

**As Passed by the House**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Am. Sub. H. B. No. 9**

**Representatives Oelslager, Flowers, Buehrer, White, Trakas, Aslanides,  
Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose,  
Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan, Hartnett,  
Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T.,  
Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell,  
Willamowski, Williams, Woodard, Yuko**

—

**A B I L L**

To amend sections 121.22, 149.011, 149.31, 149.38, 1  
149.39, 149.41, 149.42, 149.43, 2923.129, 2  
2923.1210, 3319.321, and 4701.19 and to enact 3  
sections 109.43, 149.411, 149.412, 2743.31, 4  
2743.32, 2743.33, and 2743.34 of the Revised Code 5  
to revise the Public Records Law, to create the 6  
office of Public Access Counselor in the Court of 7  
Claims, to create a library records commission in 8  
each public library and a special taxing district 9  
records commission in each special taxing 10  
district, to allow a concealed carry licensee to 11  
prohibit the disclosure of the licensee's 12  
information to a journalist, to revise the records 13  
commissions laws, and to eliminate the provision 14  
that certain records made by a public accountant 15  
incident to an audit of a public office or private 16  
entity are not public records. 17

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

Section 1. That sections 121.22, 149.011, 149.31, 149.38, 18  
149.39, 149.41, 149.42, 149.43, 2923.129, 2923.1210, 3319.321, and 19  
4701.19 be amended and sections 109.43, 149.411, 149.412, 2743.31, 20  
2743.32, 2743.33, and 2743.34 of the Revised Code be enacted to 21  
read as follows: 22

Sec. 109.43. (A) As used in this section: 23

(1) "Designee" means a designee of the elected official in 24  
the public office if that elected official is the only elected 25  
official in the public office involved or a designee of all of the 26  
elected officials in the public office if the public office 27  
involved includes more than one elected official. 28

(2) "Elected official" means an official elected to a local 29  
or statewide office. "Elected official" does not include the chief 30  
justice or a justice of the supreme court, a judge of a court of 31  
appeals, court of common pleas, municipal court, or county court, 32  
or a clerk of any of those courts. 33

(3) "Public office" has the same meaning as in section 34  
149.011 of the Revised Code. 35

(4) "Public record" has the same meaning as in section 149.43 36  
of the Revised Code. 37

(B) The attorney general shall develop, provide, and certify 38  
training programs and seminars for all elected officials or their 39  
appropriate designees in order to enhance the officials' knowledge 40  
of the duty to provide access to public records as required by 41  
section 149.43 of the Revised Code. The training shall be three 42  
hours for every term of office for which the elected official was 43  
appointed or elected to the public office involved. The training 44  
shall provide elected officials or their appropriate designees 45  
with guidance in developing and updating their offices' policies 46  
as required under section 149.43 of the Revised Code. The 47

successful completion by an elected official or by an elected  
official's appropriate designee of the training requirements  
established by the attorney general under this section shall  
satisfy the education requirements imposed on elected officials or  
their appropriate designees under division (E) of section 149.43  
of the Revised Code. Prior to providing the training programs and  
seminars under this section to satisfy the education requirements  
imposed on elected officials or their appropriate designees under  
division (E) of section 149.43 of the Revised Code, the attorney  
general shall ensure that the training programs and seminars are  
accredited by the commission on continuing legal education  
established by the supreme court.

48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59

(C) The attorney general shall not charge any elected  
official or the appropriate designee of any elected official any  
fee for attending the training programs and seminars that the  
attorney general conducts under this section. The attorney general  
may allow the attendance of any other interested persons at any of  
the training programs or seminars that the attorney general  
conducts under this section and shall not charge the person any  
fee for attending the training program or seminar.

60  
61  
62  
63  
64  
65  
66  
67

(D) In addition to developing, providing, and certifying  
training programs and seminars as required under division (B) of  
this section, the attorney general may contract with one or more  
other state agencies, political subdivisions, or other public or  
private entities to conduct the training programs and seminars for  
elected officials or their appropriate designees under this  
section. The contract may provide for the attendance of any other  
interested persons at any of the training programs or seminars  
conducted by the contracting state agency, political subdivision,  
or other public or private entity. The contracting state agency,  
political subdivision, or other public or private entity may  
charge an elected official, an elected official's appropriate

68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79

designee, or an interested person a registration fee for attending  
the training program or seminar conducted by that contracting  
agency, political subdivision, or entity pursuant to a contract  
entered into under this division. The attorney general shall  
determine a reasonable amount for the registration fee based on  
the actual and necessary expenses associated with the training  
programs and seminars.

80  
81  
82  
83  
84  
85  
86

(E) The attorney general shall develop and provide to all  
public offices a model public records policy for responding to  
public records requests in compliance with section 149.43 of the  
Revised Code in order to provide guidance to public offices in  
developing their own public record policies for responding to  
public records requests in compliance with that section.

87  
88  
89  
90  
91  
92

(F) The attorney general may provide any other appropriate  
training or educational programs about Ohio's "Sunshine Laws,"  
sections 121.22 and 149.43 of the Revised Code, as may be  
developed and offered by the attorney general or by the attorney  
general in collaboration with one or more other state agencies,  
political subdivisions, or other public or private entities.

93  
94  
95  
96  
97  
98

(G) The auditor of state, in the course of an annual or  
biennial audit of a public office pursuant to Chapter 117. of the  
Revised Code, shall audit the public office for compliance with  
this section and division (E) of section 149.43 of the Revised  
Code.

99  
100  
101  
102  
103

**Sec. 121.22.** (A) This section shall be liberally construed to  
require public officials to take official action and to conduct  
all deliberations upon official business only in open meetings  
unless the subject matter is specifically excepted by law.

104  
105  
106  
107

(B) As used in this section:

108

(1) "Public body" means any of the following:

109

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.

(C) All meetings of any public body are declared to be public

meetings open to the public at all times. A member of a public  
body shall be present in person at a meeting open to the public to  
be considered present or to vote at the meeting and for purposes  
of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public  
body shall be promptly prepared, filed, and maintained and shall  
be open to public inspection. The minutes need only reflect the  
general subject matter of discussions in executive sessions  
authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or  
independent certified public accountants with officials of the  
public office that is the subject of the audit;

(3) The adult parole authority when its hearings are  
conducted at a correctional institution for the sole purpose of  
interviewing inmates to determine parole or pardon;

(4) The organized crime investigations commission established  
under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established  
under section 307.621 of the Revised Code and meetings conducted  
pursuant to sections 5153.171 to 5153.173 of the Revised Code;

(6) The state medical board when determining whether to  
suspend a certificate without a prior hearing pursuant to division  
(G) of either section 4730.25 or 4731.22 of the Revised Code;

(7) The board of nursing when determining whether to suspend  
a license or certificate without a prior hearing pursuant to  
division (B) of section 4723.281 of the Revised Code;

(8) The state board of pharmacy when determining whether to  
suspend a license without a prior hearing pursuant to division (D)

of section 4729.16 of the Revised Code;	170
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code.	171 172 173
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code.	174 175 176 177
(E) The controlling board, the development financing advisory council, the industrial technology and enterprise advisory council, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, council, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, council, or board from the applicant:	178 179 180 181 182 183 184 185 186 187
(1) Marketing plans;	188
(2) Specific business strategy;	189
(3) Production techniques and trade secrets;	190
(4) Financial projections;	191
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	192 193 194 195
The vote by the authority, council, or board to accept or reject the application, as well as all proceedings of the authority, council, or board not subject to this division, shall be open to the public and governed by this section.	196 197 198 199

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in division (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's



official duties or for the elected official's removal from office. 232  
If a public body holds an executive session pursuant to division 233  
(G)(1) of this section, the motion and vote to hold that executive 234  
session shall state which one or more of the approved purposes 235  
listed in division (G)(1) of this section are the purposes for 236  
which the executive session is to be held, but need not include 237  
the name of any person to be considered at the meeting. 238

(2) To consider the purchase of property for public purposes, 239  
or for the sale of property at competitive bidding, if premature 240  
disclosure of information would give an unfair competitive or 241  
bargaining advantage to a person whose personal, private interest 242  
is adverse to the general public interest. No member of a public 243  
body shall use division (G)(2) of this section as a subterfuge for 244  
providing covert information to prospective buyers or sellers. A 245  
purchase or sale of public property is void if the seller or buyer 246  
of the public property has received covert information from a 247  
member of a public body that has not been disclosed to the general 248  
public in sufficient time for other prospective buyers and sellers 249  
to prepare and submit offers. 250

If the minutes of the public body show that all meetings and 251  
deliberations of the public body have been conducted in compliance 252  
with this section, any instrument executed by the public body 253  
purporting to convey, lease, or otherwise dispose of any right, 254  
title, or interest in any public property shall be conclusively 255  
presumed to have been executed in compliance with this section 256  
insofar as title or other interest of any bona fide purchasers, 257  
lessees, or transferees of the property is concerned. 258

(3) Conferences with an attorney for the public body 259  
concerning disputes involving the public body that are the subject 260  
of pending or imminent court action; 261

(4) Preparing for, conducting, or reviewing negotiations or 262

bargaining sessions with public employees concerning their	263
compensation or other terms and conditions of their employment;	264
(5) Matters required to be kept confidential by federal law	265
or regulations or state statutes;	266
(6) Details relative to the security arrangements and	267
emergency response protocols for a public body or a public office,	268
if disclosure of the matters discussed could reasonably be	269
expected to jeopardize the security of the public body or public	270
office;	271
(7) In the case of a county hospital operated pursuant to	272
Chapter 339. of the Revised Code or a municipal hospital operated	273
pursuant to Chapter 749. of the Revised Code, to consider trade	274
secrets, as defined in section 1333.61 of the Revised Code.	275
If a public body holds an executive session to consider any	276
of the matters listed in divisions (G)(2) to (7) of this section,	277
the motion and vote to hold that executive session shall state	278
which one or more of the approved matters listed in those	279
divisions are to be considered at the executive session.	280
A public body specified in division (B)(1)(c) of this section	281
shall not hold an executive session when meeting for the purposes	282
specified in that division.	283
(H) A resolution, rule, or formal action of any kind is	284
invalid unless adopted in an open meeting of the public body. A	285
resolution, rule, or formal action adopted in an open meeting that	286
results from deliberations in a meeting not open to the public is	287
invalid unless the deliberations were for a purpose specifically	288
authorized in division (G) or (J) of this section and conducted at	289
an executive session held in compliance with this section. A	290
resolution, rule, or formal action adopted in an open meeting is	291
invalid if the public body that adopted the resolution, rule, or	292
formal action violated division (F) of this section.	293

(I)(1) Any person may bring an action to enforce this 294  
section. An action under division (I)(1) of this section shall be 295  
brought within two years after the date of the alleged violation 296  
or threatened violation. Upon proof of a violation or threatened 297  
violation of this section in an action brought by any person, the 298  
court of common pleas shall issue an injunction to compel the 299  
members of the public body to comply with its provisions. 300

(2)(a) If the court of common pleas issues an injunction 301  
pursuant to division (I)(1) of this section, the court shall order 302  
the public body that it enjoins to pay a civil forfeiture of five 303  
hundred dollars to the party that sought the injunction and, shall 304  
award to that party all court costs and, subject to reduction as 305  
described in division (I)(2) of this section, reasonable 306  
attorney's fees. The court, in its discretion, may reduce an award 307  
of attorney's fees to the party that sought the injunction or not 308  
award attorney's fees to that party if the court determines both 309  
of the following: 310

(i) That, based on the ordinary application of statutory law 311  
and case law as it existed at the time of violation or threatened 312  
violation that was the basis of the injunction, a well-informed 313  
public body reasonably would believe that the public body was not 314  
violating or threatening to violate this section; 315

(ii) That a well-informed public body reasonably would 316  
believe that the conduct or threatened conduct that was the basis 317  
of the injunction would serve the public policy that underlies the 318  
authority that is asserted as permitting that conduct or 319  
threatened conduct. 320

(b) If the court of common pleas does not issue an injunction 321  
pursuant to division (I)(1) of this section and the court 322  
determines at that time that the bringing of the action was 323  
frivolous conduct, as defined in division (A) of section 2323.51 324

of the Revised Code, the court shall award to the public body all  
court costs and reasonable attorney's fees, as determined by the  
court.

(3) Irreparable harm and prejudice to the party that sought  
the injunction shall be conclusively and irrebuttably presumed  
upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an  
injunction issued pursuant to division (I)(1) of this section may  
be removed from office by an action brought in the court of common  
pleas for that purpose by the prosecuting attorney or the attorney  
general.

(J)(1) Pursuant to division (C) of section 5901.09 of the  
Revised Code, a veterans service commission shall hold an  
executive session for one or more of the following purposes unless  
an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under  
sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents  
described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for  
financial assistance under sections 5901.01 to 5901.15 of the  
Revised Code.

(2) A veterans service commission shall not exclude an  
applicant for, recipient of, or former recipient of financial  
assistance under sections 5901.01 to 5901.15 of the Revised Code,  
and shall not exclude representatives selected by the applicant,  
recipient, or former recipient, from a meeting that the commission  
conducts as an executive session that pertains to the applicant's,  
recipient's, or former recipient's application for financial  
assistance.

(3) A veterans service commission shall vote on the grant or 355  
denial of financial assistance under sections 5901.01 to 5901.15 356  
of the Revised Code only in an open meeting of the commission. The 357  
minutes of the meeting shall indicate the name, address, and 358  
occupation of the applicant, whether the assistance was granted or 359  
denied, the amount of the assistance if assistance is granted, and 360  
the votes for and against the granting of assistance. 361

(K) Any person that is denied any of the person's rights 362  
under this section may file an informal complaint or a formal 363  
complaint with the public access counselor under section 2743.33 364  
of the Revised Code. 365

**Sec. 149.011.** As used in this chapter, except as otherwise 366  
provided: 367

(A) "Public office" includes any state agency, public 368  
institution, political subdivision, or other organized body, 369  
office, agency, institution, or entity established by the laws of 370  
this state for the exercise of any function of government. 371

(B) "State agency" includes every department, bureau, board, 372  
commission, office, or other organized body established by the 373  
constitution and laws of this state for the exercise of any 374  
function of state government, including any state-supported 375  
institution of higher education, the general assembly, any 376  
legislative agency, any court or judicial agency, or any political 377  
subdivision or agency of a political subdivision. 378

(C) "Public money" includes all money received or collected 379  
by or due a public official, whether in accordance with or under 380  
authority of any law, ordinance, resolution, or order, under color 381  
of office, or otherwise. It also includes any money collected by 382  
any individual on behalf of a public office or as a purported 383  
representative or agent of the public office. 384

(D) "Public official" includes all officers, employees, or 385  
duly authorized representatives or agents of a public office. 386

(E) "Color of office" includes any act purported or alleged 387  
to be done under any law, ordinance, resolution, order, or other 388  
pretension to official right, power, or authority. 389

(F) "Archive" includes any public record that is transferred 390  
to the state archives or other designated archival institutions 391  
because of the historical information contained on it. 392

(G) "Records" includes any document, device, or item, 393  
regardless of physical form or characteristic, ~~including an~~ 394  
~~electronic record as defined in section 1306.01 of the Revised~~ 395  
~~Code,~~ created or received by or coming under the jurisdiction of 396  
any public office of the state or its political subdivisions, 397  
which serves to document the organization, functions, policies, 398  
decisions, procedures, operations, or other activities of the 399  
office. "Records" also includes any document, device, or item, 400  
regardless of physical form or characteristic, created or received 401  
by or coming under the jurisdiction of any public office of the 402  
state or its political subdivisions that documents the depletion, 403  
expenditure, or depreciation of the resources of a public office 404  
even if unauthorized by that office. 405

**Sec. 149.31.** (A) The Ohio historical society, in addition to 406  
its other functions, shall function as the state archives 407  
administration for the state and its political subdivisions. 408

It shall be the function of the state archives administration 409  
to preserve government archives, documents, and records of 410  
historical value that may come into its possession from public or 411  
private sources. 412

The archives administration shall evaluate, preserve, 413  
arrange, service repair, or make other disposition of, such as 414

including transfer to public libraries, county historical 415  
societies, state universities, or other public or quasi-public 416  
institutions, agencies, or corporations, ~~of~~ those public records 417  
of the state and its political subdivisions that may come into its 418  
possession under this section. ~~Such~~ Those public records shall be 419  
transferred by written agreement only, and only to public or 420  
quasi-public institutions, agencies, or corporations capable of 421  
meeting accepted archival standards for housing and use. 422

The archives administration shall be headed by a trained 423  
archivist designated by the Ohio historical society, and shall 424  
make its services available to county, ~~city~~ municipal, township, 425  
~~and~~ school district, library, and special taxing district records 426  
commissions upon request. The archivist shall be designated as the 427  
"state archivist." 428

(B) The archives administration may purchase or procure for 429  
itself, or authorize the board of trustees of an archival 430  
institution to purchase or procure, from an insurance company 431  
licensed to do business in this state policies of insurance 432  
insuring the administration or the members of the board and their 433  
officers, employees, and agents against liability on account of 434  
damage or injury to persons and property resulting from any act or 435  
omission of the board members, officers, employees, and agents in 436  
their official capacity. 437

(C) Notwithstanding any other provision of the Revised Code 438  
to the contrary, the archives administration may establish a fee 439  
schedule, which may include the cost of labor, for researching, 440  
retrieving, copying, and mailing copies of public records in the 441  
state archives. Revisions to the fee schedule shall be subject to 442  
approval by the board of trustees of the Ohio historical society. 443

**Sec. 149.38.** (A) There is hereby created in each county a 444  
county records commission, composed of the president of the board 445

of county commissioners as chairperson, the prosecuting attorney, 446  
the auditor, the recorder, and the clerk of the court of common 447  
pleas. The commission shall appoint a secretary, who may or may 448  
not be a member of the commission and who shall serve at the 449  
pleasure of the commission. The commission may employ an archivist 450  
or records manager to serve under its direction. The commission 451  
shall meet at least once every six months, and upon call of the 452  
chairperson. 453

(B) The functions of the county records commission shall be 454  
to provide rules for retention and disposal of records of the 455  
county and to review applications for one-time ~~records~~ disposal of 456  
obsolete records and schedules of records retention and ~~disposal~~ 457  
disposition submitted by county offices. ~~Records may be disposed~~ 458  
~~of by the~~ The commission may dispose of records pursuant to the 459  
procedure outlined in this section. The commission, at any time, 460  
may review any schedule it has previously approved and, for good 461  
cause shown, may revise that schedule, subject to division (D) of 462  
this section. 463

(C) When the county records commission has approved any 464  
county ~~records~~ application for one-time disposal, ~~a copy of a list~~ 465  
~~of these obsolete records shall be sent~~ or any schedule of records 466  
retention and disposition, the commission shall send that 467  
application or schedule to the Ohio historical society for its 468  
review. The Ohio historical society shall review the application 469  
or schedule within a period of not more than sixty days after its 470  
receipt of it. Upon completion of its review, the Ohio historical 471  
society shall forward the application for one-time disposal of 472  
obsolete records or the schedule of records retention and 473  
disposition to the auditor of state. ~~If the auditor of state~~ 474  
~~disapproves the action by the commission in whole or in part, the~~ 475  
~~auditor of state shall so inform the commission for the auditor's~~ 476  
approval or disapproval. The auditor shall approve or disapprove 477



the application or schedule within a period of not more than sixty 478  
~~days, and those records shall not be destroyed~~ after receipt of 479  
it. Before public records are to be disposed of, the commission 480  
shall inform the Ohio historical society of the disposal through 481  
the submission of a certificate of records disposal and shall give 482  
the society the opportunity for a period of ~~sixty~~ fifteen business 483  
days to select for its custody ~~such those~~ records as that it 484  
considers to be of continuing historical value. ~~When the Ohio~~ 485  
~~historical society is so informed that public records are to be~~ 486  
~~disposed of~~ Upon the expiration of the fifteen-business-day 487  
period, the county records commission also shall notify the public 488  
libraries, county historical society, state universities, and ~~any~~ 489  
other public or quasi-public institutions, agencies, or 490  
corporations in the county that have provided the commission with 491  
their name and address for these notification purposes, that the 492  
commission has informed the Ohio historical society ~~has been so~~ 493  
~~informed of the records disposal~~ and that the notified entities, 494  
upon written agreement with the Ohio historical society pursuant 495  
to section 149.31 of the Revised Code, may select records of 496  
continuing historical value, including records that may be 497  
distributed to any of the notified entities under section 149.31 498  
of the Revised Code. 499

(D) The rules of the county records commission shall include 500  
a rule that requires any receipts, checks, vouchers, or other 501  
similar records pertaining to expenditures from the delinquent tax 502  
and assessment collection fund created in section 321.261 of the 503  
Revised Code, from the real estate assessment fund created in 504  
section 325.31 of the Revised Code, or from amounts allocated for 505  
the furtherance of justice to the county sheriff under section 506  
325.071 of the Revised Code or to the prosecuting attorney under 507  
section 325.12 of the Revised Code to be retained for at least 508  
four years. 509

(E) No person shall knowingly violate the rule adopted under 510  
division (D) of this section. Whoever violates that rule is guilty 511  
of a misdemeanor of the first degree. 512

**Sec. 149.39.** There is hereby created in each municipal 513  
corporation a records commission composed of the chief executive 514  
or ~~his~~ the chief executive's appointed representative, as ~~chairman~~ 515  
chairperson, and the chief fiscal officer, the chief legal 516  
officer, and a citizen appointed by the chief executive. The 517  
commission shall appoint a secretary, who may or may not be a 518  
member of the commission and who shall serve at the pleasure of 519  
the commission. The commission may employ an archivist or records 520  
manager to serve under its direction. The commission shall meet at 521  
least once every six months, and upon call of the ~~chairman~~ 522  
chairperson. 523

The functions of the commission shall be to provide rules for 524  
retention and disposal of records of the municipal corporation and 525  
to review applications for one-time disposal of obsolete records 526  
~~disposal~~ and schedules of records retention and disposition 527  
submitted by municipal offices. ~~Records may be disposed of by the~~ 528  
The commission may dispose of records pursuant to the procedure 529  
outlined in this section. The commission ~~may~~ at any time may 530  
review any schedule it has previously approved, and for good cause 531  
shown may revise that schedule. 532

When the municipal records ~~have been~~ commission has approved 533  
any application for one-time disposal, ~~a list of such obsolete~~ 534  
records shall be sent or any schedule of records retention and 535  
disposition, the commission shall send that application or 536  
schedule to the Ohio historical society for its review. The Ohio 537  
historical society shall review the application or schedule within 538  
a period of not more than sixty days after its receipt of it. Upon 539  
completion of its review, the Ohio historical society shall 540

forward the application for one-time disposal of obsolete records 541  
or the schedule of records retention and disposition to the 542  
auditor of state. ~~If he disapproves of the action by the municipal~~ 543  
~~commission, in whole or in part, he shall so inform the commission~~ 544  
for the auditor's approval or disapproval. The auditor shall 545  
approve or disapprove the application or schedule within a period 546  
of not more than sixty days ~~and these records shall not be~~ 547  
~~destroyed after receipt of it.~~ Before public records are to be 548  
disposed of, the commission shall inform the Ohio historical 549  
society ~~shall be informed and given~~ of the disposal through the 550  
submission of a certificate of records disposal and shall give the 551  
society the opportunity for a period of ~~sixty~~ fifteen business 552  
days to select for its custody ~~such~~ those public records ~~as that~~ 553  
it considers to be of continuing historical value. 554

**Sec. 149.41.** There is hereby created in each city and 555  
exempted village school district a school district records 556  
commission and in each educational service center an educational 557  
service center records commission. Each records commission shall 558  
be composed of the president, the treasurer of the board of 559  
education or governing board of the educational service center, 560  
and the superintendent of schools in each such district or 561  
educational service center. The commission shall meet at least 562  
once every twelve months. 563

The function of the commission shall be to review 564  
applications for one-time disposal of obsolete records ~~disposal~~ 565  
and schedules of records retention and disposition submitted by 566  
any employee of the school district or educational service center. 567  
~~Records may be disposed of by the~~ The commission may dispose of 568  
records pursuant to the procedure outlined in this section. The 569  
commission ~~may~~ at any time may review any schedule it has 570  
previously approved, and for good cause shown may revise that 571  
schedule. 572

When the school district records commission or the 573  
educational service center records ~~have been~~ commission has 574  
approved any application for one-time disposal, ~~a list of such~~ 575  
obsolete records shall be sent or any schedule of records 576  
retention and disposition, the appropriate commission shall send 577  
that application or schedule to the Ohio historical society for 578  
its review. The Ohio historical society shall review the 579  
application or schedule within a period of not more than sixty 580  
days after its receipt of it. Upon completion of its review, the 581  
Ohio historical society shall forward the application for one-time 582  
disposal of obsolete records or the schedule of records retention 583  
and disposition to the auditor of state. ~~If he disapproves the~~ 584  
~~action by the commission, in whole or in part, he shall so inform~~ 585  
~~the commission for the auditor's approval or disapproval. The~~ 586  
auditor shall approve or disapprove the application or schedule 587  
within a period of not more than sixty days ~~and these records~~ 588  
~~shall not be destroyed~~ after receipt of it. Before public records 589  
are to be disposed of, the appropriate commission shall inform the 590  
Ohio historical society ~~shall be informed and given of the~~ 591  
disposal through the submission of a certificate of records 592  
disposal and shall give the society the opportunity for a period 593  
of ~~sixty~~ fifteen business days to select for its custody ~~such~~ 594  
those public records ~~as~~ that it considers to be of continuing 595  
historical value. The society may not review or select for its 596  
custody either of the following: 597

(A) Records containing personally identifiable information 598  
concerning any pupil attending a public school other than 599  
directory information, as defined in section 3319.321 of the 600  
Revised Code, without the written consent of the parent, guardian, 601  
or custodian of each such pupil who is less than eighteen years of 602  
age, or without the written consent of each such pupil who is 603  
eighteen years of age or older; 604

(B) Records the release of which would, according to the 605  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 606  
20 U.S.C.A. 1232g, disqualify a school or other educational 607  
institution from receiving federal funds. 608

Sec. 149.411. There is hereby created in each county free 609  
public library, municipal free public library, township free 610  
public library, county library district, and regional library 611  
district a library records commission composed of the members and 612  
the clerk of the board of library trustees of the appropriate 613  
public library or library district. The commission shall meet at 614  
least once every twelve months. 615

The functions of the commission shall be to review 616  
applications for one-time disposal of obsolete records and 617  
schedules of records retention and disposition submitted by any 618  
employee of the library. The commission may dispose of records 619  
pursuant to the procedure outlined in this section. The commission 620  
at any time may review any schedule it has previously approved and 621  
for good cause shown may revise that schedule. 622

When the appropriate library records commission has approved 623  
any library application for one-time disposal of obsolete records 624  
or any schedule of records retention and disposition, the 625  
commission shall send that application or schedule to the Ohio 626  
historical society for its review. The Ohio historical society 627  
shall review the application or schedule within a period of not 628  
more than sixty days after its receipt of it. Upon completion of 629  
its review, the Ohio historical society shall forward the 630  
application for one-time disposal of obsolete records or the 631  
schedule of records retention and disposition to the auditor of 632  
state for the auditor's approval or disapproval. The auditor shall 633  
approve or disapprove the application or schedule within a period 634  
of not more than sixty days after receipt of it. Before public 635

records are to be disposed of, the commission shall inform the  
Ohio historical society of the disposal through the submission of  
a certificate of records disposal and shall give the society the  
opportunity for a period of fifteen business days to select for  
its custody those public records that it considers to be of  
continuing historical value. The Ohio historical society may not  
review or select for its custody any records pursuant to section  
149.432 of the Revised Code.

636  
637  
638  
639  
640  
641  
642  
643

Sec. 149.412. There is hereby created in each special taxing  
district that is a public office as defined in section 149.011 of  
the Revised Code and that is not specifically designated in  
section 149.38, 149.39, 149.41, 149.411, or 149.42 of the Revised  
Code a special taxing district records commission composed of, at  
a minimum, the chairperson, a fiscal representative, and a legal  
representative of the governing board of the special taxing  
district. The commission shall meet at least once every twelve  
months and upon the call of the chairperson.

644  
645  
646  
647  
648  
649  
650  
651  
652

The functions of the commission shall be to review  
applications for one-time disposal of obsolete records and  
schedules of records retention and disposition submitted by any  
employee of the special taxing district. The commission may  
dispose of records pursuant to the procedure outlined in this  
section. The commission at any time may review any schedule it has  
previously approved and for good cause shown may revise that  
schedule.

653  
654  
655  
656  
657  
658  
659  
660

When the special taxing district records commission has  
approved any special taxing district application for one-time  
disposal of obsolete records or any schedule of records retention  
and disposition, the commission shall send that application or  
schedule to the Ohio historical society for its review. The Ohio  
historical society shall review the application or schedule within

661  
662  
663  
664  
665  
666

a period of not more than sixty days after its receipt of it. Upon 667  
completion of its review, the Ohio historical society shall 668  
forward the application for one-time disposal of obsolete records 669  
or the schedule of records retention and disposition to the 670  
auditor of state for the auditor's approval or disapproval. The 671  
auditor shall approve or disapprove the application or schedule 672  
within a period of not more than sixty days after receipt of it. 673  
Before public records are to be disposed of, the commission shall 674  
inform the Ohio historical society of the disposal through the 675  
submission of a certificate of records disposal and shall give the 676  
society the opportunity for a period of fifteen business days to 677  
select for its custody those public records that it considers to 678  
be of continuing historical value. 679

**Sec. 149.42.** There is hereby created in each township a 680  
township records commission, composed of the chairperson of the 681  
board of township trustees and the fiscal officer of the township. 682  
The commission shall meet at least once every twelve months, and 683  
upon call of the chairperson. 684

The function of the commission shall be to review 685  
applications for one-time disposal of obsolete records disposal 686  
and schedules of records retention and disposition submitted by 687  
township offices. ~~Records may be disposed of by the~~ The commission 688  
may dispose of records pursuant to the procedure outlined in this 689  
section. The commission ~~may~~ at any time may review any schedule it 690  
has previously approved, and for good cause shown may revise that 691  
schedule. 692

When the township records ~~have been~~ commission has approved 693  
any township application for one-time disposal, ~~a list of the~~ 694  
obsolete records shall be sent or any schedule of records 695  
retention and disposition, the commission shall send that 696  
application or schedule to the Ohio historical society for its 697

review. The Ohio historical society shall review the application 698  
or schedule within a period of not more than sixty days after its 699  
receipt of it. Upon completion of its review, the Ohio historical 700  
society shall forward the application for one-time disposal of 701  
obsolete records or the schedule of records retention and 702  
disposition to the auditor of state. ~~If the auditor of state~~ 703  
~~disapproves of the action by the commission, in whole or in part,~~ 704  
~~the auditor of state shall so inform the commission for the~~ 705  
~~auditor's approval or disapproval. The auditor shall approve or~~ 706  
~~disapprove the application or schedule within a period of not more~~ 707  
~~than sixty days, and these records shall not be destroyed after~~ 708  
~~receipt of it. Before public records are to be disposed of, the~~ 709  
~~commission shall inform the Ohio historical society shall be~~ 710  
~~informed and given of the disposal through the submission of a~~ 711  
~~certificate of records disposal and shall give the society the~~ 712  
~~opportunity for a period of ~~sixty~~ fifteen business days to select~~ 713  
~~for its custody those public records that it considers to be of~~ 714  
~~continuing historical value.~~ 715

**Sec. 149.43.** (A) As used in this section: 716

(1) "Public record" means records kept by any public office, 717  
including, but not limited to, state, county, city, village, 718  
township, and school district units, ~~and~~ records pertaining to the 719  
delivery of educational services by an alternative school in ~~Ohio~~ 720  
this state kept by a ~~the~~ nonprofit or for profit entity operating 721  
~~such~~ ~~the~~ alternative school pursuant to section 3313.533 of the 722  
Revised Code, ~~and records kept by any governmental or~~ 723  
~~quasi-governmental entity that receives any governmental housing~~ 724  
~~subsidy or assistance, including, but not limited to, the names~~ 725  
~~and addresses of the owners of property involved in any housing~~ 726  
~~program operated by the entity. "Public record" does not mean any~~ 727  
of the following: 728



(a) Medical records;	729
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	730 731 732
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	733 734 735
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	736 737 738
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	739 740 741 742 743 744
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	745 746 747
(g) Trial preparation records;	748
(h) Confidential law enforcement investigatory records;	749
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	750 751
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	752 753
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	754 755 756 757

(l) Records maintained by the department of youth services	758
pertaining to children in its custody released by the department	759
of youth services to the department of rehabilitation and	760
correction pursuant to section 5139.05 of the Revised Code;	761
(m) Intellectual property records;	762
(n) Donor profile records;	763
(o) Records maintained by the department of job and family	764
services pursuant to section 3121.894 of the Revised Code;	765
(p) Peace officer, firefighter, or EMT residential and	766
familial information;	767
(q) In the case of a county hospital operated pursuant to	768
Chapter 339. of the Revised Code or a municipal hospital operated	769
pursuant to Chapter 749. of the Revised Code, information that	770
constitutes a trade secret, as defined in section 1333.61 of the	771
Revised Code;	772
(r) Information pertaining to the recreational activities of	773
a person under the age of eighteen;	774
(s) Records provided to, statements made by review board	775
members during meetings of, and all work products of a child	776
fatality review board acting under sections 307.621 to 307.629 of	777
the Revised Code, other than the report prepared pursuant to	778
section 307.626 of the Revised Code;	779
(t) Records provided to and statements made by the executive	780
director of a public children services agency or a prosecuting	781
attorney acting pursuant to section 5153.171 of the Revised Code	782
other than the information released under that section;	783
(u) Test materials, examinations, or evaluation tools used in	784
an examination for licensure as a nursing home administrator that	785
the board of examiners of nursing home administrators administers	786
under section 4751.04 of the Revised Code or contracts under that	787

section with a private or government entity to administer;	788
(v) Records the release of which is prohibited by state or federal law;	789 790
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	791 792 793
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	794 795
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency.	796 797 798 799 800 801
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	802 803 804 805 806
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	807 808 809 810
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	811 812 813 814
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	815 816
(d) Information that would endanger the life or physical	817

safety of law enforcement personnel, a crime victim, a witness, or 818  
a confidential information source. 819

(3) "Medical record" means any document or combination of 820  
documents, except births, deaths, and the fact of admission to or 821  
discharge from a hospital, that pertains to the medical history, 822  
diagnosis, prognosis, or medical condition of a patient and that 823  
is generated and maintained in the process of medical treatment. 824

(4) "Trial preparation record" means any record that contains 825  
information that is specifically compiled in reasonable 826  
anticipation of, or in defense of, a civil or criminal action or 827  
proceeding, including the independent thought processes and 828  
personal trial preparation of an attorney. 829

(5) "Intellectual property record" means a record, other than 830  
a financial or administrative record, that is produced or 831  
collected by or for faculty or staff of a state institution of 832  
higher learning in the conduct of or as a result of study or 833  
research on an educational, commercial, scientific, artistic, 834  
technical, or scholarly issue, regardless of whether the study or 835  
research was sponsored by the institution alone or in conjunction 836  
with a governmental body or private concern, and that has not been 837  
publicly released, published, or patented. 838

(6) "Donor profile record" means all records about donors or 839  
potential donors to a public institution of higher education 840  
except the names and reported addresses of the actual donors and 841  
the date, amount, and conditions of the actual donation. 842

(7) "Peace officer, firefighter, or EMT residential and 843  
familial information" means either of the following: 844

(a) Any information maintained in a personnel record of a 845  
peace officer, firefighter, or EMT that discloses any of the 846  
following: 847

(i) The address of the actual personal residence of a peace officer, firefighter, or EMT, except for the state or political subdivision in which the peace officer, firefighter, or EMT resides; 848  
849  
850  
851

(ii) Information compiled from referral to or participation in an employee assistance program; 852  
853

(iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, firefighter, or EMT; 854  
855  
856  
857

(iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, firefighter, or EMT by the peace officer's, firefighter's, or EMT's employer; 858  
859  
860  
861

(v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, firefighter's, or EMT's employer from the peace officer's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law; 862  
863  
864  
865  
866

(vi) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, firefighter, or EMT. 867  
868  
869  
870  
871  
872

(b) Any record that identifies a person's occupation as a peace officer, firefighter, or EMT other than statements required to include the disclosure of that fact under the campaign finance law. 873  
874  
875  
876

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 877

"peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

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

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

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

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

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or

sponsored by a public office or to use or obtain admission 909  
privileges to any recreational facility owned or operated by a 910  
public office. 911

(9) "Community control sanction" has the same meaning as in 912  
section 2929.01 of the Revised Code. 913

(10) "Post-release control sanction" has the same meaning as 914  
in section 2967.01 of the Revised Code. 915

(11) "Redaction" means obscuring or deleting any information 916  
that is exempt from the duty to permit public inspection or 917  
copying from an item that otherwise meets the definition of a 918  
"record" in section 149.011 of the Revised Code. 919

(12) "Designee" and "elected official" have the same meanings 920  
as in section 109.43 of the Revised Code. 921

(B)(1) ~~Subject~~ Upon request and subject to division (B)~~(4)~~(8) 922  
of this section, all public records responsive to the request 923  
shall be promptly prepared and made available for inspection to 924  
any person at all reasonable times during regular business hours. 925  
Subject to division (B)~~(4)~~(8) of this section, upon request and 926  
payment in advance of the cost of making copies of the requested 927  
public record under this section, a public office or person 928  
responsible for public records shall make copies available at 929  
cost, within a reasonable period of time. ~~In order to facilitate~~ 930  
~~broader access to public records, public offices shall maintain~~ 931  
~~public records in a manner that they can be made available for~~ 932  
~~inspection in accordance with this division. If a public record~~ 933  
contains information that is exempt from the duty to permit public 934  
inspection or copying, the public office shall make available all 935  
of the information within the public record that is not exempt. 936  
When making that information available for public inspection or 937  
copying, the public office shall notify the requester of any 938  
redaction or make the redaction plainly visible. A redaction shall 939

be deemed a denial of a request to inspect or copy the redacted 940  
information, except if federal or state law authorizes or requires 941  
a public office to make the redaction. 942

(2) To facilitate broader access to public records, a public 943  
office shall organize and maintain public records in a manner that 944  
they can be made available for inspection or copying in accordance 945  
with division (B) of this section. A public office also shall have 946  
available a copy of its current records retention schedule at a 947  
location readily available to the public. If a requester makes an 948  
ambiguous request or has difficulty in making a request for copies 949  
or inspection of public records under this section such that the 950  
public office cannot reasonably identify what public records are 951  
being requested, the public office may deny the request but shall 952  
provide the requester with an opportunity to revise the request by 953  
informing the requester of the manner in which records are 954  
maintained by the public office and accessed in the ordinary 955  
course of the public office's duties. 956

(3)(a) If a request is ultimately denied, in part or in 957  
whole, the public office shall provide the requester with an 958  
explanation, including legal authority, setting forth why the 959  
request was denied. If the initial request was provided in 960  
writing, the explanation also shall be provided to the requester 961  
in writing. The explanation shall not preclude the public office 962  
from relying upon additional reasons or legal authority in 963  
defending an action commenced under division (C) of this section. 964

(b) If a request is ultimately denied, in part or in whole, 965  
the public office may provide the requester information on how to 966  
contact the office of the public access counselor established 967  
under section 2743.31 of the Revised Code and the procedures for 968  
filing an informal complaint or a formal complaint with the public 969  
access counselor under section 2743.33 of the Revised Code. 970

(4) Unless specifically required by state or federal law or 971



in accordance with division (B) of this section, no public office 972  
may limit or condition the availability of public records by 973  
requiring disclosure of the requester's identity or the intended 974  
use of the requested public record. Any such requirement 975  
constitutes a denial of the request. 976

(5) A public office or person responsible for public records 977  
may ask a requester to make the request in writing, may ask for 978  
the requester's identity, and may inquire about the intended use 979  
of the information requested, but may do so only after disclosing 980  
to the requester that a written request is not mandatory and that 981  
the requester may decline to reveal the requester's identity or 982  
the intended use and when a written request or disclosure of the 983  
identity or intended use would benefit the requester by enhancing 984  
the ability of the public office or person responsible for public 985  
records to identify, locate, or deliver the public records sought 986  
by the requester. 987

~~(2)~~(6) If any person chooses to obtain a copy of a public 988  
record in accordance with division (B)~~(1)~~ of this section, the 989  
public office or person responsible for the public record may 990  
require that person to pay in advance the cost involved in 991  
providing the copy of the public record in accordance with the 992  
choice made by the person seeking the copy under this division. 993  
The public office or the person responsible for the public record 994  
shall permit that person to choose to have the public record 995  
duplicated upon paper, upon the same medium upon which the public 996  
office or person responsible for the public record keeps it, or 997  
upon any other medium upon which the public office or person 998  
responsible for the public record determines that it reasonably 999  
can be duplicated as an integral part of the normal operations of 1000  
the public office or person responsible for the public record. 1001  
When the person seeking the copy makes a choice under this 1002  
division, the public office or person responsible for the public 1003

record shall provide a copy of it in accordance with the choice 1004  
made by the person seeking the copy. 1005

~~(3)~~(7) Upon a request made in accordance with division (B)~~(1)~~ 1006  
of this section and subject to division (B)(6) of this section, a 1007  
public office or person responsible for public records shall 1008  
transmit a copy of a public record to any person by United States 1009  
mail or by any other means of delivery or transmission within a 1010  
reasonable period of time after receiving the request for the 1011  
copy. The public office or person responsible for the public 1012  
record may require the person making the request to pay in advance 1013  
the cost of postage, if the copy is transmitted by United States 1014  
mail, and other supplies used in the mailing, delivery, or 1015  
transmission. 1016

Any public office may adopt a policy and procedures that it 1017  
will follow in transmitting, within a reasonable period of time 1018  
after receiving a request, copies of public records by United 1019  
States mail or by any other means of delivery or transmission 1020  
pursuant to this division. A public office that adopts a policy 1021  
and procedures under this division shall comply with them in 1022  
performing its duties under this division. 1023

~~In any policy and procedures adopted under this division, a 1024  
public office may limit the number of records requested by a 1025  
person that the office will transmit by United States mail to ten 1026  
per month, unless the person certifies to the office in writing 1027  
that the person does not intend to use or forward the requested 1028  
records, or the information contained in them, for commercial 1029  
purposes. For purposes of this division, "commercial" shall be 1030  
narrowly construed and does not include reporting or gathering 1031  
news, reporting or gathering information to assist citizen 1032  
oversight or understanding of the operation or activities of 1033  
government, or nonprofit educational research. 1034~~

~~(4)~~(8) A public office or person responsible for public 1035

records is not required to permit a person who is incarcerated 1036  
pursuant to a criminal conviction or a juvenile adjudication to 1037  
inspect or to obtain a copy of any public record concerning a 1038  
criminal investigation or prosecution or concerning what would be 1039  
a criminal investigation or prosecution if the subject of the 1040  
investigation or prosecution were an adult, unless the request to 1041  
inspect or to obtain a copy of the record is for the purpose of 1042  
acquiring information that is subject to release as a public 1043  
record under this section and the judge who imposed the sentence 1044  
or made the adjudication with respect to the person, or the 1045  
judge's successor in office, finds that the information sought in 1046  
the public record is necessary to support what appears to be a 1047  
justiciable claim of the person. 1048

~~(5)(9)~~ Upon written request made and signed by a journalist 1049  
on or after December 16, 1999, a public office, or person 1050  
responsible for public records, having custody of the records of 1051  
the agency employing a specified peace officer, firefighter, or 1052  
EMT shall disclose to the journalist the address of the actual 1053  
personal residence of the peace officer, firefighter, or EMT and, 1054  
if the peace officer's, firefighter's, or EMT's spouse, former 1055  
spouse, or child is employed by a public office, the name and 1056  
address of the employer of the peace officer's, firefighter's, or 1057  
EMT's spouse, former spouse, or child. The request shall include 1058  
the journalist's name and title and the name and address of the 1059  
journalist's employer and shall state that disclosure of the 1060  
information sought would be in the public interest. 1061

As used in this division ~~(B)(5) of this section~~, "journalist" 1062  
means a person engaged in, connected with, or employed by any news 1063  
medium, including a newspaper, magazine, press association, news 1064  
agency, or wire service, a radio or television station, or a 1065  
similar medium, for the purpose of gathering, processing, 1066  
transmitting, compiling, editing, or disseminating information for 1067

the general public. 1068

(C)(1) If a person allegedly is aggrieved by the failure of a 1069  
public office to promptly prepare a public record and to make it 1070  
available to the person for inspection in accordance with division 1071  
(B) of this section, or ~~if a person who has requested a copy of a~~ 1072  
~~public record allegedly is aggrieved by the~~ any other failure of a 1073  
public office ~~or the person responsible for the public record to~~ 1074  
~~make a copy available to the person allegedly aggrieved to comply~~ 1075  
with an obligation in accordance with division (B) of this 1076  
section, the person allegedly aggrieved may ~~commence~~ do either of 1077  
the following: 1078

(a) File either an informal complaint or a formal complaint 1079  
with the public access counselor pursuant to section 2743.33 of 1080  
the Revised Code; 1081

(b) Commence a mandamus action to obtain a judgment that 1082  
orders the public office or the person responsible for the public 1083  
record to comply with division (B) of this section ~~and,~~ that 1084  
awards court costs and reasonable attorney's fees to the person 1085  
that instituted the mandamus action, and, if applicable, that 1086  
includes an order fixing statutory damages under division (C)(2) 1087  
of this section. The mandamus action may be commenced in the court 1088  
of common pleas of the county in which division (B) of this 1089  
section allegedly was not complied with, in the supreme court 1090  
pursuant to its original jurisdiction under Section 2 of Article 1091  
IV, Ohio Constitution, or in the court of appeals for the 1092  
appellate district in which division (B) of this section allegedly 1093  
was not complied with pursuant to its original jurisdiction under 1094  
Section 3 of Article IV, Ohio Constitution. A person that 1095  
commences a mandamus action under division (C)(1) of this section 1096  
may not file with respect to the same public record request that 1097  
is the subject of the mandamus action an informal complaint or a 1098  
formal complaint with the public access counselor under section 1099

<u>2743.33 of the Revised Code.</u>	1100
<u>(2) If a person makes a written request to inspect or copy any public record in a manner that fairly describes the public record or class of public records requested, the person shall be entitled to recover the amount of statutory damages set forth in this division if a court determines both of the following:</u>	1101 1102 1103 1104 1105
<u>(a) The person filed either an informal complaint or a formal complaint with the public access counselor pursuant to section 2743.33 of the Revised Code, regardless of whether or not the parties involved in the applicable complaint reached an agreement under that section and regardless of whether or not the public access counselor issued an advisory opinion under that section.</u>	1106 1107 1108 1109 1110 1111
<u>(b) The public office or the person responsible for public records failed to comply with a person's request under division (B) of this section within ten business days after the person transmitted the request by hand delivery or certified mail to the public office or person responsible for the requested public records or within any additional period of time for compliance by the public office or person responsible for the public records exercising due diligence if that public office or person asserts in good faith a reasonable belief that the additional period for compliance is necessary due to any of the following:</u>	1112 1113 1114 1115 1116 1117 1118 1119 1120 1121
<u>(i) The age of the requested public records;</u>	1122
<u>(ii) The volume of the requested public records if those records consist of more than one hundred pages;</u>	1123 1124
<u>(iii) The need to examine the requested public records for any privileged information or any information that is exempt from inspection and copying under this section or any other section of the Revised Code;</u>	1125 1126 1127 1128
<u>(iv) The need to make any redaction of any information in the requested public records;</u>	1129 1130

(v) The format of the requested public records being such 1131  
that the records are no longer easily accessible. 1132

The amount of statutory damages shall be fixed at one hundred 1133  
dollars for each business day during which the public office or 1134  
person responsible for the requested public records failed to make 1135  
one or more requested public records available, beginning with the 1136  
day on which the requester files a mandamus action to recover 1137  
statutory damages, up to a maximum of one thousand dollars. The 1138  
statutory damages shall not be construed as penalties, but as 1139  
compensation for injury arising from lost use of the requested 1140  
information; the existence of this injury shall be conclusively 1141  
presumed. The award of statutory damages shall be in addition to 1142  
all other remedies authorized by this section. 1143

(3)(a) If the court renders a judgment that orders the public 1144  
office or the person responsible for the public record to comply 1145  
with division (B) of this section and determines that the 1146  
circumstances described in divisions (C)(2)(a) and (b) of this 1147  
section exist, the court shall determine and award to the relator 1148  
all court costs. 1149

(b) If the court renders a judgment that orders the public 1150  
office or the person responsible for the public record to comply 1151  
with division (B) of this section, the relator filed a formal 1152  
complaint with the public access counselor under section 2743.33 1153  
of the Revised Code prior to filing the mandamus action, and the 1154  
public access counselor issued an advisory opinion under that 1155  
section declaring that the relator has the right to inspect or 1156  
copy the public records that are the subject of the formal 1157  
complaint, subject to division (C)(3)(c) of this section, the 1158  
court shall determine and award to the relator reasonable 1159  
attorney's fees subject to reduction as described in division 1160  
(C)(3)(d) of this section. 1161

(c) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, in addition to any other provisions in this section regarding an award of attorney's fees to the relator, the following apply: 1162  
1163  
1164  
1165  
1166

(i) The court shall determine and award to the relator reasonable attorney's fees, subject to reduction as described in division (C)(2)(d) of this section, if the public office or the person responsible for the public records did not respond affirmatively or negatively to the public records request within the applicable period of time described in division (C)(2)(a) of this section. 1167  
1168  
1169  
1170  
1171  
1172  
1173

(ii) The court shall determine and award to the relator reasonable attorney's fees, subject to reduction as described in division (C)(2)(d) of this section, if the public office or the person responsible for the public records promised to permit the relator to inspect or copy the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time. 1174  
1175  
1176  
1177  
1178  
1179  
1180

(d) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following: 1181  
1182  
1183  
1184  
1185  
1186  
1187  
1188

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure 1189  
1190  
1191  
1192

to comply with an obligation in accordance with division (B) of 1193  
this section and that was the basis of the mandamus action, a 1194  
well-informed public office or person responsible for the 1195  
requested public records reasonably would believe that the conduct 1196  
or threatened conduct of the public office or person responsible 1197  
for the requested public records did not constitute a failure to 1198  
comply with an obligation in accordance with division (B) of this 1199  
section; 1200

(ii) That a well-informed public office or person responsible 1201  
for the requested public records reasonably would believe that the 1202  
conduct or threatened conduct of the public office or person 1203  
responsible for the requested public records as described in 1204  
division (C)(3)(d)(i) of this section would serve the public 1205  
policy that underlies the authority that is asserted as permitting 1206  
that conduct or threatened conduct. 1207

(e) If the person who commences the mandamus action under 1208  
division (C)(1) of this section did not file an informal complaint 1209  
or a formal complaint with the public access counselor pursuant to 1210  
section 2743.33 of the Revised Code before filing the action, the 1211  
court shall not award to the person any statutory damages but 1212  
shall award to the person court costs and may award to the person 1213  
reasonable attorney's fees, subject to reduction as described in 1214  
division (C)(3)(d) of this section. 1215

(D) Chapter 1347. of the Revised Code does not limit the 1216  
provisions of this section. 1217

(E)(1) To ensure that all employees of public offices are 1218  
appropriately educated about a public office's obligations under 1219  
division (B) of this section, all elected officials or their 1220  
appropriate designees shall attend training approved by the 1221  
attorney general as provided in section 109.43 of the Revised 1222  
Code. In addition, all public offices shall adopt a public records 1223



policy in compliance with this section for responding to public 1224  
records requests. In adopting a public records policy under this 1225  
division, a public office may obtain guidance from the model 1226  
public records policy developed and provided to the public office 1227  
by the attorney general under section 109.43 of the Revised Code. 1228  
Except as otherwise provided in this section, the policy may not 1229  
limit the number of public records that the public office will 1230  
make available to a single person, may not limit the number of 1231  
public records that it will make available during a fixed period 1232  
of time, and may not establish a fixed period of time before it 1233  
will respond to a request for inspection or copying of public 1234  
records, unless that period is less than eight hours. 1235

(2) The public office shall distribute the public records 1236  
policy adopted by the public office under division (E)(1) of this 1237  
section to the employee of the public office who is the records 1238  
custodian or records manager or otherwise has custody of the 1239  
records of that office. The public office shall require that 1240  
employee to acknowledge receipt of the copy of the public records 1241  
policy. The public office shall create a poster that describes its 1242  
public records policy and shall post the poster in a conspicuous 1243  
place in the public office and in all locations where the public 1244  
office has branch offices. The public office may post its public 1245  
records policy on the internet web site of the public office if 1246  
the public office maintains an internet web site. A public office 1247  
that has established a manual or handbook of its general policies 1248  
and procedures for all employees of the public office shall 1249  
include the public records policy of the public office in the 1250  
manual or handbook. 1251

~~(E)~~(F)(1) The bureau of motor vehicles may adopt rules 1252  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1253  
the number of bulk commercial special extraction requests made by 1254  
a person for the same records or for updated records during a 1255

calendar year. The rules may include provisions for charges to be 1256  
made for bulk commercial special extraction requests for the 1257  
actual cost of the bureau, plus special extraction costs, plus ten 1258  
per cent. The bureau may charge for expenses for redacting 1259  
information, the release of which is prohibited by law. 1260

(2) As used in ~~divisions (B)(3) and (E)~~ division (F)(1) of 1261  
this section: 1262

(a) "Actual cost" means the cost of depleted supplies, 1263  
records storage media costs, actual mailing and alternative 1264  
delivery costs, or other transmitting costs, and any direct 1265  
equipment operating and maintenance costs, including actual costs 1266  
paid to private contractors for copying services. 1267

(b) "Bulk commercial special extraction request" means a 1268  
request for copies of a record for information in a format other 1269  
than the format already available, or information that cannot be 1270  
extracted without examination of all items in a records series, 1271  
class of records, or data base by a person who intends to use or 1272  
forward the copies for surveys, marketing, solicitation, or resale 1273  
for commercial purposes. "Bulk commercial special extraction 1274  
request" does not include a request by a person who gives 1275  
assurance to the bureau that the person making the request does 1276  
not intend to use or forward the requested copies for surveys, 1277  
marketing, solicitation, or resale for commercial purposes. 1278

(c) "Commercial" means profit-seeking production, buying, or 1279  
selling of any good, service, or other product. 1280

(d) "Special extraction costs" means the cost of the time 1281  
spent by the lowest paid employee competent to perform the task, 1282  
the actual amount paid to outside private contractors employed by 1283  
the bureau, or the actual cost incurred to create computer 1284  
programs to make the special extraction. "Special extraction 1285  
costs" include any charges paid to a public agency for computer or 1286

records services. 1287

(3) For purposes of divisions ~~(E)~~(F)(1) and (2) of this 1288  
section, "~~commercial~~ surveys, marketing, solicitation, or resale 1289  
for commercial purposes" shall be narrowly construed and does not 1290  
include reporting or gathering news, reporting or gathering 1291  
information to assist citizen oversight or understanding of the 1292  
operation or activities of government, or nonprofit educational 1293  
research. 1294

Sec. 2743.31. (A) As used in this section and sections 1295  
2743.32, 2743.33, and 2743.34 of the Revised Code: 1296

(1) "Counselor" means the public access counselor appointed 1297  
under this section. 1298

(2) "Meeting" and "public body" have the same meanings as in 1299  
section 121.22 of the Revised Code. 1300

(3) "Public access laws" means sections 121.22 and 149.43 of 1301  
the Revised Code. 1302

(4) "Public entity" means a public body for purposes of 1303  
matters concerning section 121.22 of the Revised Code or a public 1304  
office for purposes of matters concerning section 149.43 of the 1305  
Revised Code. 1306

(5) "Public office" has the same meaning as in section 1307  
149.011 of the Revised Code. 1308

(6) "Public meeting" means a meeting that is open to the 1309  
public under section 121.22 of the Revised Code. 1310

(7) "Public records" has the same meaning as in section 1311  
149.43 of the Revised Code. 1312

(B) There is hereby established in the court of claims an 1313  
office to be known as the office of the public access counselor. 1314  
The office of the public access counselor shall be under the 1315

supervision of a public access counselor appointed by the chief 1316  
justice of the supreme court. The public office counselor shall 1317  
have been admitted to practice as an attorney at law in this state 1318  
and shall be engaged in the practice of law in this state. The 1319  
chief justice of the supreme court shall appoint the public access 1320  
counselor for a term of four years. The chief justice may remove 1321  
the public access counselor for cause. If a vacancy occurs in the 1322  
office of public access counselor, the chief justice shall appoint 1323  
a successor to serve the remainder of the unexpired term of the 1324  
public access counselor. The successor appointed to fill a vacancy 1325  
in the office of public access counselor shall have been admitted 1326  
to practice as an attorney at law in this state and shall be 1327  
engaged in the practice of law in this state. 1328

(C) The public access counselor shall not engage in any 1329  
profession, occupation, practice, or business that may conflict 1330  
with the duties of the public access counselor under section 1331  
2743.32 or 2743.33 of the Revised Code. 1332

(D) The public access counselor may appoint any employees 1333  
necessary to carry out the duties and functions of the office of 1334  
the public access counselor. 1335

**Sec. 2743.32.** (A) The public access counselor appointed under 1336  
section 2743.31 of the Revised Code shall do all of the following: 1337

(1) Assist the attorney general in developing and providing 1339  
training programs and seminars under section 109.43 of the Revised 1340  
Code; 1341

(2) Receive any informal complaint filed by any person under 1342  
section 2743.33 of the Revised Code alleging a public entity's 1343  
denial of any of the person's rights under the public access laws 1344  
and engage in dispute resolution to encourage the parties to the 1345

informal complaint to reach an agreement under that section; 1346

(3) Receive any formal complaint filed by any person under 1347  
section 2743.33 of the Revised Code alleging a public entity's 1348  
denial of any of the person's rights under the public access laws, 1349  
investigate the allegations in the complaint, and issue an 1350  
advisory opinion regarding any of the person's rights that are the 1351  
subject of the formal complaint; 1352

(4) Make recommendations to the general assembly and to the 1353  
supreme court concerning ways to improve public access to public 1354  
records and to ensure public attendance at public meetings. 1355

(B) The counselor shall submit an annual report to the 1356  
general assembly and to the supreme court not later than the 1357  
thirtieth day of June of each year concerning the activities of 1358  
the counselor during the immediately preceding calendar year in 1359  
regard to divisions (B)(1) to (5) of this section. The report 1360  
shall include all of the following information: 1361

(1) The total number of informal complaints and the total 1362  
number of formal complaints received by the office of the public 1363  
access counselor; 1364

(2) The number of informal complaints and the number of 1365  
formal complaints received from the media and received from the 1366  
public in general; 1367

(3) The total number of informal complaints that resulted in 1368  
an agreement reached by the parties to the informal complaint and 1369  
the total number of formal complaints that resulted in an 1370  
agreement reached by the parties to the formal complaint; 1371

(4) The number of informal complaints and the number of 1372  
formal complaints received in regard to the performance of duties 1373  
by the applicable public entity under section 121.22 or 149.43 of 1374  
the Revised Code by each of the following: 1375

<u>(a) Public entities, other than political subdivisions or agencies of political subdivisions;</u>	1376
	1377
<u>(b) Offices and agencies of counties;</u>	1378
<u>(c) Offices and agencies of municipal corporations;</u>	1379
<u>(d) Offices and agencies of townships;</u>	1380
<u>(e) Boards of education;</u>	1381
<u>(f) Offices and agencies of other political subdivisions.</u>	1382
<u>(5) The total number of advisory opinions that were issued by the public access counselor.</u>	1383
	1384
<b><u>Sec. 2743.33.</u></b> (A) <u>No person is required to file an informal complaint or a formal complaint with the public access counselor under this section before filing an action in court under the public access laws. The procedures set forth in this section do not constitute an alternative remedy in the ordinary course of the law for purposes of seeking any judicial remedy authorized by any provision in the Revised Code or by any rule of court.</u>	1385
	1386
	1387
	1388
	1389
	1390
	1391
<u>(B) A public entity shall cooperate with the counselor in any proceeding under this section.</u>	1392
	1393
<u>(C)(1) Any of the following may file an informal complaint with the counselor pursuant to the procedures prescribed in division (F) of this section or may file a formal complaint with the counselor pursuant to the procedures prescribed in division (G) of this section:</u>	1394
	1395
	1396
	1397
	1398
<u>(a) Any person that alleges that the person's right to inspect or copy any public record under section 149.43 of the Revised Code has been denied in violation of that section;</u>	1399
	1400
	1401
<u>(b) Any person that alleges that any of the person's rights under section 121.22 of the Revised Code has been denied in violation of that section.</u>	1402
	1403
	1404

(2)(a) No person described in division (C)(1)(a) of this section may file both an informal complaint and a formal complaint under this section alleging that the person's right to inspect or copy any public record under section 149.43 of the Revised Code has been denied in violation of that section if the allegations in the informal complaint and the allegations in the formal complaint are based on the same facts. 1405  
1406  
1407  
1408  
1409  
1410  
1411

(b) No person described in division (C)(1)(b) of this section may file both an informal complaint and a formal complaint under this section alleging that any of the person's rights under section 121.22 of the Revised Code has been denied in violation of that section if the allegations in the informal complaint and the allegations in the formal complaint are based on the same facts. 1412  
1413  
1414  
1415  
1416  
1417

(3) The counselor shall determine and prescribe the form of an informal complaint and the form of a formal complaint filed under this section. 1418  
1419  
1420

(D)(1) Any person described in division (C)(1)(a) of this section that chooses to file an informal complaint or a formal complaint with the counselor shall file the appropriate complaint not later than thirty days after the date of the alleged denial of the person's right to inspect or copy any public record under section 149.43 of the Revised Code. Any person described in division (C)(1)(b) of this section that chooses to file an informal complaint or a formal complaint with the counselor shall file the appropriate complaint not later than thirty days after the date of the alleged denial of any of the person's rights under section 121.22 of the Revised Code. 1421  
1422  
1423  
1424  
1425  
1426  
1427  
1428  
1429  
1430  
1431

(2) An informal complaint or a formal complaint is considered filed on the date the appropriate complaint is received by the counselor or on the date the appropriate mailed complaint is postmarked if the counselor receives that mailed complaint more 1432  
1433  
1434  
1435

than thirty days after the applicable date specified in division 1436  
(D)(1) of this section. 1437

(E) Upon receiving an informal complaint or a formal 1438  
complaint under division (D)(2) of this section, the counselor 1439  
immediately shall forward a copy of the appropriate complaint to 1440  
the public entity that is the subject of that complaint. 1441

(F)(1) Upon receiving an informal complaint under division 1442  
(D)(2) of this section, the counselor shall engage in early 1443  
intervention, mediation, conciliation, or any other form of 1444  
dispute resolution or shall facilitate discussion between the 1445  
parties involved in the informal complaint in order to encourage 1446  
those parties to reach an agreement on the issues raised in the 1447  
informal complaint as soon as practicable. 1448

(2) If the parties involved in the informal complaint reach 1449  
an agreement regarding the issues raised in that complaint, the 1450  
counselor shall require that the agreement be in writing and 1451  
signed by both parties within seven days after the parties reach 1452  
the agreement. The agreement is enforceable in a court. A court 1453  
that determines that a party has violated the agreement shall 1454  
order that party to pay the reasonable attorney's fees of the 1455  
other party. If the informal complaint is based on an alleged 1456  
denial by a public office of the complainant's right to inspect or 1457  
copy any public record under section 149.43 of the Revised Code, 1458  
if an agreement is reached under this division between the 1459  
complainant and the public office involved in that informal 1460  
complaint, and, if a court determines that that public office 1461  
violated the agreement, the court shall order the public office to 1462  
pay statutory damages to the complainant in the amount specified 1463  
in division (C)(2) of section 149.43 of the Revised Code. If the 1464  
informal complaint is based on an alleged denial by a public body 1465  
of any of the complainant's rights under section 121.22 of the 1466  
Revised Code, if an agreement is reached under this division 1467



between the complainant and the public body involved in that 1468  
informal complaint, and if a court determines that that public 1469  
body violated the agreement, the court shall order the public body 1470  
to pay the civil forfeiture to the complainant in the amount 1471  
specified in division (I)(2)(a) of section 121.22 of the Revised 1472  
Code. 1473

(3) If any early intervention, mediation, conciliation, or 1474  
other form of dispute resolution in which the counselor engages 1475  
under division (F)(1) of this section or any discussion between 1476  
the parties does not result in any agreement between the parties 1477  
on the issues raised in the informal complaint within fourteen 1478  
days after the date of the filing of the informal complaint, the 1479  
complainant may bring an action in court pursuant to the 1480  
applicable public access law. 1481

(G)(1) Upon receiving a formal complaint under division 1482  
(D)(2) of this section, the counselor shall investigate the facts 1483  
alleged in the formal complaint. 1484

(2)(a) Except as provided in division (G)(2)(b) of this 1485  
section, if the parties involved in the formal complaint reach an 1486  
agreement regarding the issues raised in that complaint either 1487  
before or after an advisory opinion is issued under division 1488  
(G)(3) of this section, the counselor shall require that the 1489  
agreement be in writing and signed by both parties within seven 1490  
days after the parties reach the agreement. The agreement is 1491  
enforceable in a court. A court that determines that a party has 1492  
violated the agreement shall order that party to pay the 1493  
reasonable attorney's fees of the other party. If the formal 1494  
complaint is based on an alleged denial by a public office of the 1495  
complainant's right to inspect or copy any public record under 1496  
section 149.43 of the Revised Code, if an agreement is reached 1497  
under this division between the complainant and the public office 1498  
involved in that formal complaint, and if a court determines that 1499

that public office violated the agreement, the court shall order 1500  
the public office to pay statutory damages to the complainant in 1501  
the amount specified in division (C)(2) of section 149.43 of the 1502  
Revised Code. If the formal complaint is based on an alleged 1503  
denial by a public body of any of the complainant's rights under 1504  
section 121.22 of the Revised Code, if an agreement is reached 1505  
under this division between the complainant and the public body 1506  
involved in that formal complaint, and if a court determines that 1507  
that public body violated the agreement, the court shall order the 1508  
public body to pay the civil forfeiture to the complainant in the 1509  
amount specified in division (I)(2)(a) of section 121.22 of the 1510  
Revised Code. 1511

(b) Division (G)(2)(a) of this section does not apply if the 1512  
counselor participated in or facilitated any discussion between 1513  
the parties in reaching the agreement described in that division. 1514

(3)(a) Except as provided in division (G)(3)(b) of this 1515  
section, the counselor shall issue an advisory opinion on the 1516  
formal complaint not later than fourteen days after the complaint 1517  
is filed. 1518

(b) If the counselor determines that a formal complaint has 1519  
priority, the counselor shall issue an advisory opinion on the 1520  
complaint not later than seven days after the complaint is filed. 1521

(4) The counselor shall adopt any necessary rules 1522  
establishing criteria for formal complaints that have priority 1523  
under this section or any other rules necessary to implement the 1524  
provisions of this section. 1525

(5)(a) If the counselor issues an advisory opinion under 1526  
division (G)(3) of this section that declares that the complainant 1527  
has the right to inspect or copy the public records that are the 1528  
subject of the formal complaint, unless the parties involved in 1529  
the formal complaint reach an agreement under division (G)(2) of 1530

this section, the complainant may present the advisory opinion to 1531  
the public office involved in the formal complaint and request the 1532  
public office to make those records available for inspection or 1533  
copying by the complainant pursuant to section 149.43 of the 1534  
Revised Code. If the public office denies that request or fails to 1535  
promptly comply with the request, the complainant may bring an 1536  
action in court pursuant to that section. 1537

(b) If the counselor issues an advisory opinion under 1538  
division (G)(3) of this section that declares that the complainant 1539  
has that right under section 121.22 of the Revised Code that is 1540  
the subject of the formal complaint, unless the parties involved 1541  
in the formal complaint reach an agreement under division (G)(2) 1542  
of this section, the complainant may present the advisory opinion 1543  
to the public body involved in the formal complaint and request 1544  
the public body to comply with section 121.22 of the Revised Code 1545  
with respect to the complainant's right that is the subject of the 1546  
formal complaint. If the public body does not comply with section 1547  
121.22 of the Revised Code with respect to that right of the 1548  
complainant, the complainant may bring an action in court pursuant 1549  
to that section. 1550

(6) All advisory opinions issued by the counselor under 1551  
division (G)(3) of this section shall state the date of issuance 1552  
of the opinion, name the parties to the formal complaint, 1553  
summarize the factual and legal issues involved, and set forth a 1554  
reasoned rationale for the counselor's conclusion, including 1555  
citation to legal authority supporting that conclusion. Advisory 1556  
opinions issued by the counselor are public records under section 1557  
149.43 of the Revised Code. 1558

(7) The office of the public access counselor may rely on 1559  
past advisory opinions issued by the counselor under division 1560  
(G)(3) of this section as precedent for that office. Advisory 1561  
opinions issued by the counselor under that division do not bind 1562

any court in interpreting or applying section 121.22 or 149.43 of 1563  
the Revised Code, and no court may presume that the existence of 1564  
an advisory opinion issued by the counselor is evidence against or 1565  
in favor of a reduction or denial of an award of reasonable 1566  
attorney's fees to a litigant. 1567

**Sec. 2743.34.** (A) Any person who files an informal complaint 1568  
or a formal complaint with the public access counselor under 1569  
section 2743.33 of the Revised Code may withdraw the complaint at 1570  
any time by notifying the counselor in writing of the withdrawal. 1571  
Upon withdrawing the complaint, that person may bring an action in 1572  
court as authorized by the applicable public access law based upon 1573  
the same facts that are the subject matter of the complaint that 1574  
was withdrawn. 1575

(B) Any informal complaint or any formal complaint filed with 1576  
the public access counselor under section 2743.33 of the Revised 1577  
Code does not toll the running of the period of limitations for 1578  
bringing an action under section 121.22 or 149.43 of the Revised 1579  
Code concerning the subject matter of the informal complaint or 1580  
the subject matter of the formal complaint. 1581

**Sec. 2923.129.** (A)(1) If a sheriff, the superintendent of the 1582  
bureau of criminal identification and investigation, the employees 1583  
of the bureau, the Ohio peace officer training commission, or the 1584  
employees of the commission make a good faith effort in performing 1585  
the duties imposed upon the sheriff, the superintendent, the 1586  
bureau's employees, the commission, or the commission's employees 1587  
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 1588  
Revised Code, in addition to the personal immunity provided by 1589  
section 9.86 of the Revised Code or division (A)(6) of section 1590  
2744.03 of the Revised Code and the governmental immunity of 1591  
sections 2744.02 and 2744.03 of the Revised Code and in addition 1592

to any other immunity possessed by the bureau, the commission, and 1593  
their employees, the sheriff, the sheriff's office, the county in 1594  
which the sheriff has jurisdiction, the bureau, the superintendent 1595  
of the bureau, the bureau's employees, the commission, and the 1596  
commission's employees are immune from liability in a civil action 1597  
for injury, death, or loss to person or property that allegedly 1598  
was caused by or related to any of the following: 1599

(a) The issuance, renewal, suspension, or revocation of a 1600  
license to carry a concealed handgun or the issuance, suspension, 1601  
or revocation of a temporary emergency license to carry a 1602  
concealed handgun; 1603

(b) The failure to issue, renew, suspend, or revoke a license 1604  
to carry a concealed handgun or the failure to issue, suspend, or 1605  
revoke a temporary emergency license to carry a concealed handgun; 1606

(c) Any action or misconduct with a handgun committed by a 1607  
licensee. 1608

(2) Any action of a sheriff relating to the issuance, 1609  
renewal, suspension, or revocation of a license to carry a 1610  
concealed handgun or the issuance, suspension, or revocation of a 1611  
temporary emergency license to carry a concealed handgun shall be 1612  
considered to be a governmental function for purposes of Chapter 1613  
2744. of the Revised Code. 1614

(3) An entity that or instructor who provides a competency 1615  
certification of a type described in division (B)(3) of section 1616  
2923.125 of the Revised Code is immune from civil liability that 1617  
might otherwise be incurred or imposed for any death or any injury 1618  
or loss to person or property that is caused by or related to a 1619  
person to whom the entity or instructor has issued the competency 1620  
certificate if all of the following apply: 1621

(a) The alleged liability of the entity or instructor relates 1622  
to the training provided in the course, class, or program covered 1623

by the competency certificate.

1624

(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program and makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G)(2) of section 2923.125 of the Revised Code.

1625

1626

1627

1628

1629

1630

(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.

1631

1632

1633

(4) An entity that or instructor who provides a renewed competency certification of a type described in division (G)(4) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the renewed competency certificate if all of the following apply:

1634

1635

1636

1637

1638

1639

1640

1641

(a) The entity or instructor makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G)(2) of section 2923.125 of the Revised Code.

1642

1643

1644

1645

(b) The entity or instructor did not issue the renewed competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.

1646

1647

1648

(5) A law enforcement agency that employs a peace officer is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act of that peace officer if the act occurred while the peace officer carried a concealed handgun and was off duty and if the act allegedly involved the peace officer's use of the concealed

1649

1650

1651

1652

1653

1654

handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised Code apply to any civil action involving a peace officer's use of a concealed handgun in the performance of the peace officer's official duties while the peace officer is off duty.

(B)(1) Notwithstanding section 149.43 of the Revised Code, except as provided in division (B)(2) of this section, the records that a sheriff keeps relative to the issuance, renewal, suspension, or revocation of a license to carry a concealed handgun or the issuance, suspension, or revocation of a temporary emergency license to carry a concealed handgun, including, but not limited to, completed applications for the issuance or renewal of a license, completed affidavits submitted regarding an application for a temporary emergency license, reports of criminal records checks and incompetency records checks under section 311.41 of the Revised Code, and applicants' social security numbers and fingerprints that are obtained under division (A) of section 311.41 of the Revised Code, are confidential and are not public records. Except as provided in division (B)(2) of this section, no person shall release or otherwise disseminate records that are confidential under this division unless required to do so pursuant to a court order.

(2)(a) Upon a written request made to a sheriff and signed by a journalist on or after ~~the effective date of this section~~ April 8, 2004, except as provided in division (B)(2)(b) of this section, the sheriff shall disclose to the journalist the name, county of residence, and date of birth of each person to whom the sheriff has issued a license or replacement license to carry a concealed handgun, renewed a license to carry a concealed handgun, or issued a temporary emergency license or replacement temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code. The request shall include the journalist's name and title, shall include the name and address of

the journalist's employer, and shall state that disclosure of the 1687  
information sought would be in the public interest. 1688

(b) A sheriff who otherwise is required pursuant to division 1689  
(B)(2)(a) of this section to disclose to a journalist the name, 1690  
county of residence, and date of birth of persons to whom the 1691  
sheriff has issued a valid license, replacement license, temporary 1692  
emergency license, or replacement temporary emergency license to 1693  
carry a concealed handgun shall not disclose that information to a 1694  
journalist if the person with a valid license to carry a concealed 1695  
handgun has either notified the sheriff, in writing, that the 1696  
person does not want the person's name, county of residence, and 1697  
date of birth disclosed to a journalist or has indicated on the 1698  
person's application for a license or for renewal of a license 1699  
that the person does not want the person's information disclosed 1700  
to a journalist. 1701

(c) As used in division (B)(2) of this section, "journalist" 1702  
means a person engaged in, connected with, or employed by any news 1703  
medium, including a newspaper, magazine, press association, news 1704  
agency, or wire service, a radio or television station, or a 1705  
similar medium, for the purpose of gathering, processing, 1706  
transmitting, compiling, editing, or disseminating information for 1707  
the general public. 1708

(C) Each sheriff shall report to the Ohio peace officer 1709  
training commission the number of licenses to carry a concealed 1710  
handgun that the sheriff issued, renewed, suspended, revoked, or 1711  
denied during the previous quarter of the calendar year, the 1712  
number of applications for those licenses for which processing was 1713  
suspended in accordance with division (D)(3) of section 2923.125 1714  
of the Revised Code during the previous quarter of the calendar 1715  
year, and the number of temporary emergency licenses to carry a 1716  
concealed handgun that the sheriff issued, suspended, revoked, or 1717  
denied during the previous quarter of the calendar year. The 1718



sheriff shall not include in the report the name or any other 1719  
identifying information of an applicant or licensee. The sheriff 1720  
shall report that information in a manner that permits the 1721  
commission to maintain the statistics described in division (D) of 1722  
section 109.731 of the Revised Code and to timely prepare the 1723  
statistical report described in that division. The information 1724  
that is received by the commission under this division is a public 1725  
record kept by the commission for the purposes of section 149.43 1726  
of the Revised Code. 1727

(D) Law enforcement agencies may use the information a 1728  
sheriff makes available through the use of the law enforcement 1729  
automated data system pursuant to division (H) of section 2923.125 1730  
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 1731  
for law enforcement purposes only. The information is confidential 1732  
and is not a public record. A person who releases or otherwise 1733  
disseminates this information obtained through the law enforcement 1734  
automated data system in a manner not described in this division 1735  
is guilty of a violation of section 2913.04 of the Revised Code. 1736

(E) Whoever violates division (B) of this section is guilty 1737  
of illegal release of confidential concealed handgun license 1738  
records, a felony of the fifth degree. In addition to any 1739  
penalties imposed under Chapter 2929. of the Revised Code for a 1740  
violation of division (B) of this section or a violation of 1741  
section 2913.04 of the Revised Code described in division (D) of 1742  
this section, if the offender is a sheriff, an employee of a 1743  
sheriff, or any other public officer or employee, and if the 1744  
violation was willful and deliberate, the offender shall be 1745  
subject to a civil fine of one thousand dollars. Any person who is 1746  
harmed by a violation of division (B) or (C) of this section or a 1747  
violation of section 2913.04 of the Revised Code described in 1748  
division (D) of this section has a private cause of action against 1749  
the offender for any injury, death, or loss to person or property 1750

that is a proximate result of the violation and may recover court costs and attorney's fees related to the action. 1751  
1752

**Sec. 2923.1210.** The application for a license to carry a concealed handgun or for the renewal of a license of that nature that is to be used under section 2923.125 of the Revised Code shall conform substantially to the following form and shall contain a provision that allows an applicant to opt out of release of the applicant's name, county of residence, and date of birth to a journalist: 1753  
1754  
1755  
1756  
1757  
1758  
1759

"Ohio Peace OFFICER APPLICATION FOR A LICENSE TO CARRY A CONCEALED HANDGUN 1760  
Training  
Commission

Please Type or Print in Ink 1761

SECTION I. 1762

This application will not be processed unless all applicable questions have been answered and until all required supporting documents as described in division (B) or (F) of section 2923.125 of the Ohio Revised Code and, unless waived, a cashier's check, certified check, or money order in the amount of the applicable license fee or license renewal fee have been submitted. FEES ARE NONREFUNDABLE. 1763

SECTION II. 1764

Name: 1765

Last First Middle 1766  
..... 1767

Social Security Number:..... 1768

Current Residence: 1769

Street	City	State	County	Zip	1770
.....	.....	.....	.....	.....	1771
Mailing Address (If Different From Above):					1772
Street	City	State		Zip	1773
.....	.....	.....		.....	1774
Date of Birth	Place of Birth	Sex	Race	Residence	1775
...../...../.....	.....	....	.....	(...).....	1776
SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO					1777
(1) Have you been a resident of Ohio for at least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county?					1778
			.... YES	.... NO	
(2) Are you at least twenty-one years of age?					1779
			.... YES	.... NO	
(3) Are you a fugitive from justice?					1780
(4) Are you under indictment for a felony, have you ever been convicted of or pleaded guilty to a felony, or have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?					1781
			.... YES	.... NO	
(5) Are you under indictment for or otherwise charged with, or have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if					1782

committed by an adult?

(6) Are you under indictment for or otherwise charged with, or have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult? . . . . YES . . . . NO 1783

(7) Are you under indictment for or otherwise charged with, or have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest? . . . . YES . . . . NO 1784

(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault? . . . . YES . . . . NO 1785

(b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application? . . . . YES . . . . NO 1786

(c) Have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer? . . . . YES . . . . NO 1787

(9)(a) Have you ever been adjudicated as a . . . . YES . . . . NO 1788

mental defective?

(b) Have you ever been committed to a mental institution? . . . . YES . . . . NO 1789

(10) Are you currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state? . . . . YES . . . . NO 1790

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE ~~relevant~~ RELEVANT INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS SECTION. 1791-1799

Residence 1: 1800  
Street City State County Zip 1801  
. . . . . 1802  
Dates of residence at this address . . . . . 1803

Residence 2: 1804  
Street City State County Zip 1805  
. . . . . 1806  
Dates of residence at this address . . . . . 1807

Residence 3: 1808  
Street City State County Zip 1809  
. . . . . 1810  
Dates of residence at this address . . . . . 1811

Residence 4: 1812  
Street City State County Zip 1813  
. . . . . 1814

Dates of residence at this address .....	1815
SECTION V.	1816
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR	1817
SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE	1818
APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A	1819
CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN	1820
VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	1821
(1) I have been furnished, and have read, the pamphlet that	1822
explains the Ohio firearms laws, that provides instruction in	1823
dispute resolution and explains the Ohio laws related to that	1824
matter, and that provides information regarding all aspects	1825
of the use of deadly force with a firearm, and I am	1826
knowledgeable of the provisions of those laws and of the	1827
information on those matters.	1828
(2) I desire a legal means to carry a concealed handgun for	1829
defense of myself or a member of my family while engaged in	1830
lawful activity.	1831
(3) I have never been convicted of or pleaded guilty to a crime of	1832
violence in the state of Ohio or elsewhere. I am of sound	1833
mind. I hereby certify that the statements contained herein	1834
are true and correct to the best of my knowledge and belief.	1835
I understand that if I knowingly make any false statements	1836
herein I am subject to penalties prescribed by law. I	1837
authorize the sheriff or the sheriff's designee to inspect	1838
only those records or documents relevant to information	1839
required for this application.	1840
(4) The information contained in this application and all attached	1841
documents are true and correct to the best of my knowledge.	1842
.....	1843
Signature of Applicant"	1844

Sec. 3319.321. (A) No person shall release, or permit access 1845  
to, the ~~names or other personally identifiable~~ directory 1846  
information concerning any students attending a public school to 1847  
any person or group for use in a profit-making plan or activity. 1848  
Notwithstanding division (B)(4) of section 149.43 of the Revised 1849  
Code, a person may require disclosure of the requestor's identity 1850  
or the intended use of the directory information concerning any 1851  
students attending a public school to ascertain whether the 1852  
directory information is for use in a profit-making plan or 1853  
activity. 1854

(B) No person shall release, or permit access to, personally 1855  
identifiable information other than directory information 1856  
concerning any student attending a public school, for purposes 1857  
other than those identified in division (C), (E), (G), or (H) of 1858  
this section, without the written consent of the parent, guardian, 1859  
or custodian of each such student who is less than eighteen years 1860  
of age, or without the written consent of each such student who is 1861  
eighteen years of age or older. 1862

(1) For purposes of this section, "directory information" 1863  
includes a student's name, address, telephone listing, date and 1864  
place of birth, major field of study, participation in officially 1865  
recognized activities and sports, weight and height of members of 1866  
athletic teams, dates of attendance, date of graduation, and 1867  
awards received. 1868

(2)(a) Except as provided in division (B)(2)(b) of this 1869  
section, no school district board of education shall impose any 1870  
restriction on the presentation of directory information that it 1871  
has designated as subject to release in accordance with the 1872  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 1873  
20 U.S.C. 1232q, as amended, to representatives of the armed 1874  
forces, business, industry, charitable institutions, other 1875

employers, and institutions of higher education unless such 1876  
restriction is uniformly imposed on each of these types of 1877  
representatives, except that if a student eighteen years of age or 1878  
older or a student's parent, guardian, or custodian has informed 1879  
the board that any or all such information should not be released 1880  
without such person's prior written consent, the board shall not 1881  
release that information without such person's prior written 1882  
consent. 1883

(b) The names and addresses of students in grades ten through 1884  
twelve shall be released to a recruiting officer for any branch of 1885  
the United States armed forces who requests such information, 1886  
except that such data shall not be released if the student or 1887  
student's parent, guardian, or custodian submits to the board a 1888  
written request not to release such data. Any data received by a 1889  
recruiting officer shall be used solely for the purpose of 1890  
providing information to students regarding military service and 1891  
shall not be released to any person other than individuals within 1892  
the recruiting services of the armed forces. 1893

(3) Except for directory information and except as provided 1894  
in division (E), (G), or (H) of this section, information covered 1895  
by this section that is released shall only be transferred to a 1896  
third or subsequent party on the condition that such party will 1897  
not permit any other party to have access to such information 1898  
without written consent of the parent, guardian, or custodian, or 1899  
of the student who is eighteen years of age or older. 1900

(4) Except as otherwise provided in this section, any parent 1901  
of a student may give the written parental consent required under 1902  
this section. Where parents are separated or divorced, the written 1903  
parental consent required under this section may be obtained from 1904  
either parent, subject to any agreement between such parents or 1905  
court order governing the rights of such parents. In the case of a 1906  
student whose legal guardian is in an institution, a person 1907



independent of the institution who has no other conflicting 1908  
interests in the case shall be appointed by the board of education 1909  
of the school district in which the institution is located to give 1910  
the written parental consent required under this section. 1911

(5)(a) A parent of a student who is not the student's 1912  
residential parent, upon request, shall be permitted access to any 1913  
records or information concerning the student under the same terms 1914  
and conditions under which access to the records or information is 1915  
available to the residential parent of that student, provided that 1916  
the access of the parent who is not the residential parent is 1917  
subject to any agreement between the parents, to division (F) of 1918  
this section, and, to the extent described in division (B)(5)(b) 1919  
of this section, is subject to any court order issued pursuant to 1920  
section 3109.051 of the Revised Code and any other court order 1921  
governing the rights of the parents. 1922

(b) If the residential parent of a student has presented the 1923  
keeper of a record or information that is related to the student 1924  
with a copy of an order issued under division (H)(1) of section 1925  
3109.051 of the Revised Code that limits the terms and conditions 1926  
under which the parent who is not the residential parent of the 1927  
student is to have access to records and information pertaining to 1928  
the student or with a copy of any other court order governing the 1929  
rights of the parents that so limits those terms and conditions, 1930  
and if the order pertains to the record or information in 1931  
question, the keeper of the record or information shall provide 1932  
access to the parent who is not the residential parent only to the 1933  
extent authorized in the order. If the residential parent has 1934  
presented the keeper of the record or information with such an 1935  
order, the keeper of the record shall permit the parent who is not 1936  
the residential parent to have access to the record or information 1937  
only in accordance with the most recent such order that has been 1938  
presented to the keeper by the residential parent or the parent 1939

who is not the residential parent. 1940

(C) Nothing in this section shall limit the administrative 1941  
use of public school records by a person acting exclusively in the 1942  
person's capacity as an employee of a board of education or of the 1943  
state or any of its political subdivisions, any court, or the 1944  
federal government, and nothing in this section shall prevent the 1945  
transfer of a student's record to an educational institution for a 1946  
legitimate educational purpose. However, except as provided in 1947  
this section, public school records shall not be released or made 1948  
available for any other purpose. Fingerprints, photographs, or 1949  
records obtained pursuant to section 3313.96 or 3319.322 of the 1950  
Revised Code, or pursuant to division (E) of this section, or any 1951  
medical, psychological, guidance, counseling, or other information 1952  
that is derived from the use of the fingerprints, photographs, or 1953  
records, shall not be admissible as evidence against the minor who 1954  
is the subject of the fingerprints, photographs, or records in any 1955  
proceeding in any court. The provisions of this division regarding 1956  
the administrative use of records by an employee of the state or 1957  
any of its political subdivisions or of a court or the federal 1958  
government shall be applicable only when the use of the 1959  
information is required by a state statute adopted before November 1960  
19, 1974, or by federal law. 1961

(D) A board of education may require, subject to division (E) 1962  
of this section, a person seeking to obtain copies of public 1963  
school records to pay the cost of reproduction and, in the case of 1964  
data released under division (B)(2)(b) of this section, to pay for 1965  
any mailing costs, which payment shall not exceed the actual cost 1966  
to the school. 1967

(E) A principal or chief administrative officer of a public 1968  
school, or any employee of a public school who is authorized to 1969  
handle school records, shall provide access to a student's records 1970  
to a law enforcement officer who indicates that the officer is 1971

conducting an investigation and that the student is or may be a  
missing child, as defined in section 2901.30 of the Revised Code.  
Free copies of information in the student's record shall be  
provided, upon request, to the law enforcement officer, if prior  
approval is given by the student's parent, guardian, or legal  
custodian. Information obtained by the officer shall be used  
solely in the investigation of the case. The information may be  
used by law enforcement agency personnel in any manner that is  
appropriate in solving the case, including, but not limited to,  
providing the information to other law enforcement officers and  
agencies and to the bureau of criminal identification and  
investigation for purposes of computer integration pursuant to  
section 2901.30 of the Revised Code.

(F) No person shall release to a parent of a student who is  
not the student's residential parent or to any other person, or  
permit a parent of a student who is not the student's residential  
parent or permit any other person to have access to, any  
information about the location of any elementary or secondary  
school to which a student has transferred or information that  
would enable the parent who is not the student's residential  
parent or the other person to determine the location of that  
elementary or secondary school, if the elementary or secondary  
school to which the student has transferred and that requested the  
records of the student under section 3313.672 of the Revised Code  
informs the elementary or secondary school from which the  
student's records are obtained that the student is under the care  
of a shelter for victims of domestic violence, as defined in  
section 3113.33 of the Revised Code.

(G) A principal or chief administrative officer of a public  
school, or any employee of a public school who is authorized to  
handle school records, shall comply with any order issued pursuant  
to division (D)(1) of section 2151.14 of the Revised Code, any

request for records that is properly made pursuant to division 2004  
(D)(3)(a) of section 2151.14 or division (A) of section 2151.141 2005  
of the Revised Code, and any determination that is made by a court 2006  
pursuant to division (D)(3)(b) of section 2151.14 or division 2007  
(B)(1) of section 2151.141 of the Revised Code. 2008

(H) Notwithstanding any provision of this section, a 2009  
principal of a public school, to the extent permitted by the 2010  
"Family Educational Rights and Privacy Act of 1974," shall make 2011  
the report required in section 3319.45 of the Revised Code that a 2012  
pupil committed any violation listed in division (A) of section 2013  
3313.662 of the Revised Code on property owned or controlled by, 2014  
or at an activity held under the auspices of, the board of 2015  
education, regardless of whether the pupil was sixteen years of 2016  
age or older. The principal is not required to obtain the consent 2017  
of the pupil who is the subject of the report or the consent of 2018  
the pupil's parent, guardian, or custodian before making a report 2019  
pursuant to section 3319.45 of the Revised Code. 2020

**Sec. 4701.19.** ~~(A)~~ All statements, records, schedules, working 2021  
papers, and memoranda made by a certified public accountant or 2022  
public accountant incident to or in the course of professional 2023  
service to clients by the accountant, except reports submitted by 2024  
a certified public accountant or public accountant to a client, 2025  
shall be and remain the property of the accountant in the absence 2026  
of an express agreement between the accountant and the client to 2027  
the contrary. No statement, record, schedule, working paper, or 2028  
memorandum of that nature shall be sold, transferred, or 2029  
bequeathed without the consent of the client or the client's 2030  
personal representative or assignee to any person other than one 2031  
or more surviving partners or new partners of the accountant. 2032

~~(B) The statements, records, schedules, working papers, and 2033  
memoranda made by a certified public accountant or public 2034~~

~~accountant incident to or in the course of performing an audit of  
a public office or private entity, except reports submitted by the  
accountant to the client, are not a public record. Statements,  
records, schedules, working papers, and memoranda that are so made  
in an audit by a certified public accountant or public accountant  
and that are in the possession of the auditor of state also are  
not a public record. As used in this division, "public record" has  
the same meaning as in section 149.43 of the Revised Code.~~

**Section 2.** That existing sections 121.22, 149.011, 149.31,  
149.38, 149.39, 149.41, 149.42, 149.43, 2923.129, 2923.1210,  
3319.321, and 4701.19 of the Revised Code are hereby repealed.

**Section 3.** Section 4701.19 of the Revised Code, as amended by  
this act, applies to audits described in that section that are  
commenced on or after the effective date of this act.

**Section 4.** Section 149.43 of the Revised Code is presented in  
this act as a composite of the section as amended by Am. Sub. H.B.  
303, Am. Sub. H.B. 431, and Sub. S.B. 222, all of the 125th  
General Assembly. The General Assembly, applying the principle  
stated in division (B) of section 1.52 of the Revised Code that  
amendments are to be harmonized if reasonably capable of  
simultaneous operation, finds that the composite is the resulting  
version of the section in effect prior to the effective date of  
this act.