

As Introduced

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Representative Fende

**Cosponsors: Representatives Domenick, Evans, Foley, Hagan, R., Letson,
Luckie, McGregor, J., Sayre, Williams, B., Yuko**

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A B I L L

To amend section 149.43 of the Revised Code to 1
authorize public offices to limit the number of 2
bulk data requests, impose charges to cover the 3
actual costs associated with bulk data requests, 4
and charge for the cost of redacting certain 5
information. 6

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

Section 1. That section 149.43 of the Revised Code be amended 7
to read as follows: 8

Sec. 149.43. (A) As used in this section: 9

(1) "Public record" means records kept by any public office, 10
including, but not limited to, state, county, city, village, 11
township, and school district units, and records pertaining to the 12
delivery of educational services by an alternative school in this 13
state kept by the nonprofit or for-profit entity operating the 14
alternative school pursuant to section 3313.533 of the Revised 15
Code. "Public record" does not mean any of the following: 16

(a) Medical records; 17

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	18 19 20
(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;	21 22 23
(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;	24 25 26
(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;	27 28 29 30 31 32
(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;	33 34 35
(g) Trial preparation records;	36
(h) Confidential law enforcement investigatory records;	37
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	38 39
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	40 41
(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;	42 43 44 45
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department	46 47

of youth services to the department of rehabilitation and	48
correction pursuant to section 5139.05 of the Revised Code;	49
(m) Intellectual property records;	50
(n) Donor profile records;	51
(o) Records maintained by the department of job and family	52
services pursuant to section 3121.894 of the Revised Code;	53
(p) Peace officer, parole officer, prosecuting attorney,	54
assistant prosecuting attorney, correctional employee, youth	55
services employee, firefighter, or EMT residential and familial	56
information;	57
(q) In the case of a county hospital operated pursuant to	58
Chapter 339. of the Revised Code or a municipal hospital operated	59
pursuant to Chapter 749. of the Revised Code, information that	60
constitutes a trade secret, as defined in section 1333.61 of the	61
Revised Code;	62
(r) Information pertaining to the recreational activities of	63
a person under the age of eighteen;	64
(s) Records provided to, statements made by review board	65
members during meetings of, and all work products of a child	66
fatality review board acting under sections 307.621 to 307.629 of	67
the Revised Code, other than the report prepared pursuant to	68
section 307.626 of the Revised Code;	69
(t) Records provided to and statements made by the executive	70
director of a public children services agency or a prosecuting	71
attorney acting pursuant to section 5153.171 of the Revised Code	72
other than the information released under that section;	73
(u) Test materials, examinations, or evaluation tools used in	74
an examination for licensure as a nursing home administrator that	75
the board of examiners of nursing home administrators administers	76
under section 4751.04 of the Revised Code or contracts under that	77

section with a private or government entity to administer;	78
(v) Records the release of which is prohibited by state or federal law;	79 80
(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;	81 82 83
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	84 85
(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.	86 87 88 89 90 91
(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:	92 93 94 95 96
(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;	97 98 99 100
(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;	101 102 103 104
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	105 106
(d) Information that would endanger the life or physical	107

safety of law enforcement personnel, a crime victim, a witness, or 108
a confidential information source. 109

(3) "Medical record" means any document or combination of 110
documents, except births, deaths, and the fact of admission to or 111
discharge from a hospital, that pertains to the medical history, 112
diagnosis, prognosis, or medical condition of a patient and that 113
is generated and maintained in the process of medical treatment. 114

(4) "Trial preparation record" means any record that contains 115
information that is specifically compiled in reasonable 116
anticipation of, or in defense of, a civil or criminal action or 117
proceeding, including the independent thought processes and 118
personal trial preparation of an attorney. 119

(5) "Intellectual property record" means a record, other than 120
a financial or administrative record, that is produced or 121
collected by or for faculty or staff of a state institution of 122
higher learning in the conduct of or as a result of study or 123
research on an educational, commercial, scientific, artistic, 124
technical, or scholarly issue, regardless of whether the study or 125
research was sponsored by the institution alone or in conjunction 126
with a governmental body or private concern, and that has not been 127
publicly released, published, or patented. 128

(6) "Donor profile record" means all records about donors or 129
potential donors to a public institution of higher education 130
except the names and reported addresses of the actual donors and 131
the date, amount, and conditions of the actual donation. 132

(7) "Peace officer, parole officer, prosecuting attorney, 133
assistant prosecuting attorney, correctional employee, youth 134
services employee, firefighter, or EMT residential and familial 135
information" means any information that discloses any of the 136
following about a peace officer, parole officer, prosecuting 137
attorney, assistant prosecuting attorney, correctional employee, 138

youth services employee, firefighter, or EMT:	139
(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT resides;	140 141 142 143 144 145 146
(b) Information compiled from referral to or participation in an employee assistance program;	147 148
(c) 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, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;	149 150 151 152 153 154
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer;	155 156 157 158 159 160 161 162
(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer from the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's,	163 164 165 166 167 168 169

or EMT's compensation unless the amount of the deduction is 170
required by state or federal law; 171

(f) The name, the residential address, the name of the 172
employer, the address of the employer, the social security number, 173
the residential telephone number, any bank account, debit card, 174
charge card, or credit card number, or the emergency telephone 175
number of the spouse, a former spouse, or any child of a peace 176
officer, parole officer, prosecuting attorney, assistant 177
prosecuting attorney, correctional employee, youth services 178
employee, firefighter, or EMT; 179

(g) A photograph of a peace officer who holds a position or 180
has an assignment that may include undercover or plain clothes 181
positions or assignments as determined by the peace officer's 182
appointing authority. 183

As used in divisions (A)(7) and (B)(9) of this section, 184
"peace officer" has the same meaning as in section 109.71 of the 185
Revised Code and also includes the superintendent and troopers of 186
the state highway patrol; it does not include the sheriff of a 187
county or a supervisory employee who, in the absence of the 188
sheriff, is authorized to stand in for, exercise the authority of, 189
and perform the duties of the sheriff. 190

As used in divisions (A)(7) and (B)(5) of this section, 191
"correctional employee" means any employee of the department of 192
rehabilitation and correction who in the course of performing the 193
employee's job duties has or has had contact with inmates and 194
persons under supervision. 195

As used in divisions (A)(7) and (B)(5) of this section, 196
"youth services employee" means any employee of the department of 197
youth services who in the course of performing the employee's job 198
duties has or has had contact with children committed to the 199
custody of the department of youth services. 200

As used in divisions (A)(7) and (B)(9) of this section, 201
"firefighter" means any regular, paid or volunteer, member of a 202
lawfully constituted fire department of a municipal corporation, 203
township, fire district, or village. 204

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 205
means EMTs-basic, EMTs-I, and paramedics that provide emergency 206
medical services for a public emergency medical service 207
organization. "Emergency medical service organization," 208
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 209
section 4765.01 of the Revised Code. 210

(8) "Information pertaining to the recreational activities of 211
a person under the age of eighteen" means information that is kept 212
in the ordinary course of business by a public office, that 213
pertains to the recreational activities of a person under the age 214
of eighteen years, and that discloses any of the following: 215

(a) The address or telephone number of a person under the age 216
of eighteen or the address or telephone number of that person's 217
parent, guardian, custodian, or emergency contact person; 218

(b) The social security number, birth date, or photographic 219
image of a person under the age of eighteen; 220

(c) Any medical record, history, or information pertaining to 221
a person under the age of eighteen; 222

(d) Any additional information sought or required about a 223
person under the age of eighteen for the purpose of allowing that 224
person to participate in any recreational activity conducted or 225
sponsored by a public office or to use or obtain admission 226
privileges to any recreational facility owned or operated by a 227
public office. 228

(9) "Community control sanction" has the same meaning as in 229
section 2929.01 of the Revised Code. 230

(10) "Post-release control sanction" has the same meaning as 231
in section 2967.01 of the Revised Code. 232

(11) "Redaction" means obscuring or deleting any information 233
that is exempt from the duty to permit public inspection or 234
copying from an item that otherwise meets the definition of a 235
"record" in section 149.011 of the Revised Code. 236

(12) "Designee" and "elected official" have the same meanings 237
as in section 109.43 of the Revised Code. 238

(B)(1) Upon request and subject to division (B)(8) of this 239
section, all public records responsive to the request shall be 240
promptly prepared and made available for inspection to any person 241
at all reasonable times during regular business hours. Subject to 242
division (B)(8) of this section, upon request, a public office or 243
person responsible for public records shall make copies of the 244
requested public record available ~~at cost and~~ within a reasonable 245
period of time. Except as otherwise provided in divisions (F) and 246
(G) of this section, or in any other section of the Revised Code, 247
the copies shall be provided at cost. If a public record contains 248
information that is exempt from the duty to permit public 249
inspection or to copy the public record, the public office or the 250
person responsible for the public record shall make available all 251
of the information within the public record that is not exempt. 252
When making that public record available for public inspection or 253
copying that public record, the public office or the person 254
responsible for the public record shall notify the requester of 255
any redaction or make the redaction plainly visible. A redaction 256
shall be deemed a denial of a request to inspect or copy the 257
redacted information, except if federal or state law authorizes or 258
requires a public office to make the redaction. 259

(2) To facilitate broader access to public records, a public 260
office or the person responsible for public records shall organize 261
and maintain public records in a manner that they can be made 262

available for inspection or copying in accordance with division 263
(B) of this section. A public office also shall have available a 264
copy of its current records retention schedule at a location 265
readily available to the public. If a requester makes an ambiguous 266
or overly broad request or has difficulty in making a request for 267
copies or inspection of public records under this section such 268
that the public office or the person responsible for the requested 269
public record cannot reasonably identify what public records are 270
being requested, the public office or the person responsible for 271
the requested public record may deny the request but shall provide 272
the requester with an opportunity to revise the request by 273
informing the requester of the manner in which records are 274
maintained by the public office and accessed in the ordinary 275
course of the public office's or person's duties. 276

(3) If a request is ultimately denied, in part or in whole, 277
the public office or the person responsible for the requested 278
public record shall provide the requester with an explanation, 279
including legal authority, setting forth why the request was 280
denied. If the initial request was provided in writing, the 281
explanation also shall be provided to the requester in writing. 282
The explanation shall not preclude the public office or the person 283
responsible for the requested public record from relying upon 284
additional reasons or legal authority in defending an action 285
commenced under division (C) of this section. 286

(4) Unless specifically required or authorized by state or 287
federal law or in accordance with division (B) of this section, no 288
public office or person responsible for public records may limit 289
or condition the availability of public records by requiring 290
disclosure of the requester's identity or the intended use of the 291
requested public record. Any requirement that the requester 292
disclose the requestor's identity or the intended use of the 293
requested public record constitutes a denial of the request. 294

(5) A public office or person responsible for public records 295
may ask a requester to make the request in writing, may ask for 296
the requester's identity, and may inquire about the intended use 297
of the information requested, but may do so only after disclosing 298
to the requester that a written request is not mandatory and that 299
the requester may decline to reveal the requester's identity or 300
the intended use and when a written request or disclosure of the 301
identity or intended use would benefit the requester by enhancing 302
the ability of the public office or person responsible for public 303
records to identify, locate, or deliver the public records sought 304
by the requester. 305

(6) If any person chooses to obtain a copy of a public record 306
in accordance with division (B) of this section, the public office 307
or person responsible for the public record may require that 308
person to pay in advance the cost involved in providing the copy 309
of the public record in accordance with the choice made by the 310
person seeking the copy under this division. The public office or 311
the person responsible for the public record shall permit that 312
person to choose to have the public record duplicated upon paper, 313
upon the same medium upon which the public office or person 314
responsible for the public record keeps it, or upon any other 315
medium upon which the public office or person responsible for the 316
public record determines that it reasonably can be duplicated as 317
an integral part of the normal operations of the public office or 318
person responsible for the public record. When the person seeking 319
the copy makes a choice under this division, the public office or 320
person responsible for the public record shall provide a copy of 321
it in accordance with the choice made by the person seeking the 322
copy. Nothing in this section requires a public office or person 323
responsible for the public record to allow the person seeking a 324
copy of the public record to make the copies of the public record. 325

(7) Upon a request made in accordance with division (B) of 326

this section and subject to division (B)(6) of this section, a 327
public office or person responsible for public records shall 328
transmit a copy of a public record to any person by United States 329
mail or by any other means of delivery or transmission within a 330
reasonable period of time after receiving the request for the 331
copy. The public office or person responsible for the public 332
record may require the person making the request to pay in advance 333
the cost of postage if the copy is transmitted by United States 334
mail or the cost of delivery if the copy is transmitted other than 335
by United States mail, and to pay in advance the costs incurred 336
for other supplies used in the mailing, delivery, or transmission. 337

Any public office may adopt a policy and procedures that it 338
will follow in transmitting, within a reasonable period of time 339
after receiving a request, copies of public records by United 340
States mail or by any other means of delivery or transmission 341
pursuant to this division. A public office that adopts a policy 342
and procedures under this division shall comply with them in 343
performing its duties under this division. 344

In any policy and procedures adopted under this division, a 345
public office may limit the number of records requested by a 346
person that the office will transmit by United States mail to ten 347
per month, unless the person certifies to the office in writing 348
that the person does not intend to use or forward the requested 349
records, or the information contained in them, for commercial 350
purposes. For purposes of this division, "commercial" shall be 351
narrowly construed and does not include reporting or gathering 352
news, reporting or gathering information to assist citizen 353
oversight or understanding of the operation or activities of 354
government, or nonprofit educational research. 355

(8) A public office or person responsible for public records 356
is not required to permit a person who is incarcerated pursuant to 357
a criminal conviction or a juvenile adjudication to inspect or to 358

obtain a copy of any public record concerning a criminal 359
investigation or prosecution or concerning what would be a 360
criminal investigation or prosecution if the subject of the 361
investigation or prosecution were an adult, unless the request to 362
inspect or to obtain a copy of the record is for the purpose of 363
acquiring information that is subject to release as a public 364
record under this section and the judge who imposed the sentence 365
or made the adjudication with respect to the person, or the 366
judge's successor in office, finds that the information sought in 367
the public record is necessary to support what appears to be a 368
justiciable claim of the person. 369

(9) Upon written request made and signed by a journalist on 370
or after December 16, 1999, a public office, or person responsible 371
for public records, having custody of the records of the agency 372
employing a specified peace officer, parole officer, prosecuting 373
attorney, assistant prosecuting attorney, correctional employee, 374
youth services employee, firefighter, or EMT shall disclose to the 375
journalist the address of the actual personal residence of the 376
peace officer, parole officer, prosecuting attorney, assistant 377
prosecuting attorney, correctional employee, youth services 378
employee, firefighter, or EMT and, if the peace officer's, parole 379
officer's, prosecuting attorney's, assistant prosecuting 380
attorney's, correctional employee's, youth services employee's, 381
firefighter's, or EMT's spouse, former spouse, or child is 382
employed by a public office, the name and address of the employer 383
of the peace officer's, parole officer's, prosecuting attorney's, 384
assistant prosecuting attorney's, correctional employee's, youth 385
services employee's, firefighter's, or EMT's spouse, former 386
spouse, or child. The request shall include the journalist's name 387
and title and the name and address of the journalist's employer 388
and shall state that disclosure of the information sought would be 389
in the public interest. 390

As used in this division, "journalist" means a person engaged 391
in, connected with, or employed by any news medium, including a 392
newspaper, magazine, press association, news agency, or wire 393
service, a radio or television station, or a similar medium, for 394
the purpose of gathering, processing, transmitting, compiling, 395
editing, or disseminating information for the general public. 396

(C)(1) If a person allegedly is aggrieved by the failure of a 397
public office or the person responsible for public records to 398
promptly prepare a public record and to make it available to the 399
person for inspection in accordance with division (B) of this 400
section or by any other failure of a public office or the person 401
responsible for public records to comply with an obligation in 402
accordance with division (B) of this section, the person allegedly 403
aggrieved may commence a mandamus action to obtain a judgment that 404
orders the public office or the person responsible for the public 405
record to comply with division (B) of this section, that awards 406
court costs and reasonable attorney's fees to the person that 407
instituted the mandamus action, and, if applicable, that includes 408
an order fixing statutory damages under division (C)(1) of this 409
section. The mandamus action may be commenced in the court of 410
common pleas of the county in which division (B) of this section 411
allegedly was not complied with, in the supreme court pursuant to 412
its original jurisdiction under Section 2 of Article IV, Ohio 413
Constitution, or in the court of appeals for the appellate 414
district in which division (B) of this section allegedly was not 415
complied with pursuant to its original jurisdiction under Section 416
3 of Article IV, Ohio Constitution. 417

If a requestor transmits a written request by hand delivery 418
or certified mail to inspect or receive copies of any public 419
record in a manner that fairly describes the public record or 420
class of public records to the public office or person responsible 421
for the requested public records, except as otherwise provided in 422

this section, the requestor shall be entitled to recover the 423
amount of statutory damages set forth in this division if a court 424
determines that the public office or the person responsible for 425
public records failed to comply with an obligation in accordance 426
with division (B) of this section. 427

The amount of statutory damages shall be fixed at one hundred 428
dollars for each business day during which the public office or 429
person responsible for the requested public records failed to 430
comply with an obligation in accordance with division (B) of this 431
section, beginning with the day on which the requester files a 432
mandamus action to recover statutory damages, up to a maximum of 433
one thousand dollars. The award of statutory damages shall not be 434
construed as a penalty, but as compensation for injury arising 435
from lost use of the requested information. The existence of this 436
injury shall be conclusively presumed. The award of statutory 437
damages shall be in addition to all other remedies authorized by 438
this section. 439

The court may reduce an award of statutory damages or not 440
award statutory damages if the court determines both of the 441
following: 442

(a) That, based on the ordinary application of statutory law 443
and case law as it existed at the time of the conduct or 444
threatened conduct of the public office or person responsible for 445
the requested public records that allegedly constitutes a failure 446
to comply with an obligation in accordance with division (B) of 447
this section and that was the basis of the mandamus action, a 448
well-informed public office or person responsible for the 449
requested public records reasonably would believe that the conduct 450
or threatened conduct of the public office or person responsible 451
for the requested public records did not constitute a failure to 452
comply with an obligation in accordance with division (B) of this 453
section; 454

(b) That a well-informed public office or person responsible 455
for the requested public records reasonably would believe that the 456
conduct or threatened conduct of the public office or person 457
responsible for the requested public records would serve the 458
public policy that underlies the authority that is asserted as 459
permitting that conduct or threatened conduct. 460

(2)(a) If the court issues a writ of mandamus that orders the 461
public office or the person responsible for the public record to 462
comply with division (B) of this section and determines that the 463
circumstances described in division (C)(1) of this section exist, 464
the court shall determine and award to the relator all court 465
costs. 466

(b) If the court renders a judgment that orders the public 467
office or the person responsible for the public record to comply 468
with division (B) of this section, the court may award reasonable 469
attorney's fees subject to reduction as described in division 470
(C)(2)(c) of this section. The court shall award reasonable 471
attorney's fees, subject to reduction as described in division 472
(C)(2)(c) of this section when either of the following applies: 473

(i) The public office or the person responsible for the 474
public records failed to respond affirmatively or negatively to 475
the public records request in accordance with the time allowed 476
under division (B) of this section. 477

(ii) The public office or the person responsible for the 478
public records promised to permit the relator to inspect or 479
receive copies of the public records requested within a specified 480
period of time but failed to fulfill that promise within that 481
specified period of time. 482

(c) Court costs and reasonable attorney's fees awarded under 483
this section shall be construed as remedial and not punitive. 484
Reasonable attorney's fees shall include reasonable fees incurred 485

to produce proof of the reasonableness and amount of the fees and 486
to otherwise litigate entitlement to the fees. The court may 487
reduce an award of attorney's fees to the relator or not award 488
attorney's fees to the relator if the court determines both of the 489
following: 490

(i) That, based on the ordinary application of statutory law 491
and case law as it existed at the time of the conduct or 492
threatened conduct of the public office or person responsible for 493
the requested public records that allegedly constitutes a failure 494
to comply with an obligation in accordance with division (B) of 495
this section and that was the basis of the mandamus action, a 496
well-informed public office or person responsible for the 497
requested public records reasonably would believe that the conduct 498
or threatened conduct of the public office or person responsible 499
for the requested public records did not constitute a failure to 500
comply with an obligation in accordance with division (B) of this 501
section; 502

(ii) That a well-informed public office or person responsible 503
for the requested public records reasonably would believe that the 504
conduct or threatened conduct of the public office or person 505
responsible for the requested public records as described in 506
division (C)(2)(c)(i) of this section would serve the public 507
policy that underlies the authority that is asserted as permitting 508
that conduct or threatened conduct. 509

(D) Chapter 1347. of the Revised Code does not limit the 510
provisions of this section. 511

(E)(1) To ensure that all employees of public offices are 512
appropriately educated about a public office's obligations under 513
division (B) of this section, all elected officials or their 514
appropriate designees shall attend training approved by the 515
attorney general as provided in section 109.43 of the Revised 516
Code. In addition, all public offices shall adopt a public records 517

policy in compliance with this section for responding to public 518
records requests. In adopting a public records policy under this 519
division, a public office may obtain guidance from the model 520
public records policy developed and provided to the public office 521
by the attorney general under section 109.43 of the Revised Code. 522
Except as otherwise provided in this section, the policy may not 523
limit the number of public records that the public office will 524
make available to a single person, may not limit the number of 525
public records that it will make available during a fixed period 526
of time, and may not establish a fixed period of time before it 527
will respond to a request for inspection or copying of public 528
records, unless that period is less than eight hours. 529

(2) The public office shall distribute the public records 530
policy adopted by the public office under division (E)(1) of this 531
section to the employee of the public office who is the records 532
custodian or records manager or otherwise has custody of the 533
records of that office. The public office shall require that 534
employee to acknowledge receipt of the copy of the public records 535
policy. The public office shall create a poster that describes its 536
public records policy and shall post the poster in a conspicuous 537
place in the public office and in all locations where the public 538
office has branch offices. The public office may post its public 539
records policy on the internet web site of the public office if 540
the public office maintains an internet web site. A public office 541
that has established a manual or handbook of its general policies 542
and procedures for all employees of the public office shall 543
include the public records policy of the public office in the 544
manual or handbook. 545

(F)(1) The bureau of motor vehicles may adopt rules pursuant 546
to Chapter 119. of the Revised Code to reasonably limit the number 547
of bulk commercial special extraction requests made by a person 548
for the same records or for updated records during a calendar 549

year. The rules may include provisions for charges to be made for 550
bulk commercial special extraction requests for the actual cost of 551
the bureau, plus special extraction costs, plus ten per cent. The 552
bureau may charge for expenses for redacting information, the 553
release of which is prohibited by law. 554

(2) As used in division (F)(1) of this section: 555

(a) "Actual cost" means the cost of depleted supplies, 556
records storage media costs, actual mailing and alternative 557
delivery costs, or other transmitting costs, and any direct 558
equipment operating and maintenance costs, including actual costs 559
paid to private contractors for copying services. 560

(b) "Bulk commercial special extraction request" means a 561
request for copies of a record for information in a format other 562
than the format already available, or information that cannot be 563
extracted without examination of all items in a records series, 564
class of records, or data base by a person who intends to use or 565
forward the copies for surveys, marketing, solicitation, or resale 566
for commercial purposes. "Bulk commercial special extraction 567
request" does not include a request by a person who gives 568
assurance to the bureau that the person making the request does 569
not intend to use or forward the requested copies for surveys, 570
marketing, solicitation, or resale for commercial purposes. 571

(c) "Commercial" means profit-seeking production, buying, or 572
selling of any good, service, or other product. 573

(d) "Special extraction costs" means the cost of the time 574
spent by the lowest paid employee competent to perform the task, 575
the actual amount paid to outside private contractors employed by 576
the bureau, or the actual cost incurred to create computer 577
programs to make the special extraction. "Special extraction 578
costs" include any charges paid to a public agency for computer or 579
records services. 580

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

(G)(1) Except as otherwise provided in division (F)(1) of this section or as otherwise provided in any other section of the Revised Code authorizing a higher cost recovery amount per request, a public office may adopt rules under Chapter 119. of the Revised Code to reasonably limit the number of bulk data requests. The rules may include provisions for charges to be made for bulk data requests to cover the actual cost to the public office of making the bulk data available for inspection and copying. The public office also may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in this division:

(a) "Actual cost" means the cost of depleted supplies, records storage costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services, or actual labor costs paid to cover the time spent by the lowest paid public employee competent to perform the tasks of maintaining, locating, and copying the requested records.

(b) "Bulk data request" means a request for copies of a record that includes fifty or more images or fifty or more separate entries of information.

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

Section 3. Section 149.43 of the Revised Code is presented in 611
this act as a composite of the section as amended by both Sub. 612
H.B. 9 and Sub. H.B. 141 of the 126th General Assembly. The 613
General Assembly, applying the principle stated in division (B) of 614
section 1.52 of the Revised Code that amendments are to be 615
harmonized if reasonably capable of simultaneous operation, finds 616
that the composite is the resulting version of the section in 617
effect prior to the effective date of the section as presented in 618
this act. 619