, reporting or gathering 971
information to assist citizen oversight or understanding of the 972
operation or activities of government, or nonprofit educational 973
research. 974

(G) A request by a defendant, counsel of a defendant, or 975
any agent of a defendant in a criminal action that public 976
records related to that action be made available under this 977
section shall be considered a demand for discovery pursuant to 978
the Criminal Rules, except to the extent that the Criminal Rules 979
plainly indicate a contrary intent. The defendant, counsel of 980
the defendant, or agent of the defendant making a request under 981
this division shall serve a copy of the request on the 982
prosecuting attorney, director of law, or other chief legal 983
officer responsible for prosecuting the action. 984

(H) (1) Any portion of a body-worn camera or dashboard 985
camera recording described in divisions (A) (17) (b) to (h) of 986

this section may be released by consent of the subject of the 987
recording or a representative of that person, as specified in 988
those divisions, only if either of the following applies: 989

(a) The recording will not be used in connection with any 990
probable or pending criminal proceedings; 991

(b) The recording has been used in connection with a 992
criminal proceeding that was dismissed or for which a judgment 993
has been entered pursuant to Rule 32 of the Rules of Criminal 994
Procedure, and will not be used again in connection with any 995
probable or pending criminal proceedings. 996

(2) If a public office denies a request to release a 997
restricted portion of a body-worn camera or dashboard camera 998
recording, as defined in division (A)(17) of this section, any 999
person may file a mandamus action pursuant to this section or a 1000
complaint with the clerk of the court of claims pursuant to 1001
section 2743.75 of the Revised Code, requesting the court to 1002
order the release of all or portions of the recording. If the 1003
court considering the request determines that the filing 1004
articulates by clear and convincing evidence that the public 1005
interest in the recording substantially outweighs privacy 1006
interests and other interests asserted to deny release, the 1007
court shall order the public office to release the recording. 1008

Section 2. That existing section 149.43 of the Revised 1009
Code is hereby repealed. 1010