

**As Reported by the Senate Judiciary--Criminal Justice Committee**

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**Sub. H. B. No. 104**

**Representatives Martin, McGregor, Trakas, Wagoner, C. Evans, Perry, Seitz,  
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Senators Clancy, Austria, Grendell, Zurz, Dann, Jordan, Mallory**

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**A B I L L**

To amend sections 1345.51 and 1347.01 and to enact 1  
sections 1347.12, 1349.19, 1349.191, and 1349.192 2  
of the Revised Code to require a state agency, an 3  
agency of a political subdivision, or a person, 4  
including a business entity that does business in 5  
Ohio, to contact individuals residing in Ohio if 6  
unencrypted or unredacted personal information 7  
about those individuals that is included in 8  
computerized data owned or licensed by the agency, 9  
person, or business entity is accessed and 10  
acquired by unauthorized persons and causes or 11  
reasonably is believed will create a material risk 12  
of the commission of the offense of identity fraud 13  
or other fraud to the individual, and to authorize 14  
the Attorney General to investigate and enforce 15  
compliance with the requirements. 16

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

**Section 1.** That sections 1345.51 and 1347.01 be amended and 17  
sections 1347.12, 1349.19, 1349.191, and 1349.192 of the Revised 18  
Code be enacted to read as follows: 19

**Sec. 1345.51.** There is hereby created in the state treasury 20  
the consumer protection enforcement fund. The fund shall include 21  
civil penalties ordered pursuant to divisions (A) and (D) of 22  
section 1345.07 of the Revised Code and paid as provided in 23  
division (G) of that section, all civil penalties assessed under 24  
division (A) of section 1349.192 of the Revised Code, all costs 25  
awarded to the attorney general and all penalties imposed under 26  
section 4549.48 of the Revised Code, and all money unclaimed under 27  
section 4549.50 of the Revised Code. The money in the consumer 28  
protection enforcement fund shall be used for the sole purpose of 29  
paying expenses incurred by the consumer protection section of the 30  
office of the attorney general. 31

**Sec. 1347.01.** As used in this chapter, except as otherwise 32  
provided: 33

(A) "State agency" means the office of any elected state 34  
officer and any agency, board, commission, department, division, 35  
or educational institution of the state. 36

(B) "Local agency" means any municipal corporation, school 37  
district, special purpose district, or township of the state or 38  
any elected officer or board, bureau, commission, department, 39  
division, institution, or instrumentality of a county. 40

(C) "Special purpose district" means any geographic or 41  
political jurisdiction that is created by statute to perform a 42  
limited and specific function, and includes, but is not limited 43

to, library districts, conservancy districts, metropolitan housing  
authorities, park districts, port authorities, regional airport  
authorities, regional transit authorities, regional water and  
sewer districts, sanitary districts, soil and water conservation  
districts, and regional planning agencies.

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(D) "Maintains" means state or local agency ownership of,  
control over, responsibility for, or accountability for systems  
and includes, but is not limited to, state or local agency  
depositing of information with a data processing center for  
storage, processing, or dissemination. An agency "maintains" all  
systems of records that are required by law to be kept by the  
agency.

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(E) "Personal information" means any information that  
describes anything about a person, or that indicates actions done  
by or to a person, or that indicates that a person possesses  
certain personal characteristics, and that contains, and can be  
retrieved from a system by, a name, identifying number, symbol, or  
other identifier assigned to a person.

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(F) "System" means any collection or group of related records  
that are kept in an organized manner and that are maintained by a  
state or local agency, and from which personal information is  
retrieved by the name of the person or by some identifying number,  
symbol, or other identifier assigned to the person. "System"  
includes both records that are manually stored and records that  
are stored using electronic data processing equipment. "System"  
does not include collected archival records in the custody of or  
administered under the authority of the Ohio historical society,  
published directories, reference materials or newsletters, or  
routine information that is maintained for the purpose of internal  
office administration, the use of which would not adversely affect  
a person.

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(G) "Interconnection of systems" means a linking of systems that belong to more than one agency, or to an agency and other organizations, which linking of systems results in a system that permits each agency or organization involved in the linking to have unrestricted access to the systems of the other agencies and organizations.

(H) "Combination of systems" means a unification of systems that belong to more than one agency, or to an agency and another organization, into a single system in which the records that belong to each agency or organization may or may not be obtainable by the others.

Sec. 1347.12. (A) As used in this section:

(1) "Agency of a political subdivision" means each organized body, office, or agency established by a political subdivision for the exercise of any function of the political subdivision.

(2)(a) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by a state agency or an agency of a political subdivision and that causes, reasonably is believed to have caused, or reasonably is believed will cause a material risk of identity theft or other fraud to the person or property of a resident of this state.

(b) For purposes of division (A)(2)(a) of this section:

(i) Good faith acquisition of personal information by an employee or agent of the state agency or agency of the political subdivision for the purposes of the agency is not a breach of the security of the system, provided that the personal information is not used for an unlawful purpose or subject to further unauthorized disclosure.

(ii) Acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant to a subpoena, order, or duty of a regulatory state agency, is not a breach of the security of the system. 105  
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(3) "Consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide: 109  
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(a) Public record information; 116

(b) Credit account information from persons who furnish that information regularly and in the ordinary course of business. 117  
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(4) "Encryption" means the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key. 119  
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(5) "Individual" means a natural person. 122

(6)(a) "Personal information" means, notwithstanding section 1347.01 of the Revised Code, an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable: 123  
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(i) Social security number; 130

(ii) Driver's license number or state identification card number; 131  
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(iii) Account number or credit or debit card number, in combination with and linked to any required security code, access 133  
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code, or password that would permit access to an individual's 135  
financial account. 136

(b) "Personal information" does not include publicly 137  
available information that is lawfully made available to the 138  
general public from federal, state, or local government records or 139  
any of the following media that are widely distributed: 140

(i) Any news, editorial, or advertising statement published 141  
in any bona fide newspaper, journal, or magazine, or broadcast 142  
over radio or television; 143

(ii) Any gathering or furnishing of information or news by 144  
any bona fide reporter, correspondent, or news bureau to news 145  
media described in division (A)(6)(b)(i) of this section; 146

(iii) Any publication designed for and distributed to members 147  
of any bona fide association or charitable or fraternal nonprofit 148  
corporation; 149

(iv) Any type of media similar in nature to any item, entity, 150  
or activity identified in division (A)(6)(b)(i), (ii), or (iii) of 151  
this section. 152

(7) "Political subdivision" has the same meaning as in 153  
section 2744.01 of the Revised Code. 154

(8) "Record" means any information that is stored in an 155  
electronic medium and is retrievable in perceivable form. "Record" 156  
does not include any publicly available directory containing 157  
information an individual voluntarily has consented to have 158  
publicly disseminated or listed, such as name, address, or 159  
telephone number. 160

(9) "Redacted" means altered or truncated so that no more 161  
than the last four digits of a social security number, driver's 162  
license number, state identification card number, account number, 163  
or credit or debit card number is accessible as part of the data. 164

(10) "State agency" has the same meaning as in section 1.60 165  
of the Revised Code. 166

(11) "System" means, notwithstanding section 1347.01 of the 167  
Revised Code, any collection or group of related records that are 168  
kept in an organized manner, that are maintained by a state agency 169  
or an agency of a political subdivision, and from which personal 170  
information is retrieved by the name of the individual or by some 171  
identifying number, symbol, or other identifier assigned to the 172  
individual. "System" does not include any collected archival 173  
records in the custody of or administered under the authority of 174  
the Ohio historical society, any published directory, any 175  
reference material or newsletter, or any routine information that 176  
is maintained for the purpose of internal office administration of 177  
the agency, if the use of the directory, material, newsletter, or 178  
information would not adversely affect an individual and if there 179  
has been no unauthorized external breach of the directory, 180  
material, newsletter, or information. 181

(B)(1) Any state agency or agency of a political subdivision 182  
that owns or licenses computerized data that includes personal 183  
information shall disclose any breach of the security of the 184  
system, following its discovery or notification of the breach of 185  
the security of the system, to any resident of this state whose 186  
personal information was, or reasonably is believed to have been, 187  
accessed and acquired by an unauthorized person if the access and 188  
acquisition by the unauthorized person causes or reasonably is 189  
believed will cause a material risk of identity theft or other 190  
fraud to the resident. The disclosure described in this division 191  
may be made pursuant to any provision of a contract entered into 192  
by the state agency or agency of a political subdivision with any 193  
person or another state agency or agency of a political 194  
subdivision prior to the date the breach of the security of the 195  
system occurred if that contract does not conflict with any 196

provision of this section. For purposes of this section, a 197  
resident of this state is an individual whose principal mailing 198  
address as reflected in the records of the state agency or agency 199  
of a political subdivision is in this state. 200

(2) The state agency or agency of a political subdivision 201  
shall make the disclosure described in division (B)(1) of this 202  
section in the most expedient time possible but not later than 203  
forty-five days following its discovery or notification of the 204  
breach in the security of the system, subject to the legitimate 205  
needs of law enforcement activities described in division (D) of 206  
this section and consistent with any measures necessary to 207  
determine the scope of the breach, including which residents' 208  
personal information was accessed and acquired, and to restore the 209  
reasonable integrity of the data system. 210

(C) Any state agency or agency of a political subdivision 211  
that, on behalf of or at the direction of another state agency or 212  
agency of a political subdivision, is the custodian of or stores 213  
computerized data that includes personal information shall notify 214  
that other state agency or agency of a political subdivision of 215  
any breach of the security of the system in an expeditious manner, 216  
if the personal information was, or reasonably is believed to have 217  
been, accessed and acquired by an unauthorized person and if the 218  
access and acquisition by the unauthorized person causes or 219  
reasonably is believed will cause a material risk of identity 220  
theft or other fraud to a resident of this state. 221

(D) The state agency or agency of a political subdivision may 222  
delay the disclosure or notification required by division (B), 223  
(C), or (F) of this section if a law enforcement agency determines 224  
that the disclosure or notification will impede a criminal 225  
investigation or jeopardize homeland or national security, in 226  
which case, the state agency or agency of a political subdivision 227  
shall make the disclosure or notification after the law 228

enforcement agency determines that disclosure or notification will 229  
not compromise the investigation or jeopardize homeland or 230  
national security. 231

(E) For purposes of this section, a state agency or agency of 232  
a political subdivision may disclose or make a notification by any 233  
of the following methods: 234

(1) Written notice; 235

(2) Electronic notice, if the state agency's or agency of a 236  
political subdivision's primary method of communication with the 237  
resident to whom the disclosure must be made is by electronic 238  
means; 239

(3) Telephone notice; 240

(4) Substitute notice in accordance with this division, if 241  
the state agency or agency of a political subdivision required to 242  
disclose demonstrates that the agency does not have sufficient 243  
contact information to provide notice in a manner described in 244  
division (E)(1), (2), or (3) of this section, or that the cost of 245  
providing disclosure or notice to residents to whom disclosure or 246  
notification is required would exceed two hundred fifty thousand 247  
dollars, or that the affected class of subject residents to whom 248  
disclosure or notification is required exceeds five hundred 249  
thousand persons. Substitute notice under this division shall 250  
consist of all of the following: 251

(a) Electronic mail notice if the state agency or agency of a 252  
political subdivision has an electronic mail address for the 253  
resident to whom the disclosure must be made; 254

(b) Conspicuous posting of the disclosure or notice on the 255  
state agency's or agency of a political subdivision's web site, if 256  
the agency maintains one; 257

(c) Notification to major media outlets, to the extent that 258

the cumulative total of the readership, viewing audience, or 259  
listening audience of all of the outlets so notified equals or 260  
exceeds seventy-five per cent of the population of this state. 261

(5) Substitute notice in accordance with this division, if 262  
the state agency or agency of a political subdivision required to 263  
disclose demonstrates that the agency has ten employees or fewer 264  
and that the cost of providing the disclosures or notices to 265  
residents to whom disclosure or notification is required will 266  
exceed ten thousand dollars. Substitute notice under this division 267  
shall consist of all of the following: 268

(a) Notification by a paid advertisement in a local newspaper 269  
that is distributed in the geographic area in which the state 270  
agency or agency of a political subdivision is located, which 271  
advertisement shall be of sufficient size that it covers at least 272  
one-quarter of a page in the newspaper and shall be published in 273  
the newspaper at least once a week for three consecutive weeks; 274

(b) Conspicuous posting of the disclosure or notice on the 275  
state agency's or agency of a political subdivision's web site, if 276  
the agency maintains one; 277

(c) Notification to major media outlets in the geographic 278  
area in which the state agency or agency of a political 279  
subdivision is located. 280

(F) If a state agency or agency of a political subdivision 281  
discovers circumstances that require disclosure under this section 282  
to more than one thousand residents of this state involved in a 283  
single occurrence of a breach of the security of the system, the 284  
state agency or agency of a political subdivision shall notify, 285  
without unreasonable delay, all consumer reporting agencies that 286  
compile and maintain files on consumers on a nationwide basis of 287  
the timing, distribution, and content of the disclosure given by 288  
the state agency or agency of a political subdivision to the 289

residents of this state. In no case shall a state agency or agency 290  
of a political subdivision that is required to make a notification 291  
required by this division delay any disclosure or notification 292  
required by division (B) or (C) of this section in order to make 293  
the notification required by this division. 294

(G) The attorney general, pursuant to sections 1349.191 and 295  
1349.192 of the Revised Code, may conduct an investigation and 296  
bring a civil action upon an alleged failure by a state agency or 297  
agency of a political subdivision to comply with the requirements 298  
of this section. 299

**Sec. 1349.19. (A) As used in this section:** 300

(1)(a) "Breach of the security of the system" means 301  
unauthorized access to and acquisition of computerized data that 302  
compromises the security or confidentiality of personal 303  
information owned or licensed by a person and that causes, 304  
reasonably is believed to have caused, or reasonably is believed 305  
will cause a material risk of identity theft or other fraud to the 306  
person or property of a resident of this state. 307

(b) For purposes of division (A)(1)(a) of this section: 308

(i) Good faith acquisition of personal information by an 309  
employee or agent of the person for the purposes of the person is 310  
not a breach of the security of the system, provided that the 311  
personal information is not used for an unlawful purpose or 312  
subject to further unauthorized disclosure. 313

(ii) Acquisition of personal information pursuant to a search 314  
warrant, subpoena, or other court order, or pursuant to a 315  
subpoena, order, or duty of a regulatory state agency, is not a 316  
breach of the security of the system. 317

(2) "Business entity" means a sole proprietorship, 318  
partnership, corporation, association, or other group, however 319

organized and whether operating for profit or not for profit, 320  
including a financial institution organized, chartered, or holding 321  
a license authorizing operation under the laws of this state, any 322  
other state, the United States, or any other country, or the 323  
parent or subsidiary of a financial institution. 324

(3) "Consumer reporting agency that compiles and maintains 325  
files on consumers on a nationwide basis" means a consumer 326  
reporting agency that regularly engages in the practice of 327  
assembling or evaluating, and maintaining, for the purpose of 328  
furnishing consumer reports to third parties bearing on a 329  
consumer's creditworthiness, credit standing, or credit capacity, 330  
each of the following regarding consumers residing nationwide: 331

(a) Public record information; 332

(b) Credit account information from persons who furnish that 333  
information regularly and in the ordinary course of business. 334

(4) "Encryption" means the use of an algorithmic process to 335  
transform data into a form in which there is a low probability of 336  
assigning meaning without use of a confidential process or key. 337

(5) "Individual" means a natural person. 338

(6) "Person" has the same meaning as in section 1.59 of the 339  
Revised Code, except that "person" includes a business entity only 340  
if the business entity conducts business in this state. 341

(7)(a) "Personal information" means an individual's name, 342  
consisting of the individual's first name or first initial and 343  
last name, in combination with and linked to any one or more of 344  
the following data elements, when the data elements are not 345  
encrypted, redacted, or altered by any method or technology in 346  
such a manner that the data elements are unreadable: 347

(i) Social security number; 348

(ii) Driver's license number or state identification card 349

<u>number;</u>	350
<u>(iii) Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.</u>	351 352 353 354
<u>(b) "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or any of the following media that are widely distributed:</u>	355 356 357 358
<u>(i) Any news, editorial, or advertising statement published in any bona fide newspaper, journal, or magazine, or broadcast over radio or television;</u>	359 360 361
<u>(ii) Any gathering or furnishing of information or news by any bona fide reporter, correspondent, or news bureau to news media described in division (A)(7)(b)(i) of this section;</u>	362 363 364
<u>(iii) Any publication designed for and distributed to members of any bona fide association or charitable or fraternal nonprofit corporation;</u>	365 366 367
<u>(iv) Any type of media similar in nature to any item, entity, or activity identified in division (A)(7)(b)(i), (ii), or (iii) of this section.</u>	368 369 370
<u>(8) "Record" means any information that is stored in an electronic medium and is retrievable in perceivable form. "Record" does not include any publicly available directory containing information an individual voluntarily has consented to have publicly disseminated or listed, such as name, address, or telephone number.</u>	371 372 373 374 375 376
<u>(9) "Redacted" means altered or truncated so that no more than the last four digits of a social security number, driver's license number, state identification card number, account number,</u>	377 378 379

or credit or debit card number is accessible as part of the data. 380

(10) "System" means any collection or group of related records that are kept in an organized manner, that are maintained by a person, and from which personal information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual. "System" does not include any published directory, any reference material or newsletter, or any routine information that is maintained for the purpose of internal office administration of the person, if the use of the directory, material, newsletter, or information would not adversely affect an individual, and there has been no unauthorized external breach of the directory, material, newsletter, or information. 381  
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(B)(1) Any person that owns or licenses computerized data that includes personal information shall disclose any breach of the security of the system, following its discovery or notification of the breach of the security of the system, to any resident of this state whose personal information was, or reasonably is believed to have been, accessed and acquired by an unauthorized person if the access and acquisition by the unauthorized person causes or reasonably is believed will cause a material risk of identity theft or other fraud to the resident. The disclosure described in this division may be made pursuant to any provision of a contract entered into by the person with another person prior to the date the breach of the security of the system occurred if that contract does not conflict with any provision of this section and does not waive any provision of this section. For purposes of this section, a resident of this state is an individual whose principal mailing address as reflected in the records of the person is in this state. 393  
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(2) The person shall make the disclosure described in division (B)(1) of this section in the most expedient time 410  
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possible but not later than forty-five days following its  
discovery or notification of the breach in the security of the  
system, subject to the legitimate needs of law enforcement  
activities described in division (D) of this section and  
consistent with any measures necessary to determine the scope of  
the breach, including which residents' personal information was  
accessed and acquired, and to restore the reasonable integrity of  
the data system.

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(C) Any person that, on behalf of or at the direction of  
another person or on behalf of or at the direction of any  
governmental entity, is the custodian of or stores computerized  
data that includes personal information shall notify that other  
person or governmental entity of any breach of the security of the  
system in an expeditious manner, if the personal information was,  
or reasonably is believed to have been, accessed and acquired by  
an unauthorized person and if the access and acquisition by the  
unauthorized person causes or reasonably is believed will cause a  
material risk of identity theft or other fraud to a resident of  
this state.

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(D) The person may delay the disclosure or notification  
required by division (B), (C), or (G) of this section if a law  
enforcement agency determines that the disclosure or notification  
will impede a criminal investigation or jeopardize homeland or  
national security, in which case, the person shall make the  
disclosure or notification after the law enforcement agency  
determines that disclosure or notification will not compromise the  
investigation or jeopardize homeland or national security.

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(E) For purposes of this section, a person may disclose or  
make a notification by any of the following methods:

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(1) Written notice;

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(2) Electronic notice, if the person's primary method of

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communication with the resident to whom the disclosure must be 443  
made is by electronic means; 444

(3) Telephone notice; 445

(4) Substitute notice in accordance with this division, if 446  
the person required to disclose demonstrates that the person does 447  
not have sufficient contact information to provide notice in a 448  
manner described in division (E)(1), (2), or (3) of this section, 449  
or that the cost of providing disclosure or notice to residents to 450  
whom disclosure or notification is required would exceed two 451  
hundred fifty thousand dollars, or that the affected class of 452  
subject residents to whom disclosure or notification is required 453  
exceeds five hundred thousand persons. Substitute notice under 454  
this division shall consist of all of the following: 455

(a) Electronic mail notice if the person has an electronic 456  
mail address for the resident to whom the disclosure must be made; 457

(b) Conspicuous posting of the disclosure or notice on the 458  
person's web site, if the person maintains one; 459

(c) Notification to major media outlets, to the extent that 460  
the cumulative total of the readership, viewing audience, or 461  
listening audience of all of the outlets so notified equals or 462  
exceeds seventy-five per cent of the population of this state. 463

(5) Substitute notice in accordance with this division, if 464  
the person required to disclose demonstrates that the person is a 465  
business entity with ten employees or fewer and that the cost of 466  
providing the disclosures or notices to residents to whom 467  
disclosure or notification is required will exceed ten thousand 468  
dollars. Substitute notice under this division shall consist of 469  
all of the following: 470

(a) Notification by a paid advertisement in a local newspaper 471  
that is distributed in the geographic area in which the business 472

entity is located, which advertisement shall be of sufficient size 473  
that it covers at least one-quarter of a page in the newspaper and 474  
shall be published in the newspaper at least once a week for three 475  
consecutive weeks; 476

(b) Conspicuous posting of the disclosure or notice on the 477  
business entity's web site, if the entity maintains one; 478

(c) Notification to major media outlets in the geographic 479  
area in which the business entity is located. 480

(F)(1) A financial institution, trust company, or credit 481  
union or any affiliate of a financial institution, trust company, 482  
or credit union that is required by federal law, including, but 483  
not limited to, any federal statute, regulation, regulatory 484  
guidance, or other regulatory action, to notify its customers of 485  
an information security breach with respect to information about 486  
those customers and that is subject to examination by its 487  
functional government regulatory agency for compliance with the 488  
applicable federal law, is exempt from the requirements of this 489  
section. 490

(2) This section does not apply to any person or entity that 491  
is regulated by sections 1171 to 1179 of the "Social Security 492  
Act," chapter 531, 49 Stat. 620 (1935), 42 U.S.C. 1320d to 493  
1320d-8, and any corresponding regulations in 45 C.F.R. Parts 160 494  
and 164. 495

(G) If a person discovers circumstances that require 496  
disclosure under this section to more than one thousand residents 497  
of this state involved in a single occurrence of a breach of the 498  
security of the system, the person shall notify, without 499  
unreasonable delay, all consumer reporting agencies that compile 500  
and maintain files on consumers on a nationwide basis of the 501  
timing, distribution, and content of the disclosure given by the 502  
person to the residents of this state. In no case shall a person 503

that is required to make a notification required by this division 504  
delay any disclosure or notification required by division (B) or 505  
(C) of this section in order to make the notification required by 506  
this division. 507

(H) Any waiver of this section is contrary to public policy 508  
and is void and unenforceable. 509

(I) The attorney general may conduct pursuant to sections 510  
1349.191 and 1349.192 of the Revised Code an investigation and 511  
bring a civil action upon an alleged failure by a person to comply 512  
with the requirements of this section. 513

**Sec. 1349.191.** (A) As used in this section and section 514  
1349.192 of the Revised Code: 515

(1) "Agency of a political subdivision" has the same meaning 516  
as in section 1347.12 of the Revised Code. 517

(2) "Business" has the same meaning as in section 1349.19 of 518  
the Revised Code. 519

(3) "State agency" has the same meaning as in section 1.60 of 520  
the Revised Code. 521

(B) The attorney general may conduct an investigation if the 522  
attorney general, based on complaints or the attorney general's 523  
own inquiries, has reason to believe that a state agency or an 524  
agency of a political subdivision has failed or is failing to 525  
comply with section 1347.12 of the Revised Code or that a person 526  
has failed or is failing to comply with section 1349.19 of the 527  
Revised Code. 528

(C) In any investigation conducted pursuant to this section, 529  
the attorney general may administer oaths, subpoena witnesses, 530  
adduce evidence, and subpoena the production of any book, 531  
document, record, or other relevant matter. 532

(D)(1) If the attorney general under division (C) of this section subpoenas the production of any relevant matter that is located outside this state, the attorney general may designate a representative, including an official of the state in which that relevant matter is located, to inspect the relevant matter on the attorney general's behalf. The attorney general may carry out similar requests received from officials of other states. 533  
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(2) Any person who is subpoenaed to produce relevant matter pursuant to division (C) of this section shall make that relevant matter available at a convenient location within this state or the state of the representative designated under division (D)(1) of this section. 540  
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(E) Any person who is subpoenaed as a witness or to produce relevant matter pursuant to division (C) of this section may file in the court of common pleas of Franklin county, the county in this state in which the person resides, or the county in this state in which the person's principal place of business is located a petition to extend for good cause shown the date on which the subpoena is to be returned or to modify or quash for good cause shown that subpoena. The person may file the petition at any time prior to the date specified for the return of the subpoena or within twenty days after the service of the subpoena, whichever is earlier. 545  
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(F) Any person who is subpoenaed as a witness or to produce relevant matter pursuant to division (C) of this section shall comply with the terms of the subpoena unless the court orders otherwise prior to the date specified for the return of the subpoena or, if applicable, that date as extended. If a person fails without lawful excuse to obey a subpoena, the attorney general may apply to the court of common pleas for an order that does one or more of the following: 556  
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<u>(1) Compels the requested discovery;</u>	564
<u>(2) Adjudges the person in contempt of court;</u>	565
<u>(3) Grants injunctive relief to restrain the person from failing to comply with section 1347.12 or 1349.19 of the Revised Code, whichever is applicable;</u>	566 567 568
<u>(4) Grants injunctive relief to preserve or restore the status quo;</u>	569 570
<u>(5) Grants other relief that may be required until the person obeys the subpoena.</u>	571 572
<u>(G) The court shall impose a civil penalty on any person who violates an order of a court issued under division (F) of this section in the same manner as the imposition of a civil penalty under section 1349.192 of the Revised Code for a failure to comply with section 1347.12 or 1349.19 of the Revised Code, whichever is applicable.</u>	573 574 575 576 577 578
<b>Sec. 1349.192.</b> <u>(A)(1) The attorney general shall have the exclusive authority to bring a civil action in a court of common pleas for appropriate relief under this section, including a temporary restraining order, preliminary or permanent injunction, and civil penalties, if it appears that a state agency or an agency of a political subdivision has failed or is failing to comply with section 1347.12 of the Revised Code or that a person has failed or is failing to comply with section 1349.19 of the Revised Code. Upon its finding that a state agency or an agency of a political subdivision has failed to comply with section 1347.12 of the Revised Code or that a person has failed to comply with section 1349.19 of the Revised Code, the court shall impose a civil penalty upon the state agency, agency of a political subdivision, or person as follows:</u>	579 580 581 582 583 584 585 586 587 588 589 590 591 592
<u>(a) For each day that the state agency, agency of a political</u>	593

subdivision, or person has intentionally or recklessly failed to 594  
comply with the applicable section, subject to divisions (A)(1)(b) 595  
and (c) of this section, a civil penalty of up to one thousand 596  
dollars for each day the agency or person fails to comply with the 597  
section; 598

(b) If the state agency, agency of a political subdivision, 599  
or person has intentionally or recklessly failed to comply with 600  
the applicable section for more than sixty days, subject to 601  
division (A)(1)(c) of this section, a civil penalty in the amount 602  
specified in division (A)(1)(a) of this section for each day of 603  
the first sixty days that the agency or person fails to comply 604  
with the section and, for each day commencing with the sixty-first 605  
day that the state agency, agency of a political subdivision, or 606  
person has failed to comply with the section, a civil penalty of 607  
up to five thousand dollars for each such day the agency or person 608  
fails to comply with the section; 609

(c) If the state agency, agency of a political subdivision, 610  
or person has intentionally or recklessly failed to comply with 611  
the applicable section for more than ninety days, a civil penalty 612  
in the amount specified in division (A)(1)(a) of this section for 613  
each day of the first sixty days that the agency or person fails 614  
to comply with the section, a civil penalty of up to five thousand 615  
dollars for each day commencing with the sixty-first day and 616  
continuing through the ninetieth day that the agency or person 617  
fails to comply with the section, and, for each day commencing 618  
with the ninety-first day that the state agency, agency of a 619  
political subdivision, or person has failed to comply with the 620  
section, a civil penalty of up to ten thousand dollars for each 621  
such day the agency or person fails to comply with the section. 622

(2) Any civil penalty that is assessed under division (A)(1) 623  
of this section shall be deposited into the consumer protection 624  
enforcement fund created by section 1345.51 of the Revised Code. 625

(3) In determining the appropriate civil penalty to assess 626  
under division (A)(1) of this section, the court shall consider 627  
all relevant factors, including the following: 628

(a) If the defendant in the civil action is a state agency, 629  
an agency of a political subdivision, or a person that is a 630  
business entity, whether or not the high managerial officer, 631  
agent, or employee of the agency or business entity having 632  
supervisory responsibility for compliance with section 1347.12 or 633  
1349.19 of the Revised Code, whichever is applicable, acted in bad 634  
faith in failing to comply with the section. 635

(b) If the defendant in the civil action is a person other 636  
than a business entity, whether or not the person acted in bad 637  
faith in failing to comply with section 1349.19 of the Revised 638  
Code. 639

(B) Any state agency or agency of a political subdivision 640  
that is found by the court to have failed to comply with section 641  
1347.12 of the Revised Code or any person that is found by the 642  
court to have failed to comply with section 1349.19 of the Revised 643  
Code shall be liable to the attorney general for the attorney 644  
general's costs in conducting an investigation under section 645  
1349.191 of the Revised Code and bringing an action under this 646  
section. 647

(C) The rights and remedies that are provided under this 648  
section are in addition to any other rights or remedies that are 649  
provided by law. 650

**Section 2.** That existing sections 1345.51 and 1347.01 of the 651  
Revised Code are hereby repealed. 652

**Section 3.** This act deals with subject matter that is of 653  
statewide concern. It is the intent of the General Assembly that 654  
this act supersede and preempt all rules, regulations, 655

resolutions, codes, and ordinances of all counties, municipal	656
corporations, townships, and agencies of counties, municipal	657
corporations, and townships that pertain to matters that are	658
expressly set forth or regulated under this act.	659