

**As Introduced**

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**H. B. No. 113**

**Representative Lundy**

**Cosponsors: Representatives Hagan, Gentile, Goyal, Williams, Szollosi, Clyde, Okey, Phillips, O'Brien, Murray, DeGeeter, Ramos, Foley, Driehaus, Pillich, Budish, Antonio, Yuko, Patmon, Milkovich, Gerberry, Stinziano, Letson, Boyd, Fende, Slesnick, Ashford, Celeste, Fedor, Garland, Mallory, Sykes**

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**A B I L L**

To amend sections 121.22 and 149.43 of the Revised 1  
Code to enact "The Taxpayer's Right to Know Act," 2  
specifying that records of public-private 3  
partnerships that perform or assist with state 4  
functions are public records, and that such 5  
entities must conduct official business in open 6  
meetings. 7

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

**Section 1.** That sections 121.22 and 149.43 of the Revised 8  
Code be amended to read as follows: 9

**Sec. 121.22.** (A) This section shall be liberally construed to 10  
require public officials to take official action and to conduct 11  
all deliberations upon official business only in open meetings 12  
unless the subject matter is specifically excepted by law. 13

(B) As used in this section: 14

(1) "Public body" means any of the following:	15
(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;	16 17 18 19 20 21
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	22 23
(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.	24 25 26 27 28 29 30 31 32 33
(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.	34 35
(3) "Regulated individual" means either of the following:	36
(a) A student in a state or local public educational institution;	37 38
(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.	39 40 41 42
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	43 44

(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) 75  
of section 4729.16 of the Revised Code; 76

(9) The state chiropractic board when determining whether to 77  
suspend a license without a hearing pursuant to section 4734.37 of 78  
the Revised Code. 79

(10) The executive committee of the emergency response 80  
commission when determining whether to issue an enforcement order 81  
or request that a civil action, civil penalty action, or criminal 82  
action be brought to enforce Chapter 3750. of the Revised Code. 83

(E) The controlling board, the development financing advisory 84  
council, the industrial technology and enterprise advisory 85  
council, the tax credit authority, or the minority development 86  
financing advisory board, when meeting to consider granting 87  
assistance pursuant to Chapter 122. or 166. of the Revised Code, 88  
in order to protect the interest of the applicant or the possible 89  
investment of public funds, by unanimous vote of all board, 90  
council, or authority members present, may close the meeting 91  
during consideration of the following information confidentially 92  
received by the authority, council, or board from the applicant: 93

(1) Marketing plans; 94

(2) Specific business strategy; 95

(3) Production techniques and trade secrets; 96

(4) Financial projections; 97

(5) Personal financial statements of the applicant or members 98  
of the applicant's immediate family, including, but not limited 99  
to, tax records or other similar information not open to public 100  
inspection. 101

The vote by the authority, council, or board to accept or 102  
reject the application, as well as all proceedings of the 103  
authority, council, or board not subject to this division, shall 104

be open to the public and governed by this section. 105

(F) Every public body, by rule, shall establish a reasonable 106  
method whereby any person may determine the time and place of all 107  
regularly scheduled meetings and the time, place, and purpose of 108  
all special meetings. A public body shall not hold a special 109  
meeting unless it gives at least twenty-four hours' advance notice 110  
to the news media that have requested notification, except in the 111  
event of an emergency requiring immediate official action. In the 112  
event of an emergency, the member or members calling the meeting 113  
shall notify the news media that have requested notification 114  
immediately of the time, place, and purpose of the meeting. 115

The rule shall provide that any person, upon request and 116  
payment of a reasonable fee, may obtain reasonable advance 117  
notification of all meetings at which any specific type of public 118  
business is to be discussed. Provisions for advance notification 119  
may include, but are not limited to, mailing the agenda of 120  
meetings to all subscribers on a mailing list or mailing notices 121  
in self-addressed, stamped envelopes provided by the person. 122

(G) Except as provided in division (J) of this section, the 123  
members of a public body may hold an executive session only after 124  
a majority of a quorum of the public body determines, by a roll 125  
call vote, to hold an executive session and only at a regular or 126  
special meeting for the sole purpose of the consideration of any 127  
of the following matters: 128

(1) To consider the appointment, employment, dismissal, 129  
discipline, promotion, demotion, or compensation of a public 130  
employee or official, or the investigation of charges or 131  
complaints against a public employee, official, licensee, or 132  
regulated individual, unless the public employee, official, 133  
licensee, or regulated individual requests a public hearing. 134  
Except as otherwise provided by law, no public body shall hold an 135  
executive session for the discipline of an elected official for 136

conduct related to the performance of the elected official's 137  
official duties or for the elected official's removal from office. 138  
If a public body holds an executive session pursuant to division 139  
(G)(1) of this section, the motion and vote to hold that executive 140  
session shall state which one or more of the approved purposes 141  
listed in division (G)(1) of this section are the purposes for 142  
which the executive session is to be held, but need not include 143  
the name of any person to be considered at the meeting. 144

(2) To consider the purchase of property for public purposes, 145  
or for the sale of property at competitive bidding, if premature 146  
disclosure of information would give an unfair competitive or 147  
bargaining advantage to a person whose personal, private interest 148  
is adverse to the general public interest. No member of a public 149  
body shall use division (G)(2) of this section as a subterfuge for 150  
providing covert information to prospective buyers or sellers. A 151  
purchase or sale of public property is void if the seller or buyer 152  
of the public property has received covert information from a 153  
member of a public body that has not been disclosed to the general 154  
public in sufficient time for other prospective buyers and sellers 155  
to prepare and submit offers. 156

If the minutes of the public body show that all meetings and 157  
deliberations of the public body have been conducted in compliance 158  
with this section, any instrument executed by the public body 159  
purporting to convey, lease, or otherwise dispose of any right, 160  
title, or interest in any public property shall be conclusively 161  
presumed to have been executed in compliance with this section 162  
insofar as title or other interest of any bona fide purchasers, 163  
lessees, or transferees of the property is concerned. 164

(3) Conferences with an attorney for the public body 165  
concerning disputes involving the public body that are the subject 166  
of pending or imminent court action; 167

(4) Preparing for, conducting, or reviewing negotiations or 168

bargaining sessions with public employees concerning their	169
compensation or other terms and conditions of their employment;	170
(5) Matters required to be kept confidential by federal law	171
or regulations or state statutes;	172
(6) Details relative to the security arrangements and	173
emergency response protocols for a public body or a public office,	174
if disclosure of the matters discussed could reasonably be	175
expected to jeopardize the security of the public body or public	176
office;	177
(7) In the case of a county hospital operated pursuant to	178
Chapter 339. of the Revised Code, a joint township hospital	179
operated pursuant to Chapter 513. of the Revised Code, or a	180
municipal hospital operated pursuant to Chapter 749. of the	181
Revised Code, to consider trade secrets, as defined in section	182
1333.61 of the Revised Code.	183
If a public body holds an executive session to consider any	184
of the matters listed in divisions (G)(2) to (7) of this section,	185
the motion and vote to hold that executive session shall state	186
which one or more of the approved matters listed in those	187
divisions are to be considered at the executive session.	188
A public body specified in division (B)(1)(c) of this section	189
shall not hold an executive session when meeting for the purposes	190
specified in that division.	191
(H) A resolution, rule, or formal action of any kind is	192
invalid unless adopted in an open meeting of the public body. A	193
resolution, rule, or formal action adopted in an open meeting that	194
results from deliberations in a meeting not open to the public is	195
invalid unless the deliberations were for a purpose specifically	196
authorized in division (G) or (J) of this section and conducted at	197
an executive session held in compliance with this section. A	198
resolution, rule, or formal action adopted in an open meeting is	199

invalid if the public body that adopted the resolution, rule, or 200  
formal action violated division (F) of this section. 201

(I)(1) Any person may bring an action to enforce this 202  
section. An action under division (I)(1) of this section shall be 203  
brought within two years after the date of the alleged violation 204  
or threatened violation. Upon proof of a violation or threatened 205  
violation of this section in an action brought by any person, the 206  
court of common pleas shall issue an injunction to compel the 207  
members of the public body to comply with its provisions. 208

(2)(a) If the court of common pleas issues an injunction 209  
pursuant to division (I)(1) of this section, the court shall order 210  
the public body that it enjoins to pay a civil forfeiture of five 211  
hundred dollars to the party that sought the injunction and shall 212  
award to that party all court costs and, subject to reduction as 213  
described in division (I)(2) of this section, reasonable 214  
attorney's fees. The court, in its discretion, may reduce an award 215  
of attorney's fees to the party that sought the injunction or not 216  
award attorney's fees to that party if the court determines both 217  
of the following: 218

(i) That, based on the ordinary application of statutory law 219  
and case law as it existed at the time of violation or threatened 220  
violation that was the basis of the injunction, a well-informed 221  
public body reasonably would believe that the public body was not 222  
violating or threatening to violate this section; 223

(ii) That a well-informed public body reasonably would 224  
believe that the conduct or threatened conduct that was the basis 225  
of the injunction would serve the public policy that underlies the 226  
authority that is asserted as permitting that conduct or 227  
threatened conduct. 228

(b) If the court of common pleas does not issue an injunction 229  
pursuant to division (I)(1) of this section and the court 230



determines at that time that the bringing of the action was 231  
frivolous conduct, as defined in division (A) of section 2323.51 232  
of the Revised Code, the court shall award to the public body all 233  
court costs and reasonable attorney's fees, as determined by the 234  
court. 235

(3) Irreparable harm and prejudice to the party that sought 236  
the injunction shall be conclusively and irrebuttably presumed 237  
upon proof of a violation or threatened violation of this section. 238

(4) A member of a public body who knowingly violates an 239  
injunction issued pursuant to division (I)(1) of this section may 240  
be removed from office by an action brought in the court of common 241  
pleas for that purpose by the prosecuting attorney or the attorney 242  
general. 243

(J)(1) Pursuant to division (C) of section 5901.09 of the 244  
Revised Code, a veterans service commission shall hold an 245  
executive session for one or more of the following purposes unless 246  
an applicant requests a public hearing: 247

(a) Interviewing an applicant for financial assistance under 248  
sections 5901.01 to 5901.15 of the Revised Code; 249

(b) Discussing applications, statements, and other documents 250  
described in division (B) of section 5901.09 of the Revised Code; 251

(c) Reviewing matters relating to an applicant's request for 252  
financial assistance under sections 5901.01 to 5901.15 of the 253  
Revised Code. 254

(2) A veterans service commission shall not exclude an 255  
applicant for, recipient of, or former recipient of financial 256  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 257  
and shall not exclude representatives selected by the applicant, 258  
recipient, or former recipient, from a meeting that the commission 259  
conducts as an executive session that pertains to the applicant's, 260  
recipient's, or former recipient's application for financial 261

assistance. 262

(3) A veterans service commission shall vote on the grant or 263  
denial of financial assistance under sections 5901.01 to 5901.15 264  
of the Revised Code only in an open meeting of the commission. The 265  
minutes of the meeting shall indicate the name, address, and 266  
occupation of the applicant, whether the assistance was granted or 267  
denied, the amount of the assistance if assistance is granted, and 268  
the votes for and against the granting of assistance. 269

(K) The meetings of the governing board of a corporation or 270  
other person that enters into a public-private partnership, as 271  
defined in division (G) of section 149.43 of the Revised Code, are 272  
public meetings subject to the requirements of this section, 273  
notwithstanding any other law to the contrary that may 274  
specifically apply to such a governing board. 275

**Sec. 149.43.** (A) As used in this section: 276

(1) "Public record" means records kept by any public office, 277  
including, but not limited to, state, county, city, village, 278  
township, and school district units, and records pertaining to the 279  
delivery of educational services by an alternative school in this 280  
state kept by the nonprofit or for-profit entity operating the 281  
alternative school pursuant to section 3313.533 of the Revised 282  
Code. "Public record" does not mean any of the following: 283

(a) Medical records; 284

(b) Records pertaining to probation and parole proceedings or 285  
to proceedings related to the imposition of community control 286  
sanctions and post-release control sanctions; 287

(c) Records pertaining to actions under section 2151.85 and 288  
division (C) of section 2919.121 of the Revised Code and to 289  
appeals of actions arising under those sections; 290

(d) Records pertaining to adoption proceedings, including the 291

contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	292 293
(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;	294 295 296 297 298 299
(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;	300 301 302
(g) Trial preparation records;	303
(h) Confidential law enforcement investigatory records;	304
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	305 306
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	307 308
(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;	309 310 311 312
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	313 314 315 316
(m) Intellectual property records;	317
(n) Donor profile records;	318
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	319 320

(p) Peace officer, parole officer, prosecuting attorney, 321  
assistant prosecuting attorney, correctional employee, youth 322  
services employee, firefighter, EMT, or investigator of the bureau 323  
of criminal identification and investigation residential and 324  
familial information; 325

(q) In the case of a county hospital operated pursuant to 326  
Chapter 339. of the Revised Code or a municipal hospital operated 327  
pursuant to Chapter 749. of the Revised Code, information that 328  
constitutes a trade secret, as defined in section 1333.61 of the 329  
Revised Code; 330

(r) Information pertaining to the recreational activities of 331  
a person under the age of eighteen; 332

(s) Records provided to, statements made by review board 333  
members during meetings of, and all work products of a child 334  
fatality review board acting under sections 307.621 to 307.629 of 335  
the Revised Code, and child fatality review data submitted by the 336  
child fatality review board to the department of health or a 337  
national child death review database, other than the report 338  
prepared pursuant to division (A) of section 307.626 of the 339  
Revised Code; 340

(t) Records provided to and statements made by the executive 341  
director of a public children services agency or a prosecuting 342  
attorney acting pursuant to section 5153.171 of the Revised Code 343  
other than the information released under that section; 344

(u) Test materials, examinations, or evaluation tools used in 345  
an examination for licensure as a nursing home administrator that 346  
the board of examiners of nursing home administrators administers 347  
under section 4751.04 of the Revised Code or contracts under that 348  
section with a private or government entity to administer; 349

(v) Records the release of which is prohibited by state or 350  
federal law; 351

(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;	352 353 354
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	355 356
(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;	357 358 359 360 361 362
(z) Records listed in section 5101.29 of the Revised Code.	363
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.	364 365 366
(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:	367 368 369 370 371
(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;	372 373 374 375
(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;	376 377 378 379
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	380 381

(d) Information that would endanger the life or physical 382  
safety of law enforcement personnel, a crime victim, a witness, or 383  
a confidential information source. 384

(3) "Medical record" means any document or combination of 385  
documents, except births, deaths, and the fact of admission to or 386  
discharge from a hospital, that pertains to the medical history, 387  
diagnosis, prognosis, or medical condition of a patient and that 388  
is generated and maintained in the process of medical treatment. 389

(4) "Trial preparation record" means any record that contains 390  
information that is specifically compiled in reasonable 391  
anticipation of, or in defense of, a civil or criminal action or 392  
proceeding, including the independent thought processes and 393  
personal trial preparation of an attorney. 394

(5) "Intellectual property record" means a record, other than 395  
a financial or administrative record, that is produced or 396  
collected by or for faculty or staff of a state institution of 397  
higher learning in the conduct of or as a result of study or 398  
research on an educational, commercial, scientific, artistic, 399  
technical, or scholarly issue, regardless of whether the study or 400  
research was sponsored by the institution alone or in conjunction 401  
with a governmental body or private concern, and that has not been 402  
publicly released, published, or patented. 403

(6) "Donor profile record" means all records about donors or 404  
potential donors to a public institution of higher education 405  
except the names and reported addresses of the actual donors and 406  
the date, amount, and conditions of the actual donation. 407

(7) "Peace officer, parole officer, prosecuting attorney, 408  
assistant prosecuting attorney, correctional employee, youth 409  
services employee, firefighter, EMT, or investigator of the bureau 410  
of criminal identification and investigation residential and 411  
familial information" means any information that discloses any of 412

the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

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

(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, EMT, or investigator of the bureau of criminal identification and investigation;

(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, EMT, or investigator of the bureau of criminal identification and investigation by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of

criminal identification and investigation's employer; 445

(e) The identity and amount of any charitable or employment 446  
benefit deduction made by the peace officer's, parole officer's, 447  
prosecuting attorney's, assistant prosecuting attorney's, 448  
correctional employee's, youth services employee's, firefighter's, 449  
EMT's, or investigator of the bureau of criminal identification 450  
and investigation's employer from the peace officer's, parole 451  
officer's, prosecuting attorney's, assistant prosecuting 452  
attorney's, correctional employee's, youth services employee's, 453  
firefighter's, EMT's, or investigator of the bureau of criminal 454  
identification and investigation's compensation unless the amount 455  
of the deduction is required by state or federal law; 456

(f) The name, the residential address, the name of the 457  
employer, the address of the employer, the social security number, 458  
the residential telephone number, any bank account, debit card, 459  
charge card, or credit card number, or the emergency telephone 460  
number of the spouse, a former spouse, or any child of a peace 461  
officer, parole officer, prosecuting attorney, assistant 462  
prosecuting attorney, correctional employee, youth services 463  
employee, firefighter, EMT, or investigator of the bureau of 464  
criminal identification and investigation; 465

(g) A photograph of a peace officer who holds a position or 466  
has an assignment that may include undercover or plain clothes 467  
positions or assignments as determined by the peace officer's 468  
appointing authority. 469

As used in divisions (A)(7) and (B)(9) of this section, 470  
"peace officer" has the same meaning as in section 109.71 of the 471  
Revised Code and also includes the superintendent and troopers of 472  
the state highway patrol; it does not include the sheriff of a 473  
county or a supervisory employee who, in the absence of the 474  
sheriff, is authorized to stand in for, exercise the authority of, 475  
and perform the duties of the sheriff. 476



As used in divisions (A)(7) and (B)(5) of this section, 477  
"correctional employee" means any employee of the department of 478  
rehabilitation and correction who in the course of performing the 479  
employee's job duties has or has had contact with inmates and 480  
persons under supervision. 481

As used in divisions (A)(7) and (B)(5) of this section, 482  
"youth services employee" means any employee of the department of 483  
youth services who in the course of performing the employee's job 484  
duties has or has had contact with children committed to the 485  
custody of the department of youth services. 486

As used in divisions (A)(7) and (B)(9) of this section, 487  
"firefighter" means any regular, paid or volunteer, member of a 488  
lawfully constituted fire department of a municipal corporation, 489  
township, fire district, or village. 490

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 491  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 492  
medical services for a public emergency medical service 493  
organization. "Emergency medical service organization," 494  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 495  
section 4765.01 of the Revised Code. 496

As used in divisions (A)(7) and (B)(9) of this section, 497  
"investigator of the bureau of criminal identification and 498  
investigation" has the meaning defined in section 2903.11 of the 499  
Revised Code. 500

(8) "Information pertaining to the recreational activities of 501  
a person under the age of eighteen" means information that is kept 502  
in the ordinary course of business by a public office, that 503  
pertains to the recreational activities of a person under the age 504  
of eighteen years, and that discloses any of the following: 505

(a) The address or telephone number of a person under the age 506  
of eighteen or the address or telephone number of that person's 507

parent, guardian, custodian, or emergency contact person; 508

(b) The social security number, birth date, or photographic 509  
image of a person under the age of eighteen; 510

(c) Any medical record, history, or information pertaining to 511  
a person under the age of eighteen; 512

(d) Any additional information sought or required about a 513  
person under the age of eighteen for the purpose of allowing that 514  
person to participate in any recreational activity conducted or 515  
sponsored by a public office or to use or obtain admission 516  
privileges to any recreational facility owned or operated by a 517  
public office. 518

(9) "Community control sanction" has the same meaning as in 519  
section 2929.01 of the Revised Code. 520

(10) "Post-release control sanction" has the same meaning as 521  
in section 2967.01 of the Revised Code. 522

(11) "Redaction" means obscuring or deleting any information 523  
that is exempt from the duty to permit public inspection or 524  
copying from an item that otherwise meets the definition of a 525  
"record" in section 149.011 of the Revised Code. 526

(12) "Designee" and "elected official" have the same meanings 527  
as in section 109.43 of the Revised Code. 528

(B)(1) Upon request and subject to division (B)(8) of this 529  
section, all public records responsive to the request shall be 530  
promptly prepared and made available for inspection to any person 531  
at all reasonable times during regular business hours. Subject to 532  
division (B)(8) of this section, upon request, a public office or 533  
person responsible for public records shall make copies of the 534  
requested public record available at cost and within a reasonable 535  
period of time. If a public record contains information that is 536  
exempt from the duty to permit public inspection or to copy the 537

public record, the public office or the person responsible for the 538  
public record shall make available all of the information within 539  
the public record that is not exempt. When making that public 540  
record available for public inspection or copying that public 541  
record, the public office or the person responsible for the public 542  
record shall notify the requester of any redaction or make the 543  
redaction plainly visible. A redaction shall be deemed a denial of 544  
a request to inspect or copy the redacted information, except if 545  
federal or state law authorizes or requires a public office to 546  
make the redaction. 547

(2) To facilitate broader access to public records, a public 548  
office or the person responsible for public records shall organize 549  
and maintain public records in a manner that they can be made 550  
available for inspection or copying in accordance with division 551  
(B) of this section. A public office also shall have available a 552  
copy of its current records retention schedule at a location 553  
readily available to the public. If a requester makes an ambiguous 554  
or overly broad request or has difficulty in making a request for 555  
copies or inspection of public records under this section such 556  
that the public office or the person responsible for the requested 557  
public record cannot reasonably identify what public records are 558  
being requested, the public office or the person responsible for 559  
the requested public record may deny the request but shall provide 560  
the requester with an opportunity to revise the request by 561  
informing the requester of the manner in which records are 562  
maintained by the public office and accessed in the ordinary 563  
course of the public office's or person's duties. 564

(3) If a request is ultimately denied, in part or in whole, 565  
the public office or the person responsible for the requested 566  
public record shall provide the requester with an explanation, 567  
including legal authority, setting forth why the request was 568  
denied. If the initial request was provided in writing, the 569

explanation also shall be provided to the requester in writing. 570  
The explanation shall not preclude the public office or the person 571  
responsible for the requested public record from relying upon 572  
additional reasons or legal authority in defending an action 573  
commenced under division (C) of this section. 574

(4) Unless specifically required or authorized by state or 575  
federal law or in accordance with division (B) of this section, no 576  
public office or person responsible for public records may limit 577  
or condition the availability of public records by requiring 578  
disclosure of the requester's identity or the intended use of the 579  
requested public record. Any requirement that the requester 580  
disclose the requestor's identity or the intended use of the 581  
requested public record constitutes a denial of the request. 582

(5) A public office or person responsible for public records 583  
may ask a requester to make the request in writing, may ask for 584  
the requester's identity, and may inquire about the intended use 585  
of the information requested, but may do so only after disclosing 586  
to the requester that a written request is not mandatory and that 587  
the requester may decline to reveal the requester's identity or 588  
the intended use and when a written request or disclosure of the 589  
identity or intended use would benefit the requester by enhancing 590  
the ability of the public office or person responsible for public 591  
records to identify, locate, or deliver the public records sought 592  
by the requester. 593

(6) If any person chooses to obtain a copy of a public record 594  
in accordance with division (B) of this section, the public office 595  
or person responsible for the public record may require that 596  
person to pay in advance the cost involved in providing the copy 597  
of the public record in accordance with the choice made by the 598  
person seeking the copy under this division. The public office or 599  
the person responsible for the public record shall permit that 600  
person to choose to have the public record duplicated upon paper, 601

upon the same medium upon which the public office or person 602  
responsible for the public record keeps it, or upon any other 603  
medium upon which the public office or person responsible for the 604  
public record determines that it reasonably can be duplicated as 605  
an integral part of the normal operations of the public office or 606  
person responsible for the public record. When the person seeking 607  
the copy makes a choice under this division, the public office or 608  
person responsible for the public record shall provide a copy of 609  
it in accordance with the choice made by the person seeking the 610  
copy. Nothing in this section requires a public office or person 611  
responsible for the public record to allow the person seeking a 612  
copy of the public record to make the copies of the public record. 613

(7) Upon a request made in accordance with division (B) of 614  
this section and subject to division (B)(6) of this section, a 615  
public office or person responsible for public records shall 616  
transmit a copy of a public record to any person by United States 617  
mail or by any other means of delivery or transmission within a 618  
reasonable period of time after receiving the request for the 619  
copy. The public office or person responsible for the public 620  
record may require the person making the request to pay in advance 621  
the cost of postage if the copy is transmitted by United States 622  
mail or the cost of delivery if the copy is transmitted other than 623  
by United States mail, and to pay in advance the costs incurred 624  
for other supplies used in the mailing, delivery, or transmission. 625

Any public office may adopt a policy and procedures that it 626  
will follow in transmitting, within a reasonable period of time 627  
after receiving a request, copies of public records by United 628  
States mail or by any other means of delivery or transmission 629  
pursuant to this division. A public office that adopts a policy 630  
and procedures under this division shall comply with them in 631  
performing its duties under this division. 632

In any policy and procedures adopted under this division, a 633

public office may limit the number of records requested by a 634  
person that the office will transmit by United States mail to ten 635  
per month, unless the person certifies to the office in writing 636  
that the person does not intend to use or forward the requested 637  
records, or the information contained in them, for commercial 638  
purposes. For purposes of this division, "commercial" shall be 639  
narrowly construed and does not include reporting or gathering 640  
news, reporting or gathering information to assist citizen 641  
oversight or understanding of the operation or activities of 642  
government, or nonprofit educational research. 643

(8) A public office or person responsible for public records 644  
is not required to permit a person who is incarcerated pursuant to 645  
a criminal conviction or a juvenile adjudication to inspect or to 646  
obtain a copy of any public record concerning a criminal 647  
investigation or prosecution or concerning what would be a 648  
criminal investigation or prosecution if the subject of the 649  
investigation or prosecution were an adult, unless the request to 650  
inspect or to obtain a copy of the record is for the purpose of 651  
acquiring information that is subject to release as a public 652  
record under this section and the judge who imposed the sentence 653  
or made the adjudication with respect to the person, or the 654  
judge's successor in office, finds that the information sought in 655  
the public record is necessary to support what appears to be a 656  
justiciable claim of the person. 657

(9) Upon written request made and signed by a journalist on 658  
or after December 16, 1999, a public office, or person responsible 659  
for public records, having custody of the records of the agency 660  
employing a specified peace officer, parole officer, prosecuting 661  
attorney, assistant prosecuting attorney, correctional employee, 662  
youth services employee, firefighter, EMT, or investigator of the 663  
bureau of criminal identification and investigation shall disclose 664  
to the journalist the address of the actual personal residence of 665

the peace officer, parole officer, prosecuting attorney, assistant 666  
prosecuting attorney, correctional employee, youth services 667  
employee, firefighter, EMT, or investigator of the bureau of 668  
criminal identification and investigation and, if the peace 669  
officer's, parole officer's, prosecuting attorney's, assistant 670  
prosecuting attorney's, correctional employee's, youth services 671  
employee's, firefighter's, EMT's, or investigator of the bureau of 672  
criminal identification and investigation's spouse, former spouse, 673  
or child is employed by a public office, the name and address of 674  
the employer of the peace officer's, parole officer's, prosecuting 675  
attorney's, assistant prosecuting attorney's, correctional 676  
employee's, youth services employee's, firefighter's, EMT's, or 677  
investigator of the bureau of criminal identification and 678  
investigation's spouse, former spouse, or child. The request shall 679  
include the journalist's name and title and the name and address 680  
of the journalist's employer and shall state that disclosure of 681  
the information sought would be in the public interest. 682

As used in this division, "journalist" means a person engaged 683  
in, connected with, or employed by any news medium, including a 684  
newspaper, magazine, press association, news agency, or wire 685  
service, a radio or television station, or a similar medium, for 686  
the purpose of gathering, processing, transmitting, compiling, 687  
editing, or disseminating information for the general public. 688

(C)(1) If a person allegedly is aggrieved by the failure of a 689  
public office or the person responsible for public records to 690  
promptly prepare a public record and to make it available to the 691  
person for inspection in accordance with division (B) of this 692  
section or by any other failure of a public office or the person 693  
responsible for public records to comply with an obligation in 694  
accordance with division (B) of this section, the person allegedly 695  
aggrieved may commence a mandamus action to obtain a judgment that 696  
orders the public office or the person responsible for the public 697

record to comply with division (B) of this section, that awards 698  
court costs and reasonable attorney's fees to the person that 699  
instituted the mandamus action, and, if applicable, that includes 700  
an order fixing statutory damages under division (C)(1) of this 701  
section. The mandamus action may be commenced in the court of 702  
common pleas of the county in which division (B) of this section 703  
allegedly was not complied with, in the supreme court pursuant to 704  
its original jurisdiction under Section 2 of Article IV, Ohio 705  
Constitution, or in the court of appeals for the appellate 706  
district in which division (B) of this section allegedly was not 707  
complied with pursuant to its original jurisdiction under Section 708  
3 of Article IV, Ohio Constitution. 709

If a requestor transmits a written request by hand delivery 710  
or certified mail to inspect or receive copies of any public 711  
record in a manner that fairly describes the public record or 712  
class of public records to the public office or person responsible 713  
for the requested public records, except as otherwise provided in 714  
this section, the requestor shall be entitled to recover the 715  
amount of statutory damages set forth in this division if a court 716  
determines that the public office or the person responsible for 717  
public records failed to comply with an obligation in accordance 718  
with division (B) of this section. 719

The amount of statutory damages shall be fixed at one hundred 720  
dollars for each business day during which the public office or 721  
person responsible for the requested public records failed to 722  
comply with an obligation in accordance with division (B) of this 723  
section, beginning with the day on which the requester files a 724  
mandamus action to recover statutory damages, up to a maximum of 725  
one thousand dollars. The award of statutory damages shall not be 726  
construed as a penalty, but as compensation for injury arising 727  
from lost use of the requested information. The existence of this 728  
injury shall be conclusively presumed. The award of statutory 729



damages shall be in addition to all other remedies authorized by 730  
this section. 731

The court may reduce an award of statutory damages or not 732  
award statutory damages if the court determines both of the 733  
following: 734

(a) That, based on the ordinary application of statutory law 735  
and case law as it existed at the time of the conduct or 736  
threatened conduct of the public office or person responsible for 737  
the requested public records that allegedly constitutes a failure 738  
to comply with an obligation in accordance with division (B) of 739  
this section and that was the basis of the mandamus action, a 740  
well-informed public office or person responsible for the 741  
requested public records reasonably would believe that the conduct 742  
or threatened conduct of the public office or person responsible 743  
for the requested public records did not constitute a failure to 744  
comply with an obligation in accordance with division (B) of this 745  
section; 746

(b) That a well-informed public office or person responsible 747  
for the requested public records reasonably would believe that the 748  
conduct or threatened conduct of the public office or person 749  
responsible for the requested public records would serve the 750  
public policy that underlies the authority that is asserted as 751  
permitting that conduct or threatened conduct. 752

(2)(a) If the court issues a writ of mandamus that orders the 753  
public office or the person responsible for the public record to 754  
comply with division (B) of this section and determines that the 755  
circumstances described in division (C)(1) of this section exist, 756  
the court shall determine and award to the relator all court 757  
costs. 758

(b) If the court renders a judgment that orders the public 759  
office or the person responsible for the public record to comply 760

with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

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

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

(c) 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:

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

comply with an obligation in accordance with division (B) of this section; 793  
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(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 795  
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 802  
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(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours. 804  
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(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records 822  
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custodian or records manager or otherwise has custody of the 825  
records of that office. The public office shall require that 826  
employee to acknowledge receipt of the copy of the public records 827  
policy. The public office shall create a poster that describes its 828  
public records policy and shall post the poster in a conspicuous 829  
place in the public office and in all locations where the public 830  
office has branch offices. The public office may post its public 831  
records policy on the internet web site of the public office if 832  
the public office maintains an internet web site. A public office 833  
that has established a manual or handbook of its general policies 834  
and procedures for all employees of the public office shall 835  
include the public records policy of the public office in the 836  
manual or handbook. 837

(F)(1) The bureau of motor vehicles may adopt rules pursuant 838  
to Chapter 119. of the Revised Code to reasonably limit the number 839  
of bulk commercial special extraction requests made by a person 840  
for the same records or for updated records during a calendar 841  
year. The rules may include provisions for charges to be made for 842  
bulk commercial special extraction requests for the actual cost of 843  
the bureau, plus special extraction costs, plus ten per cent. The 844  
bureau may charge for expenses for redacting information, the 845  
release of which is prohibited by law. 846

(2) As used in division (F)(1) of this section: 847

(a) "Actual cost" means the cost of depleted supplies, 848  
records storage media costs, actual mailing and alternative 849  
delivery costs, or other transmitting costs, and any direct 850  
equipment operating and maintenance costs, including actual costs 851  
paid to private contractors for copying services. 852

(b) "Bulk commercial special extraction request" means a 853  
request for copies of a record for information in a format other 854  
than the format already available, or information that cannot be 855  
extracted without examination of all items in a records series, 856

class of records, or data base by a person who intends to use or 857  
forward the copies for surveys, marketing, solicitation, or resale 858  
for commercial purposes. "Bulk commercial special extraction 859  
request" does not include a request by a person who gives 860  
assurance to the bureau that the person making the request does 861  
not intend to use or forward the requested copies for surveys, 862  
marketing, solicitation, or resale for commercial purposes. 863

(c) "Commercial" means profit-seeking production, buying, or 864  
selling of any good, service, or other product. 865

(d) "Special extraction costs" means the cost of the time 866  
spent by the lowest paid employee competent to perform the task, 867  
the actual amount paid to outside private contractors employed by 868  
the bureau, or the actual cost incurred to create computer 869  
programs to make the special extraction. "Special extraction 870  
costs" include any charges paid to a public agency for computer or 871  
records services. 872

(3) For purposes of divisions (F)(1) and (2) of this section, 873  
"surveys, marketing, solicitation, or resale for commercial 874  
purposes" shall be narrowly construed and does not include 875  
reporting or gathering news, reporting or gathering information to 876  
assist citizen oversight or understanding of the operation or 877  
activities of government, or nonprofit educational research. 878

(G) Records of a corporation or other person that enters into 879  
a public-private partnership shall be public records for the 880  
purposes of this section, notwithstanding any other law to the 881  
contrary that may specifically apply to such a corporation or 882  
person. For the purpose of this division, "public-private 883  
partnership" means a contractual relationship between a state 884  
agency and a corporation or other person for the purpose of the 885  
corporation or person assisting the agency in the exercise of any 886  
or all of the powers, functions, or duties of the agency, 887  
including the operation and management of the agency's programs, 888

offices, divisions, or boards. 889

**Section 2.** That existing sections 121.22 and 149.43 of the 890

Revised Code are hereby repealed. 891