

As Introduced

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Representative Fende

**Cosponsors: Representatives Yuko, Bubp, Garrison, Stebelton, Bolon,
Harris, Luckie, Letson, Williams, B., Hagan, Slesnick**

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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
(z) Records listed in section 5101.29 of the Revised Code.	92
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.	93 94 95
(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:	96 97 98 99 100
(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;	101 102 103 104
(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	105 106 107

witness's identity;	108
(c) Specific confidential investigatory techniques or	109
procedures or specific investigatory work product;	110
(d) Information that would endanger the life or physical	111
safety of law enforcement personnel, a crime victim, a witness, or	112
a confidential information source.	113
(3) "Medical record" means any document or combination of	114
documents, except births, deaths, and the fact of admission to or	115
discharge from a hospital, that pertains to the medical history,	116
diagnosis, prognosis, or medical condition of a patient and that	117
is generated and maintained in the process of medical treatment.	118
(4) "Trial preparation record" means any record that contains	119
information that is specifically compiled in reasonable	120
anticipation of, or in defense of, a civil or criminal action or	121
proceeding, including the independent thought processes and	122
personal trial preparation of an attorney.	123
(5) "Intellectual property record" means a record, other than	124
a financial or administrative record, that is produced or	125
collected by or for faculty or staff of a state institution of	126
higher learning in the conduct of or as a result of study or	127
research on an educational, commercial, scientific, artistic,	128
technical, or scholarly issue, regardless of whether the study or	129
research was sponsored by the institution alone or in conjunction	130
with a governmental body or private concern, and that has not been	131
publicly released, published, or patented.	132
(6) "Donor profile record" means all records about donors or	133
potential donors to a public institution of higher education	134
except the names and reported addresses of the actual donors and	135
the date, amount, and conditions of the actual donation.	136
(7) "Peace officer, parole officer, prosecuting attorney,	137
assistant prosecuting attorney, correctional employee, youth	138

services employee, firefighter, or EMT residential and familial 139
information" means any information that discloses any of the 140
following about a peace officer, parole officer, prosecuting 141
attorney, assistant prosecuting attorney, correctional employee, 142
youth services employee, firefighter, or EMT: 143

(a) The address of the actual personal residence of a peace 144
officer, parole officer, assistant prosecuting attorney, 145
correctional employee, youth services employee, firefighter, or 146
EMT, except for the state or political subdivision in which the 147
peace officer, parole officer, assistant prosecuting attorney, 148
correctional employee, youth services employee, firefighter, or 149
EMT resides; 150

(b) Information compiled from referral to or participation in 151
an employee assistance program; 152

(c) The social security number, the residential telephone 153
number, any bank account, debit card, charge card, or credit card 154
number, or the emergency telephone number of, or any medical 155
information pertaining to, a peace officer, parole officer, 156
prosecuting attorney, assistant prosecuting attorney, correctional 157
employee, youth services employee, firefighter, or EMT; 158

(d) The name of any beneficiary of employment benefits, 159
including, but not limited to, life insurance benefits, provided 160
to a peace officer, parole officer, prosecuting attorney, 161
assistant prosecuting attorney, correctional employee, youth 162
services employee, firefighter, or EMT by the peace officer's, 163
parole officer's, prosecuting attorney's, assistant prosecuting 164
attorney's, correctional employee's, youth services employee's, 165
firefighter's, or EMT's employer; 166

(e) The identity and amount of any charitable or employment 167
benefit deduction made by the peace officer's, parole officer's, 168
prosecuting attorney's, assistant prosecuting attorney's, 169

correctional employee's, youth services employee's, firefighter's, 170
or EMT's employer from the peace officer's, parole officer's, 171
prosecuting attorney's, assistant prosecuting attorney's, 172
correctional employee's, youth services employee's, firefighter's, 173
or EMT's compensation unless the amount of the deduction is 174
required by state or federal law; 175

(f) The name, the residential address, the name of the 176
employer, the address of the employer, the social security number, 177
the residential telephone number, any bank account, debit card, 178
charge card, or credit card number, or the emergency telephone 179
number of the spouse, a former spouse, or any child of a peace 180
officer, parole officer, prosecuting attorney, assistant 181
prosecuting attorney, correctional employee, youth services 182
employee, firefighter, or EMT; 183

(g) A photograph of a peace officer who holds a position or 184
has an assignment that may include undercover or plain clothes 185
positions or assignments as determined by the peace officer's 186
appointing authority. 187

As used in divisions (A)(7) and (B)(9) of this section, 188
"peace officer" has the same meaning as in section 109.71 of the 189
Revised Code and also includes the superintendent and troopers of 190
the state highway patrol; it does not include the sheriff of a 191
county or a supervisory employee who, in the absence of the 192
sheriff, is authorized to stand in for, exercise the authority of, 193
and perform the duties of the sheriff. 194

As used in divisions (A)(7) and (B)(5) of this section, 195
"correctional employee" means any employee of the department of 196
rehabilitation and correction who in the course of performing the 197
employee's job duties has or has had contact with inmates and 198
persons under supervision. 199

As used in divisions (A)(7) and (B)(5) of this section, 200

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

As used in divisions (A)(7) and (B)(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)(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 privileges to any recreational facility owned or operated by a

public office.	232
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	233 234
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	235 236
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	237 238 239 240
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	241 242
(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. <u>Except as otherwise provided in divisions (F) and (G) of this section, or in any other section of the Revised Code, the copies shall be provided at cost.</u> If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or	243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262

requires a public office to make the redaction. 263

(2) To facilitate broader access to public records, a public 264
office or the person responsible for public records shall organize 265
and maintain public records in a manner that they can be made 266
available for inspection or copying in accordance with division 267
(B) of this section. A public office also shall have available a 268
copy of its current records retention schedule at a location 269
readily available to the public. If a requester makes an ambiguous 270
or overly broad request or has difficulty in making a request for 271
copies or inspection of public records under this section such 272
that the public office or the person responsible for the requested 273
public record cannot reasonably identify what public records are 274
being requested, the public office or the person responsible for 275
the requested public record may deny the request but shall provide 276
the requester with an opportunity to revise the request by 277
informing the requester of the manner in which records are 278
maintained by the public office and accessed in the ordinary 279
course of the public office's or person's duties. 280

(3) If a request is ultimately denied, in part or in whole, 281
the public office or the person responsible for the requested 282
public record shall provide the requester with an explanation, 283
including legal authority, setting forth why the request was 284
denied. If the initial request was provided in writing, the 285
explanation also shall be provided to the requester in writing. 286
The explanation shall not preclude the public office or the person 287
responsible for the requested public record from relying upon 288
additional reasons or legal authority in defending an action 289
commenced under division (C) of this section. 290

(4) Unless specifically required or authorized by state or 291
federal law or in accordance with division (B) of this section, no 292
public office or person responsible for public records may limit 293
or condition the availability of public records by requiring 294

disclosure of the requester's identity or the intended use of the 295
requested public record. Any requirement that the requester 296
disclose the requestor's identity or the intended use of the 297
requested public record constitutes a denial of the request. 298

(5) A public office or person responsible for public records 299
may ask a requester to make the request in writing, may ask for 300
the requester's identity, and may inquire about the intended use 301
of the information requested, but may do so only after disclosing 302
to the requester that a written request is not mandatory and that 303
the requester may decline to reveal the requester's identity or 304
the intended use and when a written request or disclosure of the 305
identity or intended use would benefit the requester by enhancing 306
the ability of the public office or person responsible for public 307
records to identify, locate, or deliver the public records sought 308
by the requester. 309

(6) If any person chooses to obtain a copy of a public record 310
in accordance with division (B) of this section, the public office 311
or person responsible for the public record may require that 312
person to pay in advance the cost involved in providing the copy 313
of the public record in accordance with the choice made by the 314
person seeking the copy under this division. The public office or 315
the person responsible for the public record shall permit that 316
person to choose to have the public record duplicated upon paper, 317
upon the same medium upon which the public office or person 318
responsible for the public record keeps it, or upon any other 319
medium upon which the public office or person responsible for the 320
public record determines that it reasonably can be duplicated as 321
an integral part of the normal operations of the public office or 322
person responsible for the public record. When the person seeking 323
the copy makes a choice under this division, the public office or 324
person responsible for the public record shall provide a copy of 325
it in accordance with the choice made by the person seeking the 326

copy. Nothing in this section requires a public office or person 327
responsible for the public record to allow the person seeking a 328
copy of the public record to make the copies of the public record. 329

(7) Upon a request made in accordance with division (B) of 330
this section and subject to division (B)(6) of this section, a 331
public office or person responsible for public records shall 332
transmit a copy of a public record to any person by United States 333
mail or by any other means of delivery or transmission within a 334
reasonable period of time after receiving the request for the 335
copy. The public office or person responsible for the public 336
record may require the person making the request to pay in advance 337
the cost of postage if the copy is transmitted by United States 338
mail or the cost of delivery if the copy is transmitted other than 339
by United States mail, and to pay in advance the costs incurred 340
for other supplies used in the mailing, delivery, or transmission. 341

Any public office may adopt a policy and procedures that it 342
will follow in transmitting, within a reasonable period of time 343
after receiving a request, copies of public records by United 344
States mail or by any other means of delivery or transmission 345
pursuant to this division. A public office that adopts a policy 346
and procedures under this division shall comply with them in 347
performing its duties under this division. 348

In any policy and procedures adopted under this division, a 349
public office may limit the number of records requested by a 350
person that the office will transmit by United States mail to ten 351
per month, unless the person certifies to the office in writing 352
that the person does not intend to use or forward the requested 353
records, or the information contained in them, for commercial 354
purposes. For purposes of this division, "commercial" shall be 355
narrowly construed and does not include reporting or gathering 356
news, reporting or gathering information to assist citizen 357
oversight or understanding of the operation or activities of 358

government, or nonprofit educational research. 359

(8) A public office or person responsible for public records 360
is not required to permit a person who is incarcerated pursuant to 361
a criminal conviction or a juvenile adjudication to inspect or to 362
obtain a copy of any public record concerning a criminal 363
investigation or prosecution or concerning what would be a 364
criminal investigation or prosecution if the subject of the 365
investigation or prosecution were an adult, unless the request to 366
inspect or to obtain a copy of the record is for the purpose of 367
acquiring information that is subject to release as a public 368
record under this section and the judge who imposed the sentence 369
or made the adjudication with respect to the person, or the 370
judge's successor in office, finds that the information sought in 371
the public record is necessary to support what appears to be a 372
justiciable claim of the person. 373

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

spouse, or child. The request shall include the journalist's name 391
and title and the name and address of the journalist's employer 392
and shall state that disclosure of the information sought would be 393
in the public interest. 394

As used in this division, "journalist" means a person engaged 395
in, connected with, or employed by any news medium, including a 396
newspaper, magazine, press association, news agency, or wire 397
service, a radio or television station, or a similar medium, for 398
the purpose of gathering, processing, transmitting, compiling, 399
editing, or disseminating information for the general public. 400

(C)(1) If a person allegedly is aggrieved by the failure of a 401
public office or the person responsible for public records to 402
promptly prepare a public record and to make it available to the 403
person for inspection in accordance with division (B) of this 404
section or by any other failure of a public office or the person 405
responsible for public records to comply with an obligation in 406
accordance with division (B) of this section, the person allegedly 407
aggrieved may commence a mandamus action to obtain a judgment that 408
orders the public office or the person responsible for the public 409
record to comply with division (B) of this section, that awards 410
court costs and reasonable attorney's fees to the person that 411
instituted the mandamus action, and, if applicable, that includes 412
an order fixing statutory damages under division (C)(1) of this 413
section. The mandamus action may be commenced in the court of 414
common pleas of the county in which division (B) of this section 415
allegedly was not complied with, in the supreme court pursuant to 416
its original jurisdiction under Section 2 of Article IV, Ohio 417
Constitution, or in the court of appeals for the appellate 418
district in which division (B) of this section allegedly was not 419
complied with pursuant to its original jurisdiction under Section 420
3 of Article IV, Ohio Constitution. 421

If a requestor transmits a written request by hand delivery 422

or certified mail to inspect or receive copies of any public 423
record in a manner that fairly describes the public record or 424
class of public records to the public office or person responsible 425
for the requested public records, except as otherwise provided in 426
this section, the requestor shall be entitled to recover the 427
amount of statutory damages set forth in this division if a court 428
determines that the public office or the person responsible for 429
public records failed to comply with an obligation in accordance 430
with division (B) of this section. 431

The amount of statutory damages shall be fixed at one hundred 432
dollars for each business day during which the public office or 433
person responsible for the requested public records failed to 434
comply with an obligation in accordance with division (B) of this 435
section, beginning with the day on which the requester files a 436
mandamus action to recover statutory damages, up to a maximum of 437
one thousand dollars. The award of statutory damages shall not be 438
construed as a penalty, but as compensation for injury arising 439
from lost use of the requested information. The existence of this 440
injury shall be conclusively presumed. The award of statutory 441
damages shall be in addition to all other remedies authorized by 442
this section. 443

The court may reduce an award of statutory damages or not 444
award statutory damages if the court determines both of the 445
following: 446

(a) That, based on the ordinary application of statutory law 447
and case law as it existed at the time of the conduct or 448
threatened conduct of the public office or person responsible for 449
the requested public records that allegedly constitutes a failure 450
to comply with an obligation in accordance with division (B) of 451
this section and that was the basis of the mandamus action, a 452
well-informed public office or person responsible for the 453
requested public records reasonably would believe that the conduct 454

or threatened conduct of the public office or person responsible 455
for the requested public records did not constitute a failure to 456
comply with an obligation in accordance with division (B) of this 457
section; 458

(b) That a well-informed public office or person responsible 459
for the requested public records reasonably would believe that the 460
conduct or threatened conduct of the public office or person 461
responsible for the requested public records would serve the 462
public policy that underlies the authority that is asserted as 463
permitting that conduct or threatened conduct. 464

(2)(a) If the court issues a writ of mandamus that orders the 465
public office or the person responsible for the public record to 466
comply with division (B) of this section and determines that the 467
circumstances described in division (C)(1) of this section exist, 468
the court shall determine and award to the relator all court 469
costs. 470

(b) If the court renders a judgment that orders the public 471
office or the person responsible for the public record to comply 472
with division (B) of this section, the court may award reasonable 473
attorney's fees subject to reduction as described in division 474
(C)(2)(c) of this section. The court shall award reasonable 475
attorney's fees, subject to reduction as described in division 476
(C)(2)(c) of this section when either of the following applies: 477

(i) The public office or the person responsible for the 478
public records failed to respond affirmatively or negatively to 479
the public records request in accordance with the time allowed 480
under division (B) of this section. 481

(ii) The public office or the person responsible for the 482
public records promised to permit the relator to inspect or 483
receive copies of the public records requested within a specified 484
period of time but failed to fulfill that promise within that 485

specified period of time. 486

(c) Court costs and reasonable attorney's fees awarded under 487
this section shall be construed as remedial and not punitive. 488
Reasonable attorney's fees shall include reasonable fees incurred 489
to produce proof of the reasonableness and amount of the fees and 490
to otherwise litigate entitlement to the fees. The court may 491
reduce an award of attorney's fees to the relator or not award 492
attorney's fees to the relator if the court determines both of the 493
following: 494

(i) That, based on the ordinary application of statutory law 495
and case law as it existed at the time of the conduct or 496
threatened conduct of the public office or person responsible for 497
the requested public records that allegedly constitutes a failure 498
to comply with an obligation in accordance with division (B) of 499
this section and that was the basis of the mandamus action, a 500
well-informed public office or person responsible for the 501
requested public records reasonably would believe that the conduct 502
or threatened conduct of the public office or person responsible 503
for the requested public records did not constitute a failure to 504
comply with an obligation in accordance with division (B) of this 505
section; 506

(ii) That a well-informed public office or person responsible 507
for the requested public records reasonably would believe that the 508
conduct or threatened conduct of the public office or person 509
responsible for the requested public records as described in 510
division (C)(2)(c)(i) of this section would serve the public 511
policy that underlies the authority that is asserted as permitting 512
that conduct or threatened conduct. 513

(D) Chapter 1347. of the Revised Code does not limit the 514
provisions of this section. 515

(E)(1) To ensure that all employees of public offices are 516

appropriately educated about a public office's obligations under 517
division (B) of this section, all elected officials or their 518
appropriate designees shall attend training approved by the 519
attorney general as provided in section 109.43 of the Revised 520
Code. In addition, all public offices shall adopt a public records 521
policy in compliance with this section for responding to public 522
records requests. In adopting a public records policy under this 523
division, a public office may obtain guidance from the model 524
public records policy developed and provided to the public office 525
by the attorney general under section 109.43 of the Revised Code. 526
Except as otherwise provided in this section, the policy may not 527
limit the number of public records that the public office will 528
make available to a single person, may not limit the number of 529
public records that it will make available during a fixed period 530
of time, and may not establish a fixed period of time before it 531
will respond to a request for inspection or copying of public 532
records, unless that period is less than eight hours. 533

(2) The public office shall distribute the public records 534
policy adopted by the public office under division (E)(1) of this 535
section to the employee of the public office who is the records 536
custodian or records manager or otherwise has custody of the 537
records of that office. The public office shall require that 538
employee to acknowledge receipt of the copy of the public records 539
policy. The public office shall create a poster that describes its 540
public records policy and shall post the poster in a conspicuous 541
place in the public office and in all locations where the public 542
office has branch offices. The public office may post its public 543
records policy on the internet web site of the public office if 544
the public office maintains an internet web site. A public office 545
that has established a manual or handbook of its general policies 546
and procedures for all employees of the public office shall 547
include the public records policy of the public office in the 548
manual or handbook. 549

(F)(1) The bureau of motor vehicles may adopt rules pursuant 550
to Chapter 119. of the Revised Code to reasonably limit the number 551
of bulk commercial special extraction requests made by a person 552
for the same records or for updated records during a calendar 553
year. The rules may include provisions for charges to be made for 554
bulk commercial special extraction requests for the actual cost of 555
the bureau, plus special extraction costs, plus ten per cent. The 556
bureau may charge for expenses for redacting information, the 557
release of which is prohibited by law. 558

(2) As used in division (F)(1) of this section: 559

(a) "Actual cost" means the cost of depleted supplies, 560
records storage media costs, actual mailing and alternative 561
delivery costs, or other transmitting costs, and any direct 562
equipment operating and maintenance costs, including actual costs 563
paid to private contractors for copying services. 564

(b) "Bulk commercial special extraction request" means a 565
request for copies of a record for information in a format other 566
than the format already available, or information that cannot be 567
extracted without examination of all items in a records series, 568
class of records, or data base by a person who intends to use or 569
forward the copies for surveys, marketing, solicitation, or resale 570
for commercial purposes. "Bulk commercial special extraction 571
request" does not include a request by a person who gives 572
assurance to the bureau that the person making the request does 573
not intend to use or forward the requested copies for surveys, 574
marketing, solicitation, or resale for commercial purposes. 575

(c) "Commercial" means profit-seeking production, buying, or 576
selling of any good, service, or other product. 577

(d) "Special extraction costs" means the cost of the time 578
spent by the lowest paid employee competent to perform the task, 579
the actual amount paid to outside private contractors employed by 580

the bureau, or the actual cost incurred to create computer 581
programs to make the special extraction. "Special extraction 582
costs" include any charges paid to a public agency for computer or 583
records services. 584

(3) For purposes of divisions (F)(1) and (2) of this section, 585
"surveys, marketing, solicitation, or resale for commercial 586
purposes" shall be narrowly construed and does not include 587
reporting or gathering news, reporting or gathering information to 588
assist citizen oversight or understanding of the operation or 589
activities of government, or nonprofit educational research. 590

(G)(1) Except as otherwise provided in division (F)(1) of 591
this section or as otherwise provided in any other section of the 592
Revised Code authorizing a higher cost recovery amount per 593
request, a public office may adopt rules under Chapter 119. of the 594
Revised Code to reasonably limit the number of bulk data requests. 595
The rules may include provisions for charges to be made for bulk 596
data requests to cover the actual cost to the public office of 597
making the bulk data available for inspection and copying. The 598
public office also may charge for expenses for redacting 599
information, the release of which is prohibited by law. 600

(2) As used in this division: 601

(a) "Actual cost" means the cost of depleted supplies, 602
records storage costs, actual mailing and alternative delivery 603
costs, or other transmitting costs, and any direct equipment 604
operating and maintenance costs, including actual costs paid to 605
private contractors for copying services, or actual labor costs 606
paid to cover the time spent by the lowest paid public employee 607
competent to perform the tasks of maintaining, locating, and 608
copying the requested records. 609

(b) "Bulk data request" means a request for copies of a 610
record that includes fifty or more images or fifty or more 611

separate entries of information. 612

Section 2. That existing section 149.43 of the Revised Code 613
is hereby repealed. 614

Section 3. Section 149.43 of the Revised Code is presented in 615
this act as a composite of the section as amended by both Am. Sub. 616
H.B. 214 and Am. Sub. S.B. 248 of the 127th General Assembly. The 617
General Assembly, applying the principle stated in division (B) of 618
section 1.52 of the Revised Code that amendments are to be 619
harmonized if reasonably capable of simultaneous operation, finds 620
that the composite is the resulting version of the section in 621
effect prior to the effective date of the section as presented in 622
this act. 623