

**As Reported by the House Finance and Appropriations
Committee**

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Sub. H. B. No. 324

Representatives Duffey, Hagan, C.

**Cosponsors: Representatives Amstutz, Blair, Butler, Henne, Landis,
Roegner, Schuring, Sears, Terhar, Bishoff, Hackett, Young, Brown**

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A B I L L

To amend section 149.43 and to enact sections	1
117.432, 149.60, 149.62, and 149.65 of the Revised	2
Code to create the DataOhio Board, to specify	3
requirements for posting public records online, to	4
require the Auditor of State to adopt rules	5
regarding a uniform accounting system for public	6
offices, to establish an online catalog of public	7
data at data.Ohio.gov, to establish the Local	8
Government Information Exchange Grant Program, and	9
to amend the version of section 149.43 of the	10
Revised Code that is scheduled to take effect on	11
March 20, 2015, to continue the provisions of this	12
act on and after that effective date.	13

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

Section 1. That section 149.43 be amended and sections	14
117.432, 149.60, 149.62, and 149.65 of the Revised Code be enacted	15
to read as follows:	16

<u>Sec. 117.432. (A) The general assembly recognizes that</u>	17
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government transparency requires a common language of definitions 18
for public information and that uniform accounting procedures and 19
charts of accounts improve financial management while maintaining 20
the principle of home rule over local matters. It is declared to 21
be a public purpose and function of the state to facilitate the 22
ability of the public easily to compare public data generated by 23
the state and other public offices using this common language. 24

(B) Within two years after the effective date of this 25
section, the auditor of state shall establish, by rule adopted 26
under Chapter 119. of the Revised Code, appropriate uniform 27
accounting procedures and charts of accounts that may be used by 28
all public offices. Public offices that maintain their financial 29
records in accordance with the rules established by the auditor of 30
state under this section shall be declared by the auditor to have 31
earned a "DataOhio Transparency Award-Uniformity of Accounting." 32

(C) Not later than four years after the effective date of 33
this section, the auditor of state shall submit to the general 34
assembly proposed legislation to establish uniform accounting 35
procedures and charts of accounts for all public offices. In doing 36
so, the auditor of state shall consider the experience of public 37
offices that have maintained their financial records in accordance 38
with the rules established under this section. 39

The auditor of state may designate existing uniform 40
accounting procedures or charts of accounts that satisfy the 41
requirements of division (B) or (C) of this section, or may 42
supplement or amend existing uniform accounting procedures or 43
charts of accounts to satisfy the requirements of division (B) or 44
(C) of this section. 45

Sec. 149.43. (A) As used in this section: 46

(1) "Public record" means records kept by any public office, 47
including, but not limited to, state, county, city, village, 48

township, and school district units, and records pertaining to the 49
delivery of educational services by an alternative school in this 50
state kept by the nonprofit or for-profit entity operating the 51
alternative school pursuant to section 3313.533 of the Revised 52
Code. "Public record" does not mean any of the following: 53

(a) Medical records; 54

(b) Records pertaining to probation and parole proceedings or 55
to proceedings related to the imposition of community control 56
sanctions and post-release control sanctions; 57

(c) Records pertaining to actions under section 2151.85 and 58
division (C) of section 2919.121 of the Revised Code and to 59
appeals of actions arising under those sections; 60

(d) Records pertaining to adoption proceedings, including the 61
contents of an adoption file maintained by the department of 62
health under section 3705.12 of the Revised Code; 63

(e) Information in a record contained in the putative father 64
registry established by section 3107.062 of the Revised Code, 65
regardless of whether the information is held by the department of 66
job and family services or, pursuant to section 3111.69 of the 67
Revised Code, the office of child support in the department or a 68
child support enforcement agency; 69

(f) Records listed in division (A) of section 3107.42 of the 70
Revised Code or specified in division (A) of section 3107.52 of 71
the Revised Code; 72

(g) Trial preparation records; 73

(h) Confidential law enforcement investigatory records; 74

(i) Records containing information that is confidential under 75
section 2710.03 or 4112.05 of the Revised Code; 76

(j) DNA records stored in the DNA database pursuant to 77
section 109.573 of the Revised Code; 78

(k) Inmate records released by the department of	79
rehabilitation and correction to the department of youth services	80
or a court of record pursuant to division (E) of section 5120.21	81
of the Revised Code;	82
(l) Records maintained by the department of youth services	83
pertaining to children in its custody released by the department	84
of youth services to the department of rehabilitation and	85
correction pursuant to section 5139.05 of the Revised Code;	86
(m) Intellectual property records;	87
(n) Donor profile records;	88
(o) Records maintained by the department of job and family	89
services pursuant to section 3121.894 of the Revised Code;	90
(p) Peace officer, parole officer, probation officer,	91
bailiff, prosecuting attorney, assistant prosecuting attorney,	92
correctional employee, community-based correctional facility	93
employee, youth services employee, firefighter, EMT, or	94
investigator of the bureau of criminal identification and	95
investigation residential and familial information;	96
(q) In the case of a county hospital operated pursuant to	97
Chapter 339. of the Revised Code or a municipal hospital operated	98
pursuant to Chapter 749. of the Revised Code, information that	99
constitutes a trade secret, as defined in section 1333.61 of the	100
Revised Code;	101
(r) Information pertaining to the recreational activities of	102
a person under the age of eighteen;	103
(s) Records provided to, statements made by review board	104
members during meetings of, and all work products of a child	105
fatality review board acting under sections 307.621 to 307.629 of	106
the Revised Code, and child fatality review data submitted by the	107
child fatality review board to the department of health or a	108

national child death review database, other than the report 109
prepared pursuant to division (A) of section 307.626 of the 110
Revised Code; 111

(t) Records provided to and statements made by the executive 112
director of a public children services agency or a prosecuting 113
attorney acting pursuant to section 5153.171 of the Revised Code 114
other than the information released under that section; 115

(u) Test materials, examinations, or evaluation tools used in 116
an examination for licensure as a nursing home administrator that 117
the board of executives of long-term services and supports 118
administers under section 4751.04 of the Revised Code or contracts 119
under that section with a private or government entity to 120
administer; 121

(v) Records the release of which is prohibited by state or 122
federal law; 123

(w) Proprietary information of or relating to any person that 124
is submitted to or compiled by the Ohio venture capital authority 125
created under section 150.01 of the Revised Code; 126

(x) Financial statements and data any person submits for any 127
purpose to the Ohio housing finance agency or the controlling 128
board in connection with applying for, receiving, or accounting 129
for financial assistance from the agency, and information that 130
identifies any individual who benefits directly or indirectly from 131
financial assistance from the agency; 132

(y) Records listed in section 5101.29 of the Revised Code; 133

(z) Discharges recorded with a county recorder under section 134
317.24 of the Revised Code, as specified in division (B)(2) of 135
that section; 136

(aa) Usage information including names and addresses of 137
specific residential and commercial customers of a municipally 138

owned or operated public utility; 139

(bb) Records described in division (C) of section 187.04 of 140
the Revised Code that are not designated to be made available to 141
the public as provided in that division. 142

(2) "Confidential law enforcement investigatory record" means 143
any record that pertains to a law enforcement matter of a 144
criminal, quasi-criminal, civil, or administrative nature, but 145
only to the extent that the release of the record would create a 146
high probability of disclosure of any of the following: 147

(a) The identity of a suspect who has not been charged with 148
the offense to which the record pertains, or of an information 149
source or witness to whom confidentiality has been reasonably 150
promised; 151

(b) Information provided by an information source or witness 152
to whom confidentiality has been reasonably promised, which 153
information would reasonably tend to disclose the source's or 154
witness's identity; 155

(c) Specific confidential investigatory techniques or 156
procedures or specific investigatory work product; 157

(d) Information that would endanger the life or physical 158
safety of law enforcement personnel, a crime victim, a witness, or 159
a confidential information source. 160

(3) "Medical record" means any document or combination of 161
documents, except births, deaths, and the fact of admission to or 162
discharge from a hospital, that pertains to the medical history, 163
diagnosis, prognosis, or medical condition of a patient and that 164
is generated and maintained in the process of medical treatment. 165

(4) "Trial preparation record" means any record that contains 166
information that is specifically compiled in reasonable 167
anticipation of, or in defense of, a civil or criminal action or 168

proceeding, including the independent thought processes and 169
personal trial preparation of an attorney. 170

(5) "Intellectual property record" means a record, other than 171
a financial or administrative record, that is produced or 172
collected by or for faculty or staff of a state institution of 173
higher learning in the conduct of or as a result of study or 174
research on an educational, commercial, scientific, artistic, 175
technical, or scholarly issue, regardless of whether the study or 176
research was sponsored by the institution alone or in conjunction 177
with a governmental body or private concern, and that has not been 178
publicly released, published, or patented. 179

(6) "Donor profile record" means all records about donors or 180
potential donors to a public institution of higher education 181
except the names and reported addresses of the actual donors and 182
the date, amount, and conditions of the actual donation. 183

(7) "Peace officer, parole officer, probation officer, 184
bailiff, prosecuting attorney, assistant prosecuting attorney, 185
correctional employee, community-based correctional facility 186
employee, youth services employee, firefighter, EMT, or 187
investigator of the bureau of criminal identification and 188
investigation residential and familial information" means any 189
information that discloses any of the following about a peace 190
officer, parole officer, probation officer, bailiff, prosecuting 191
attorney, assistant prosecuting attorney, correctional employee, 192
community-based correctional facility employee, youth services 193
employee, firefighter, EMT, or investigator of the bureau of 194
criminal identification and investigation: 195

(a) The address of the actual personal residence of a peace 196
officer, parole officer, probation officer, bailiff, assistant 197
prosecuting attorney, correctional employee, community-based 198
correctional facility employee, youth services employee, 199
firefighter, EMT, or an investigator of the bureau of criminal 200

identification and investigation, except for the state or 201
political subdivision in which the peace officer, parole officer, 202
probation officer, bailiff, assistant prosecuting attorney, 203
correctional employee, community-based correctional facility 204
employee, youth services employee, firefighter, EMT, or 205
investigator of the bureau of criminal identification and 206
investigation resides; 207

(b) Information compiled from referral to or participation in 208
an employee assistance program; 209

(c) The social security number, the residential telephone 210
number, any bank account, debit card, charge card, or credit card 211
number, or the emergency telephone number of, or any medical 212
information pertaining to, a peace officer, parole officer, 213
probation officer, bailiff, prosecuting attorney, assistant 214
prosecuting attorney, correctional employee, community-based 215
correctional facility employee, youth services employee, 216
firefighter, EMT, or investigator of the bureau of criminal 217
identification and investigation; 218

(d) The name of any beneficiary of employment benefits, 219
including, but not limited to, life insurance benefits, provided 220
to a peace officer, parole officer, probation officer, bailiff, 221
prosecuting attorney, assistant prosecuting attorney, correctional 222
employee, community-based correctional facility employee, youth 223
services employee, firefighter, EMT, or investigator of the bureau 224
of criminal identification and investigation by the peace 225
officer's, parole officer's, probation officer's, bailiff's, 226
prosecuting attorney's, assistant prosecuting attorney's, 227
correctional employee's, community-based correctional facility 228
employee's, youth services employee's, firefighter's, EMT's, or 229
investigator of the bureau of criminal identification and 230
investigation's employer; 231

(e) The identity and amount of any charitable or employment 232

benefit deduction made by the peace officer's, parole officer's, 233
probation officer's, bailiff's, prosecuting attorney's, assistant 234
prosecuting attorney's, correctional employee's, community-based 235
correctional facility employee's, youth services employee's, 236
firefighter's, EMT's, or investigator of the bureau of criminal 237
identification and investigation's employer from the peace 238
officer's, parole officer's, probation officer's, bailiff's, 239
prosecuting attorney's, assistant prosecuting attorney's, 240
correctional employee's, community-based correctional facility 241
employee's, youth services employee's, firefighter's, EMT's, or 242
investigator of the bureau of criminal identification and 243
investigation's compensation unless the amount of the deduction is 244
required by state or federal law; 245

(f) The name, the residential address, the name of the 246
employer, the address of the employer, the social security number, 247
the residential telephone number, any bank account, debit card, 248
charge card, or credit card number, or the emergency telephone 249
number of the spouse, a former spouse, or any child of a peace 250
officer, parole officer, probation officer, bailiff, prosecuting 251
attorney, assistant prosecuting attorney, correctional employee, 252
community-based correctional facility employee, youth services 253
employee, firefighter, EMT, or investigator of the bureau of 254
criminal identification and investigation; 255

(g) A photograph of a peace officer who holds a position or 256
has an assignment that may include undercover or plain clothes 257
positions or assignments as determined by the peace officer's 258
appointing authority. 259

As used in divisions (A)(7) and (B)(9) of this section, 260
"peace officer" has the same meaning as in section 109.71 of the 261
Revised Code and also includes the superintendent and troopers of 262
the state highway patrol; it does not include the sheriff of a 263
county or a supervisory employee who, in the absence of the 264

sheriff, is authorized to stand in for, exercise the authority of, 265
and perform the duties of the sheriff. 266

As used in divisions (A)(7) and (B)(5) of this section, 267
"correctional employee" means any employee of the department of 268
rehabilitation and correction who in the course of performing the 269
employee's job duties has or has had contact with inmates and 270
persons under supervision. 271

As used in divisions (A)(7) and (B)(5) of this section, 272
"youth services employee" means any employee of the department of 273
youth services who in the course of performing the employee's job 274
duties has or has had contact with children committed to the 275
custody of the department of youth services. 276

As used in divisions (A)(7) and (B)(9) of this section, 277
"firefighter" means any regular, paid or volunteer, member of a 278
lawfully constituted fire department of a municipal corporation, 279
township, fire district, or village. 280

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 281
means EMTs-basic, EMTs-I, and paramedics that provide emergency 282
medical services for a public emergency medical service 283
organization. "Emergency medical service organization," 284
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 285
section 4765.01 of the Revised Code. 286

As used in divisions (A)(7) and (B)(9) of this section, 287
"investigator of the bureau of criminal identification and 288
investigation" has the meaning defined in section 2903.11 of the 289
Revised Code. 290

(8) "Information pertaining to the recreational activities of 291
a person under the age of eighteen" means information that is kept 292
in the ordinary course of business by a public office, that 293
pertains to the recreational activities of a person under the age 294
of eighteen years, and that discloses any of the following: 295

(a) The address or telephone number of a person under the age 296
of eighteen or the address or telephone number of that person's 297
parent, guardian, custodian, or emergency contact person; 298

(b) The social security number, birth date, or photographic 299
image of a person under the age of eighteen; 300

(c) Any medical record, history, or information pertaining to 301
a person under the age of eighteen; 302

(d) Any additional information sought or required about a 303
person under the age of eighteen for the purpose of allowing that 304
person to participate in any recreational activity conducted or 305
sponsored by a public office or to use or obtain admission 306
privileges to any recreational facility owned or operated by a 307
public office. 308

(9) "Community control sanction" has the same meaning as in 309
section 2929.01 of the Revised Code. 310

(10) "Post-release control sanction" has the same meaning as 311
in section 2967.01 of the Revised Code. 312

(11) "Redaction" means obscuring or deleting any information 313
that is exempt from the duty to permit public inspection or 314
copying from an item that otherwise meets the definition of a 315
"record" in section 149.011 of the Revised Code. 316

(12) "Designee" and "elected official" have the same meanings 317
as in section 109.43 of the Revised Code. 318

(B)(1) Upon request and subject to division (B)(8) of this 319
section, all public records responsive to the request shall be 320
promptly prepared and made available for inspection to any person 321
at all reasonable times during regular business hours. Subject to 322
division (B)(8) of this section, upon request, a public office or 323
person responsible for public records shall make copies of the 324
requested public record available at cost and within a reasonable 325

period of time. If a public record contains information that is 326
exempt from the duty to permit public inspection or to copy the 327
public record, the public office or the person responsible for the 328
public record shall make available all of the information within 329
the public record that is not exempt. When making that public 330
record available for public inspection or copying that public 331
record, the public office or the person responsible for the public 332
record shall notify the requester of any redaction or make the 333
redaction plainly visible. A redaction shall be deemed a denial of 334
a request to inspect or copy the redacted information, except if 335
federal or state law authorizes or requires a public office to 336
make the redaction. 337

(2) To facilitate broader access to public records, a public 338
office or the person responsible for public records shall organize 339
and maintain public records in a manner that they can be made 340
available for inspection or copying in accordance with division 341
(B) of this section. A public office also shall have available a 342
copy of its current records retention schedule at a location 343
readily available to the public. If a requester makes an ambiguous 344
or overly broad request or has difficulty in making a request for 345
copies or inspection of public records under this section such 346
that the public office or the person responsible for the requested 347
public record cannot reasonably identify what public records are 348
being requested, the public office or the person responsible for 349
the requested public record may deny the request but shall provide 350
the requester with an opportunity to revise the request by 351
informing the requester of the manner in which records are 352
maintained by the public office and accessed in the ordinary 353
course of the public office's or person's duties. 354

(3) If a request is ultimately denied, in part or in whole, 355
the public office or the person responsible for the requested 356
public record shall provide the requester with an explanation, 357

including legal authority, setting forth why the request was 358
denied. If the initial request was provided in writing, the 359
explanation also shall be provided to the requester in writing. 360
The explanation shall not preclude the public office or the person 361
responsible for the requested public record from relying upon 362
additional reasons or legal authority in defending an action 363
commenced under division (C) of this section. 364

(4) Unless specifically required or authorized by state or 365
federal law or in accordance with division (B) of this section, no 366
public office or person responsible for public records may limit 367
or condition the availability of public records by requiring 368
disclosure of the requester's identity or the intended use of the 369
requested public record. Any requirement that the requester 370
disclose the requestor's identity or the intended use of the 371
requested public record constitutes a denial of the request. 372

(5) A public office or person responsible for public records 373
may ask a requester to make the request in writing, may ask for 374
the requester's identity, and may inquire about the intended use 375
of the information requested, but may do so only after disclosing 376
to the requester that a written request is not mandatory and that 377
the requester may decline to reveal the requester's identity or 378
the intended use and when a written request or disclosure of the 379
identity or intended use would benefit the requester by enhancing 380
the ability of the public office or person responsible for public 381
records to identify, locate, or deliver the public records sought 382
by the requester. 383

(6) If any person chooses to obtain a copy of a public record 384
in accordance with division (B) of this section, the public office 385
or person responsible for the public record may require that 386
person to pay in advance the cost involved in providing the copy 387
of the public record in accordance with the choice made by the 388
person seeking the copy under this division. The public office or 389

the person responsible for the public record shall permit that 390
person to choose to have the public record duplicated upon paper, 391
upon the same medium upon which the public office or person 392
responsible for the public record keeps it, or upon any other 393
medium upon which the public office or person responsible for the 394
public record determines that it reasonably can be duplicated as 395
an integral part of the normal operations of the public office or 396
person responsible for the public record. When the person seeking 397
the copy makes a choice under this division, the public office or 398
person responsible for the public record shall provide a copy of 399
it in accordance with the choice made by the person seeking the 400
copy. Nothing in this section requires a public office or person 401
responsible for the public record to allow the person seeking a 402
copy of the public record to make the copies of the public record. 403

(7) Upon a request made in accordance with division (B) of 404
this section and subject to division (B)(6) of this section, a 405
public office or person responsible for public records shall 406
transmit a copy of a public record to any person by United States 407
mail or by any other means of delivery or transmission within a 408
reasonable period of time after receiving the request for the 409
copy. The public office or person responsible for the public 410
record may require the person making the request to pay in advance 411
the cost of postage if the copy is transmitted by United States 412
mail or the cost of delivery if the copy is transmitted other than 413
by United States mail, and to pay in advance the costs incurred 414
for other supplies used in the mailing, delivery, or transmission. 415

Any public office may adopt a policy and procedures that it 416
will follow in transmitting, within a reasonable period of time 417
after receiving a request, copies of public records by United 418
States mail or by any other means of delivery or transmission 419
pursuant to this division. A public office that adopts a policy 420
and procedures under this division shall comply with them in 421

performing its duties under this division. 422

In any policy and procedures adopted under this division, a 423
public office may limit the number of records requested by a 424
person that the office will transmit by United States mail to ten 425
per month, unless the person certifies to the office in writing 426
that the person does not intend to use or forward the requested 427
records, or the information contained in them, for commercial 428
purposes. For purposes of this division, "commercial" shall be 429
narrowly construed and does not include reporting or gathering 430
news, reporting or gathering information to assist citizen 431
oversight or understanding of the operation or activities of 432
government, or nonprofit educational research. 433

(8) A public office or person responsible for public records 434
is not required to permit a person who is incarcerated pursuant to 435
a criminal conviction or a juvenile adjudication to inspect or to 436
obtain a copy of any public record concerning a criminal 437
investigation or prosecution or concerning what would be a 438
criminal investigation or prosecution if the subject of the 439
investigation or prosecution were an adult, unless the request to 440
inspect or to obtain a copy of the record is for the purpose of 441
acquiring information that is subject to release as a public 442
record under this section and the judge who imposed the sentence 443
or made the adjudication with respect to the person, or the 444
judge's successor in office, finds that the information sought in 445
the public record is necessary to support what appears to be a 446
justiciable claim of the person. 447

(9)(a) Upon written request made and signed by a journalist 448
on or after December 16, 1999, a public office, or person 449
responsible for public records, having custody of the records of 450
the agency employing a specified peace officer, parole officer, 451
probation officer, bailiff, prosecuting attorney, assistant 452
prosecuting attorney, correctional employee, community-based 453

correctional facility employee, youth services employee, 454
firefighter, EMT, or investigator of the bureau of criminal 455
identification and investigation shall disclose to the journalist 456
the address of the actual personal residence of the peace officer, 457
parole officer, probation officer, bailiff, prosecuting attorney, 458
assistant prosecuting attorney, correctional employee, 459
community-based correctional facility employee, youth services 460
employee, firefighter, EMT, or investigator of the bureau of 461
criminal identification and investigation and, if the peace 462
officer's, parole officer's, probation officer's, bailiff's, 463
prosecuting attorney's, assistant prosecuting attorney's, 464
correctional employee's, community-based correctional facility 465
employee's, youth services employee's, firefighter's, EMT's, or 466
investigator of the bureau of criminal identification and 467
investigation's spouse, former spouse, or child is employed by a 468
public office, the name and address of the employer of the peace 469
officer's, parole officer's, probation officer's, bailiff's, 470
prosecuting attorney's, assistant prosecuting attorney's, 471
correctional employee's, community-based correctional facility 472
employee's, youth services employee's, firefighter's, EMT's, or 473
investigator of the bureau of criminal identification and 474
investigation's spouse, former spouse, or child. The request shall 475
include the journalist's name and title and the name and address 476
of the journalist's employer and shall state that disclosure of 477
the information sought would be in the public interest. 478

(b) Division (B)(9)(a) of this section also applies to 479
journalist requests for customer information maintained by a 480
municipally owned or operated public utility, other than social 481
security numbers and any private financial information such as 482
credit reports, payment methods, credit card numbers, and bank 483
account information. 484

(c) As used in division (B)(9) of this section, "journalist" 485

means a person engaged in, connected with, or employed by any news 486
medium, including a newspaper, magazine, press association, news 487
agency, or wire service, a radio or television station, or a 488
similar medium, for the purpose of gathering, processing, 489
transmitting, compiling, editing, or disseminating information for 490
the general public. 491

(C)(1) If a person allegedly is aggrieved by the failure of a 492
public office or the person responsible for public records to 493
promptly prepare a public record and to make it available to the 494
person for inspection in accordance with division (B) of this 495
section or by any other failure of a public office or the person 496
responsible for public records to comply with an obligation in 497
accordance with division (B) of this section, the person allegedly 498
aggrieved may commence a mandamus action to obtain a judgment that 499
orders the public office or the person responsible for the public 500
record to comply with division (B) of this section, that awards 501
court costs and reasonable attorney's fees to the person that 502
instituted the mandamus action, and, if applicable, that includes 503
an order fixing statutory damages under division (C)(1) of this 504
section. The mandamus action may be commenced in the court of 505
common pleas of the county in which division (B) of this section 506
allegedly was not complied with, in the supreme court pursuant to 507
its original jurisdiction under Section 2 of Article IV, Ohio 508
Constitution, or in the court of appeals for the appellate 509
district in which division (B) of this section allegedly was not 510
complied with pursuant to its original jurisdiction under Section 511
3 of Article IV, Ohio Constitution. 512

If a requestor transmits a written request by hand delivery 513
or certified mail to inspect or receive copies of any public 514
record in a manner that fairly describes the public record or 515
class of public records to the public office or person responsible 516
for the requested public records, except as otherwise provided in 517

this section, the requestor shall be entitled to recover the 518
amount of statutory damages set forth in this division if a court 519
determines that the public office or the person responsible for 520
public records failed to comply with an obligation in accordance 521
with division (B) of this section. 522

The amount of statutory damages shall be fixed at one hundred 523
dollars for each business day during which the public office or 524
person responsible for the requested public records failed to 525
comply with an obligation in accordance with division (B) of this 526
section, beginning with the day on which the requester files a 527
mandamus action to recover statutory damages, up to a maximum of 528
one thousand dollars. The award of statutory damages shall not be 529
construed as a penalty, but as compensation for injury arising 530
from lost use of the requested information. The existence of this 531
injury shall be conclusively presumed. The award of statutory 532
damages shall be in addition to all other remedies authorized by 533
this section. 534

The court may reduce an award of statutory damages or not 535
award statutory damages if the court determines both of the 536
following: 537

(a) That, based on the ordinary application of statutory law 538
and case law as it existed at the time of the conduct or 539
threatened conduct of the public office or person responsible for 540
the requested public records that allegedly constitutes a failure 541
to comply with an obligation in accordance with division (B) of 542
this section and that was the basis of the mandamus action, a 543
well-informed public office or person responsible for the 544
requested public records reasonably would believe that the conduct 545
or threatened conduct of the public office or person responsible 546
for the requested public records did not constitute a failure to 547
comply with an obligation in accordance with division (B) of this 548
section; 549

(b) That a well-informed public office or person responsible 550
for the requested public records reasonably would believe that the 551
conduct or threatened conduct of the public office or person 552
responsible for the requested public records would serve the 553
public policy that underlies the authority that is asserted as 554
permitting that conduct or threatened conduct. 555

(2)(a) If the court issues a writ of mandamus that orders the 556
public office or the person responsible for the public record to 557
comply with division (B) of this section and determines that the 558
circumstances described in division (C)(1) of this section exist, 559
the court shall determine and award to the relator all court 560
costs. 561

(b) If the court renders a judgment that orders the public 562
office or the person responsible for the public record to comply 563
with division (B) of this section, the court may award reasonable 564
attorney's fees subject to reduction as described in division 565
(C)(2)(c) of this section. The court shall award reasonable 566
attorney's fees, subject to reduction as described in division 567
(C)(2)(c) of this section when either of the following applies: 568

(i) The public office or the person responsible for the 569
public records failed to respond affirmatively or negatively to 570
the public records request in accordance with the time allowed 571
under division (B) of this section. 572

(ii) The public office or the person responsible for the 573
public records promised to permit the relator to inspect or 574
receive copies of the public records requested within a specified 575
period of time but failed to fulfill that promise within that 576
specified period of time. 577

(c) Court costs and reasonable attorney's fees awarded under 578
this section shall be construed as remedial and not punitive. 579
Reasonable attorney's fees shall include reasonable fees incurred 580

to produce proof of the reasonableness and amount of the fees and 581
to otherwise litigate entitlement to the fees. The court may 582
reduce an award of attorney's fees to the relator or not award 583
attorney's fees to the relator if the court determines both of the 584
following: 585

(i) That, based on the ordinary application of statutory law 586
and case law as it existed at the time of the conduct or 587
threatened conduct of the public office or person responsible for 588
the requested public records that allegedly constitutes a failure 589
to comply with an obligation in accordance with division (B) of 590
this section and that was the basis of the mandamus action, a 591
well-informed public office or person responsible for the 592
requested public records reasonably would believe that the conduct 593
or threatened conduct of the public office or person responsible 594
for the requested public records did not constitute a failure to 595
comply with an obligation in accordance with division (B) of this 596
section; 597

(ii) That a well-informed public office or person responsible 598
for the requested public records reasonably would believe that the 599
conduct or threatened conduct of the public office or person 600
responsible for the requested public records as described in 601
division (C)(2)(c)(i) of this section would serve the public 602
policy that underlies the authority that is asserted as permitting 603
that conduct or threatened conduct. 604

(D) Chapter 1347. of the Revised Code does not limit the 605
provisions of this section. 606

(E)(1) To ensure that all employees of public offices are 607
appropriately educated about a public office's obligations under 608
division (B) of this section, all elected officials or their 609
appropriate designees shall attend training approved by the 610
attorney general as provided in section 109.43 of the Revised 611
Code. In addition, all public offices shall adopt a public records 612

policy in compliance with this section for responding to public 613
records requests. In adopting a public records policy under this 614
division, a public office may obtain guidance from the model 615
public records policy developed and provided to the public office 616
by the attorney general under section 109.43 of the Revised Code. 617
Except as otherwise provided in this section, the policy may not 618
limit the number of public records that the public office will 619
make available to a single person, may not limit the number of 620
public records that it will make available during a fixed period 621
of time, and may not establish a fixed period of time before it 622
will respond to a request for inspection or copying of public 623
records, unless that period is less than eight hours. 624

(2) The public office shall distribute the public records 625
policy adopted by the public office under division (E)(1) of this 626
section to the employee of the public office who is the records 627
custodian or records manager or otherwise has custody of the 628
records of that office. The public office shall require that 629
employee to acknowledge receipt of the copy of the public records 630
policy. The public office shall create a poster that describes its 631
public records policy and shall post the poster in a conspicuous 632
place in the public office and in all locations where the public 633
office has branch offices. The public office may post its public 634
records policy on the internet web site of the public office if 635
the public office maintains an internet web site. A public office 636
that has established a manual or handbook of its general policies 637
and procedures for all employees of the public office shall 638
include the public records policy of the public office in the 639
manual or handbook. 640

(F)(1) The bureau of motor vehicles may adopt rules pursuant 641
to Chapter 119. of the Revised Code to reasonably limit the number 642
of bulk commercial special extraction requests made by a person 643
for the same records or for updated records during a calendar 644

year. The rules may include provisions for charges to be made for 645
bulk commercial special extraction requests for the actual cost of 646
the bureau, plus special extraction costs, plus ten per cent. The 647
bureau may charge for expenses for redacting information, the 648
release of which is prohibited by law. 649

(2) As used in division (F)(1) of this section: 650

(a) "Actual cost" means the cost of depleted supplies, 651
records storage media costs, actual mailing and alternative 652
delivery costs, or other transmitting costs, and any direct 653
equipment operating and maintenance costs, including actual costs 654
paid to private contractors for copying services. 655

(b) "Bulk commercial special extraction request" means a 656
request for copies of a record for information in a format other 657
than the format already available, or information that cannot be 658
extracted without examination of all items in a records series, 659
class of records, or database by a person who intends to use or 660
forward the copies for surveys, marketing, solicitation, or resale 661
for commercial purposes. "Bulk commercial special extraction 662
request" does not include a request by a person who gives 663
assurance to the bureau that the person making the request does 664
not intend to use or forward the requested copies for surveys, 665
marketing, solicitation, or resale for commercial purposes. 666

(c) "Commercial" means profit-seeking production, buying, or 667
selling of any good, service, or other product. 668

(d) "Special extraction costs" means the cost of the time 669
spent by the lowest paid employee competent to perform the task, 670
the actual amount paid to outside private contractors employed by 671
the bureau, or the actual cost incurred to create computer 672
programs to make the special extraction. "Special extraction 673
costs" include any charges paid to a public agency for computer or 674
records services. 675

(3) For purposes of divisions (F)(1) and (2) of this section, 676
"surveys, marketing, solicitation, or resale for commercial 677
purposes" shall be narrowly construed and does not include 678
reporting or gathering news, reporting or gathering information to 679
assist citizen oversight or understanding of the operation or 680
activities of government, or nonprofit educational research. 681

(G)(1) A public office that posts a public record on its web 682
site, or on a public web site maintained or authorized by the 683
state, shall make its best efforts to post the public record in an 684
open format so that the public record, or the data contained in 685
the public record, is capable of being searched, viewed, and 686
downloaded by the public, and is in a format that is machine 687
readable. 688

A public office that opts in to posting public records online 689
in an open format, and that has amended its public records policy 690
to indicate it has opted to do so, shall make its best effort to 691
continue to post such records online in an open format in 692
accordance with its public records policy. 693

(2) A public office that opts in to posting public records 694
online in an open format shall include in the public office's 695
public records policy a statement of which public records the 696
public office posts in accordance with the requirements of 697
division (G)(1) of this section. A public office shall submit to 698
the DataOhio board, not later than thirty days after amending its 699
public records policy regarding public records posted in 700
accordance with the requirements of division (G)(1) of this 701
section, the portion of its public records policy that states 702
which public records are posted. 703

(3) Nothing in this section requires a public office to post 704
public records to a web site. A public office's decision regarding 705
which public records to post in accordance with the requirements 706
of division (G)(1) of this section, if any, is solely within the 707

discretion of the public office. A public office's decision in 708
this regard is final and may not be modified except by action of 709
the public office. 710

Sec. 149.60. (A) As used in this section: 711

(1) "Metropolitan planning organization" means a metropolitan 712
planning organization designated under section 9(a) of the 713
"Federal-Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C. 134, 714
as amended. 715

(2) "Public record" has the meaning defined in section 149.43 716
of the Revised Code. 717

(B) There is the local government information exchange grant 718
program in the department of administrative services. The program 719
shall be administered by the director of administrative services. 720
The director shall adopt rules under Chapter 119. of the Revised 721
Code as are necessary to administer the program. The rules shall 722
include all of the following: 723

(1) Grant eligibility criteria, which shall include a 724
requirement that a grantee be a county, township, municipal 725
corporation, or public library, or a regional planning commission, 726
metropolitan planning organization, or regional council of 727
governments, which may apply on behalf of a county, township, 728
municipal corporation, or public library or group thereof to 729
assist them in meeting the requirements of this section; 730

(2) Specifications for what data points must be included by a 731
county, township, municipal corporation, or public library in 732
order for the county, township, municipal corporation, or public 733
library to be eligible for the grant funding; 734

(3) A requirement that electronic data satisfying the grant 735
criteria be posted on the internet, by the county, township, 736
municipal corporation, or public library or by the state, in an 737

open format that is capable of being searched, viewed, and 738
downloaded by the public; 739

(4) Specifications for consistent formatting and technology 740
standards for electronic data satisfying the grant eligibility 741
criteria; and 742

(5) Specifications for accounting standards for data provided 743
by a county, township, municipal corporation, or public library. 744

Required data points may be different for counties, 745
townships, municipal corporations, or public libraries. 746

(C) The director shall disburse a grant of ten thousand 747
dollars to each county, township, municipal corporation, or public 748
library that meets the grant eligibility criteria established by 749
the director, or to a regional planning commission, metropolitan 750
planning organization, or regional council of governments for each 751
county, township, municipal corporation, or public library applied 752
for that meets the grant eligibility criteria established by the 753
director. Grants shall be awarded in the order in which the 754
counties, townships, municipal corporations, or public libraries 755
have met the eligibility criteria. The total amount of grants 756
awarded shall not exceed the amount that can be funded with 757
appropriations made by the general assembly for this purpose. 758

Sec. 149.62. (A) As used in this section: 759

(1) "Local government" means bodies corporate and politic 760
responsible for governmental activities only in geographical areas 761
smaller than that of the state. 762

(2) "Open format" has the meaning defined contextually in 763
section 149.43 of the Revised Code. 764

(3) "Public record" has the meaning defined in section 149.43 765
of the Revised Code. 766

(B) The general assembly recognizes that public-use data from 767

public offices offers an avenue toward open and transparent 768
government, stimulates business innovation, and can help public 769
offices become more effective. It is declared to be a public 770
purpose and function of the state to facilitate the ability of the 771
public easily to find, download, and use data sets that are 772
generated and held by the state government and other public 773
offices. With these goals in mind, the general assembly creates 774
the DataOhio board to do all of the following: 775

(1) Recommend categories of public records that state 776
agencies and local governments should make available to the public 777
online in an open format; 778

(2) Recommend technology standards for open data use in the 779
state that reflect the most current standards used nationally and 780
in other states; 781

(3) Recommend accounting standards for financial data in the 782
state to facilitate comparison across public offices and services; 783

(4) Recommend metadata definitional standards for 784
nonfinancial data in the state to facilitate comparison and use of 785
this data across public offices; and 786

(5) Consider creation by the state of data.ohio.gov, an 787
online catalog of data sets made available by state agencies and 788
local governments, as well as collaboration with efforts underway 789
at the federal and state levels. 790

The board shall deliver a report of its findings and 791
recommendations to the general assembly not later than one year 792
after the effective date of this section, and thereafter shall 793
deliver a report of its findings and recommendations by the 794
thirty-first day of March each year. 795

(C) The DataOhio board shall consist of the following members 796
or their designees: 797

<u>(1) The governor;</u>	798
<u>(2) The attorney general;</u>	799
<u>(3) The auditor of state;</u>	800
<u>(4) The secretary of state;</u>	801
<u>(5) The treasurer of state;</u>	802
<u>(6) The speaker of the house of representatives;</u>	803
<u>(7) The president of the senate;</u>	804
<u>(8) The minority leader of the house of representatives;</u>	805
<u>(9) The minority leader of the senate;</u>	806
<u>(10) The chancellor of the Ohio board of regents;</u>	807
<u>(11) The state librarian;</u>	808
<u>(12) One member who represents data consumers to be appointed by the chairperson after the chairperson is selected; and</u>	809 810
<u>(13) Three members who represent local governments to be appointed by the chairperson after the chairperson is selected.</u>	811 812
<u>The board also shall consist of one or more ex officio, nonvoting members or their designees appointed by the chairperson after the chairperson is selected.</u>	813 814 815
<u>At its initial meeting, the board shall select a chairperson from among its members. The chairperson shall select a member of the board to serve as the board's secretary.</u>	816 817 818
<u>Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.</u>	819 820 821
<u>(D) The state library of Ohio shall provide necessary meeting facilities to the board.</u>	822 823
<u>The initial meeting of the board shall be held at the call of the state librarian and not later than thirty days after the</u>	824 825

effective date of this section. After the initial meeting, all 826
meetings of the board shall be held at the call of the 827
chairperson. 828

(E) The presence of a majority of the members of the board 829
constitutes a quorum for the conduct of its business. The 830
concurrence of at least a majority of the members of the board is 831
necessary for any action to be taken by the board. 832

Sec. 149.65. As used in this section, "public record" has the 833
meaning defined in section 149.43 of the Revised Code. 834

The auditor of state shall establish, administer, and operate 835
a web site to function as a portal and catalog where public 836
records and data sets of public records, created by state 837
government and other public offices, can be located and accessed 838
by the public online. The web site shall offer access to public 839
records or data sets of public records posted online by public 840
offices through providing web links to web sites of public offices 841
that contain such information. The web site may post original data 842
or data sets that contain original content or summarized content 843
of data sets obtained from public offices. 844

The auditor shall consult with the state librarian regarding 845
the collection, aggregation, presentation, and accessibility of 846
data in relation to the web site. 847

The web site shall be registered at data.Ohio.gov. The state 848
shall consider participation and affiliation of data.Ohio.gov with 849
data.gov, the official online data catalog of the United States 850
government. 851

The auditor of state shall adopt rules under Chapter 119. of 852
the Revised Code that specify policies and procedures for the 853
administration and operation of data.Ohio.gov. The rules shall 854
include a requirement that the auditor may not charge a fee in 855

relation to data.Ohio.gov. The auditor of state shall make every 856
effort to ensure that data provided online at data.Ohio.gov via 857
web link or posted as original data is open format and machine 858
readable. 859

Section 2. That existing section 149.43 of the Revised Code 860
is hereby repealed. 861

Section 3. That the version of section 149.43 of the Revised 862
Code that is scheduled to take effect on March 20, 2015, be 863
amended to read as follows: 864

Sec. 149.43. (A) As used in this section: 865

(1) "Public record" means records kept by any public office, 866
including, but not limited to, state, county, city, village, 867
township, and school district units, and records pertaining to the 868
delivery of educational services by an alternative school in this 869
state kept by the nonprofit or for-profit entity operating the 870
alternative school pursuant to section 3313.533 of the Revised 871
Code. "Public record" does not mean any of the following: 872

(a) Medical records; 873

(b) Records pertaining to probation and parole proceedings or 874
to proceedings related to the imposition of community control 875
sanctions and post-release control sanctions; 876

(c) Records pertaining to actions under section 2151.85 and 877
division (C) of section 2919.121 of the Revised Code and to 878
appeals of actions arising under those sections; 879

(d) Records pertaining to adoption proceedings, including the 880
contents of an adoption file maintained by the department of 881
health under sections 3705.12 to 3705.124 of the Revised Code; 882

(e) Information in a record contained in the putative father 883

registry established by section 3107.062 of the Revised Code, 884
regardless of whether the information is held by the department of 885
job and family services or, pursuant to section 3111.69 of the 886
Revised Code, the office of child support in the department or a 887
child support enforcement agency; 888

(f) Records specified in division (A) of section 3107.52 of 889
the Revised Code; 890

(g) Trial preparation records; 891

(h) Confidential law enforcement investigatory records; 892

(i) Records containing information that is confidential under 893
section 2710.03 or 4112.05 of the Revised Code; 894

(j) DNA records stored in the DNA database pursuant to 895
section 109.573 of the Revised Code; 896

(k) Inmate records released by the department of 897
rehabilitation and correction to the department of youth services 898
or a court of record pursuant to division (E) of section 5120.21 899
of the Revised Code; 900

(l) Records maintained by the department of youth services 901
pertaining to children in its custody released by the department 902
of youth services to the department of rehabilitation and 903
correction pursuant to section 5139.05 of the Revised Code; 904

(m) Intellectual property records; 905

(n) Donor profile records; 906

(o) Records maintained by the department of job and family 907
services pursuant to section 3121.894 of the Revised Code; 908

(p) Peace officer, parole officer, probation officer, 909
bailiff, prosecuting attorney, assistant prosecuting attorney, 910
correctional employee, community-based correctional facility 911
employee, youth services employee, firefighter, EMT, or 912
investigator of the bureau of criminal identification and 913

investigation residential and familial information; 914

(q) In the case of a county hospital operated pursuant to 915
Chapter 339. of the Revised Code or a municipal hospital operated 916
pursuant to Chapter 749. of the Revised Code, information that 917
constitutes a trade secret, as defined in section 1333.61 of the 918
Revised Code; 919

(r) Information pertaining to the recreational activities of 920
a person under the age of eighteen; 921

(s) Records provided to, statements made by review board 922
members during meetings of, and all work products of a child 923
fatality review board acting under sections 307.621 to 307.629 of 924
the Revised Code, and child fatality review data submitted by the 925
child fatality review board to the department of health or a 926
national child death review database, other than the report 927
prepared pursuant to division (A) of section 307.626 of the 928
Revised Code; 929

(t) Records provided to and statements made by the executive 930
director of a public children services agency or a prosecuting 931
attorney acting pursuant to section 5153.171 of the Revised Code 932
other than the information released under that section; 933

(u) Test materials, examinations, or evaluation tools used in 934
an examination for licensure as a nursing home administrator that 935
the board of executives of long-term services and supports 936
administers under section 4751.04 of the Revised Code or contracts 937
under that section with a private or government entity to 938
administer; 939

(v) Records the release of which is prohibited by state or 940
federal law; 941

(w) Proprietary information of or relating to any person that 942
is submitted to or compiled by the Ohio venture capital authority 943
created under section 150.01 of the Revised Code; 944

(x) Financial statements and data any person submits for any 945
purpose to the Ohio housing finance agency or the controlling 946
board in connection with applying for, receiving, or accounting 947
for financial assistance from the agency, and information that 948
identifies any individual who benefits directly or indirectly from 949
financial assistance from the agency; 950

(y) Records listed in section 5101.29 of the Revised Code; 951

(z) Discharges recorded with a county recorder under section 952
317.24 of the Revised Code, as specified in division (B)(2) of 953
that section; 954

(aa) Usage information including names and addresses of 955
specific residential and commercial customers of a municipally 956
owned or operated public utility; 957

(bb) Records described in division (C) of section 187.04 of 958
the Revised Code that are not designated to be made available to 959
the public as provided in that division. 960

(2) "Confidential law enforcement investigatory record" means 961
any record that pertains to a law enforcement matter of a 962
criminal, quasi-criminal, civil, or administrative nature, but 963
only to the extent that the release of the record would create a 964
high probability of disclosure of any of the following: 965

(a) The identity of a suspect who has not been charged with 966
the offense to which the record pertains, or of an information 967
source or witness to whom confidentiality has been reasonably 968
promised; 969

(b) Information provided by an information source or witness 970
to whom confidentiality has been reasonably promised, which 971
information would reasonably tend to disclose the source's or 972
witness's identity; 973

(c) Specific confidential investigatory techniques or 974

procedures or specific investigatory work product; 975

(d) Information that would endanger the life or physical 976
safety of law enforcement personnel, a crime victim, a witness, or 977
a confidential information source. 978

(3) "Medical record" means any document or combination of 979
documents, except births, deaths, and the fact of admission to or 980
discharge from a hospital, that pertains to the medical history, 981
diagnosis, prognosis, or medical condition of a patient and that 982
is generated and maintained in the process of medical treatment. 983

(4) "Trial preparation record" means any record that contains 984
information that is specifically compiled in reasonable 985
anticipation of, or in defense of, a civil or criminal action or 986
proceeding, including the independent thought processes and 987
personal trial preparation of an attorney. 988

(5) "Intellectual property record" means a record, other than 989
a financial or administrative record, that is produced or 990
collected by or for faculty or staff of a state institution of 991
higher learning in the conduct of or as a result of study or 992
research on an educational, commercial, scientific, artistic, 993
technical, or scholarly issue, regardless of whether the study or 994
research was sponsored by the institution alone or in conjunction 995
with a governmental body or private concern, and that has not been 996
publicly released, published, or patented. 997

(6) "Donor profile record" means all records about donors or 998
potential donors to a public institution of higher education 999
except the names and reported addresses of the actual donors and 1000
the date, amount, and conditions of the actual donation. 1001

(7) "Peace officer, parole officer, probation officer, 1002
bailiff, prosecuting attorney, assistant prosecuting attorney, 1003
correctional employee, community-based correctional facility 1004
employee, youth services employee, firefighter, EMT, or 1005

investigator of the bureau of criminal identification and 1006
investigation residential and familial information" means any 1007
information that discloses any of the following about a peace 1008
officer, parole officer, probation officer, bailiff, prosecuting 1009
attorney, assistant prosecuting attorney, correctional employee, 1010
community-based correctional facility employee, youth services 1011
employee, firefighter, EMT, or investigator of the bureau of 1012
criminal identification and investigation: 1013

(a) The address of the actual personal residence of a peace 1014
officer, parole officer, probation officer, bailiff, assistant 1015
prosecuting attorney, correctional employee, community-based 1016
correctional facility employee, youth services employee, 1017
firefighter, EMT, or an investigator of the bureau of criminal 1018
identification and investigation, except for the state or 1019
political subdivision in which the peace officer, parole officer, 1020
probation officer, bailiff, assistant prosecuting attorney, 1021
correctional employee, community-based correctional facility 1022
employee, youth services employee, firefighter, EMT, or 1023
investigator of the bureau of criminal identification and 1024
investigation resides; 1025

(b) Information compiled from referral to or participation in 1026
an employee assistance program; 1027

(c) The social security number, the residential telephone 1028
number, any bank account, debit card, charge card, or credit card 1029
number, or the emergency telephone number of, or any medical 1030
information pertaining to, a peace officer, parole officer, 1031
probation officer, bailiff, prosecuting attorney, assistant 1032
prosecuting attorney, correctional employee, community-based 1033
correctional facility employee, youth services employee, 1034
firefighter, EMT, or investigator of the bureau of criminal 1035
identification and investigation; 1036

(d) The name of any beneficiary of employment benefits, 1037

including, but not limited to, life insurance benefits, provided 1038
to a peace officer, parole officer, probation officer, bailiff, 1039
prosecuting attorney, assistant prosecuting attorney, correctional 1040
employee, community-based correctional facility employee, youth 1041
services employee, firefighter, EMT, or investigator of the bureau 1042
of criminal identification and investigation by the peace 1043
officer's, parole officer's, probation officer's, bailiff's, 1044
prosecuting attorney's, assistant prosecuting attorney's, 1045
correctional employee's, community-based correctional facility 1046
employee's, youth services employee's, firefighter's, EMT's, or 1047
investigator of the bureau of criminal identification and 1048
investigation's employer; 1049

(e) The identity and amount of any charitable or employment 1050
benefit deduction made by the peace officer's, parole officer's, 1051
probation officer's, bailiff's, prosecuting attorney's, assistant 1052
prosecuting attorney's, correctional employee's, community-based 1053
correctional facility employee's, youth services employee's, 1054
firefighter's, EMT's, or investigator of the bureau of criminal 1055
identification and investigation's employer from the peace 1056
officer's, parole officer's, probation officer's, bailiff's, 1057
prosecuting attorney's, assistant prosecuting attorney's, 1058
correctional employee's, community-based correctional facility 1059
employee's, youth services employee's, firefighter's, EMT's, or 1060
investigator of the bureau of criminal identification and 1061
investigation's compensation unless the amount of the deduction is 1062
required by state or federal law; 1063

(f) The name, the residential address, the name of the 1064
employer, the address of the employer, the social security number, 1065
the residential telephone number, any bank account, debit card, 1066
charge card, or credit card number, or the emergency telephone 1067
number of the spouse, a former spouse, or any child of a peace 1068
officer, parole officer, probation officer, bailiff, prosecuting 1069

attorney, assistant prosecuting attorney, correctional employee, 1070
community-based correctional facility employee, youth services 1071
employee, firefighter, EMT, or investigator of the bureau of 1072
criminal identification and investigation; 1073

(g) A photograph of a peace officer who holds a position or 1074
has an assignment that may include undercover or plain clothes 1075
positions or assignments as determined by the peace officer's 1076
appointing authority. 1077

As used in divisions (A)(7) and (B)(9) of this section, 1078
"peace officer" has the same meaning as in section 109.71 of the 1079
Revised Code and also includes the superintendent and troopers of 1080
the state highway patrol; it does not include the sheriff of a 1081
county or a supervisory employee who, in the absence of the 1082
sheriff, is authorized to stand in for, exercise the authority of, 1083
and perform the duties of the sheriff. 1084

As used in divisions (A)(7) and (B)(9) of this section, 1085
"correctional employee" means any employee of the department of 1086
rehabilitation and correction who in the course of performing the 1087
employee's job duties has or has had contact with inmates and 1088
persons under supervision. 1089

As used in divisions (A)(7) and (B)(9) of this section, 1090
"youth services employee" means any employee of the department of 1091
youth services who in the course of performing the employee's job 1092
duties has or has had contact with children committed to the 1093
custody of the department of youth services. 1094

As used in divisions (A)(7) and (B)(9) of this section, 1095
"firefighter" means any regular, paid or volunteer, member of a 1096
lawfully constituted fire department of a municipal corporation, 1097
township, fire district, or village. 1098

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 1099
means EMTs-basic, EMTs-I, and paramedics that provide emergency 1100

medical services for a public emergency medical service 1101
organization. "Emergency medical service organization," 1102
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 1103
section 4765.01 of the Revised Code. 1104

As used in divisions (A)(7) and (B)(9) of this section, 1105
"investigator of the bureau of criminal identification and 1106
investigation" has the meaning defined in section 2903.11 of the 1107
Revised Code. 1108

(8) "Information pertaining to the recreational activities of 1109
a person under the age of eighteen" means information that is kept 1110
in the ordinary course of business by a public office, that 1111
pertains to the recreational activities of a person under the age 1112
of eighteen years, and that discloses any of the following: 1113

(a) The address or telephone number of a person under the age 1114
of eighteen or the address or telephone number of that person's 1115
parent, guardian, custodian, or emergency contact person; 1116

(b) The social security number, birth date, or photographic 1117
image of a person under the age of eighteen; 1118

(c) Any medical record, history, or information pertaining to 1119
a person under the age of eighteen; 1120

(d) Any additional information sought or required about a 1121
person under the age of eighteen for the purpose of allowing that 1122
person to participate in any recreational activity conducted or 1123
sponsored by a public office or to use or obtain admission 1124
privileges to any recreational facility owned or operated by a 1125
public office. 1126

(9) "Community control sanction" has the same meaning as in 1127
section 2929.01 of the Revised Code. 1128

(10) "Post-release control sanction" has the same meaning as 1129
in section 2967.01 of the Revised Code. 1130

(11) "Redaction" means obscuring or deleting any information 1131
that is exempt from the duty to permit public inspection or 1132
copying from an item that otherwise meets the definition of a 1133
"record" in section 149.011 of the Revised Code. 1134

(12) "Designee" and "elected official" have the same meanings 1135
as in section 109.43 of the Revised Code. 1136

(B)(1) Upon request and subject to division (B)(8) of this 1137
section, all public records responsive to the request shall be 1138
promptly prepared and made available for inspection to any person 1139
at all reasonable times during regular business hours. Subject to 1140
division (B)(8) of this section, upon request, a public office or 1141
person responsible for public records shall make copies of the 1142
requested public record available at cost and within a reasonable 1143
period of time. If a public record contains information that is 1144
exempt from the duty to permit public inspection or to copy the 1145
public record, the public office or the person responsible for the 1146
public record shall make available all of the information within 1147
the public record that is not exempt. When making that public 1148
record available for public inspection or copying that public 1149
record, the public office or the person responsible for the public 1150
record shall notify the requester of any redaction or make the 1151
redaction plainly visible. A redaction shall be deemed a denial of 1152
a request to inspect or copy the redacted information, except if 1153
federal or state law authorizes or requires a public office to 1154
make the redaction. 1155

(2) To facilitate broader access to public records, a public 1156
office or the person responsible for public records shall organize 1157
and maintain public records in a manner that they can be made 1158
available for inspection or copying in accordance with division 1159
(B) of this section. A public office also shall have available a 1160
copy of its current records retention schedule at a location 1161
readily available to the public. If a requester makes an ambiguous 1162

or overly broad request or has difficulty in making a request for 1163
copies or inspection of public records under this section such 1164
that the public office or the person responsible for the requested 1165
public record cannot reasonably identify what public records are 1166
being requested, the public office or the person responsible for 1167
the requested public record may deny the request but shall provide 1168
the requester with an opportunity to revise the request by 1169
informing the requester of the manner in which records are 1170
maintained by the public office and accessed in the ordinary 1171
course of the public office's or person's duties. 1172

(3) If a request is ultimately denied, in part or in whole, 1173
the public office or the person responsible for the requested 1174
public record shall provide the requester with an explanation, 1175
including legal authority, setting forth why the request was 1176
denied. If the initial request was provided in writing, the 1177
explanation also shall be provided to the requester in writing. 1178
The explanation shall not preclude the public office or the person 1179
responsible for the requested public record from relying upon 1180
additional reasons or legal authority in defending an action 1181
commenced under division (C) of this section. 1182

(4) Unless specifically required or authorized by state or 1183
federal law or in accordance with division (B) of this section, no 1184
public office or person responsible for public records may limit 1185
or condition the availability of public records by requiring 1186
disclosure of the requester's identity or the intended use of the 1187
requested public record. Any requirement that the requester 1188
disclose the requestor's identity or the intended use of the 1189
requested public record constitutes a denial of the request. 1190

(5) A public office or person responsible for public records 1191
may ask a requester to make the request in writing, may ask for 1192
the requester's identity, and may inquire about the intended use 1193
of the information requested, but may do so only after disclosing 1194

to the requester that a written request is not mandatory and that 1195
the requester may decline to reveal the requester's identity or 1196
the intended use and when a written request or disclosure of the 1197
identity or intended use would benefit the requester by enhancing 1198
the ability of the public office or person responsible for public 1199
records to identify, locate, or deliver the public records sought 1200
by the requester. 1201

(6) If any person chooses to obtain a copy of a public record 1202
in accordance with division (B) of this section, the public office 1203
or person responsible for the public record may require that 1204
person to pay in advance the cost involved in providing the copy 1205
of the public record in accordance with the choice made by the 1206
person seeking the copy under this division. The public office or 1207
the person responsible for the public record shall permit that 1208
person to choose to have the public record duplicated upon paper, 1209
upon the same medium upon which the public office or person 1210
responsible for the public record keeps it, or upon any other 1211
medium upon which the public office or person responsible for the 1212
public record determines that it reasonably can be duplicated as 1213
an integral part of the normal operations of the public office or 1214
person responsible for the public record. When the person seeking 1215
the copy makes a choice under this division, the public office or 1216
person responsible for the public record shall provide a copy of 1217
it in accordance with the choice made by the person seeking the 1218
copy. Nothing in this section requires a public office or person 1219
responsible for the public record to allow the person seeking a 1220
copy of the public record to make the copies of the public record. 1221

(7) Upon a request made in accordance with division (B) of 1222
this section and subject to division (B)(6) of this section, a 1223
public office or person responsible for public records shall 1224
transmit a copy of a public record to any person by United States 1225
mail or by any other means of delivery or transmission within a 1226

reasonable period of time after receiving the request for the 1227
copy. The public office or person responsible for the public 1228
record may require the person making the request to pay in advance 1229
the cost of postage if the copy is transmitted by United States 1230
mail or the cost of delivery if the copy is transmitted other than 1231
by United States mail, and to pay in advance the costs incurred 1232
for other supplies used in the mailing, delivery, or transmission. 1233

Any public office may adopt a policy and procedures that it 1234
will follow in transmitting, within a reasonable period of time 1235
after receiving a request, copies of public records by United 1236
States mail or by any other means of delivery or transmission 1237
pursuant to this division. A public office that adopts a policy 1238
and procedures under this division shall comply with them in 1239
performing its duties under this division. 1240

In any policy and procedures adopted under this division, a 1241
public office may limit the number of records requested by a 1242
person that the office will transmit by United States mail to ten 1243
per month, unless the person certifies to the office in writing 1244
that the person does not intend to use or forward the requested 1245
records, or the information contained in them, for commercial 1246
purposes. For purposes of this division, "commercial" shall be 1247
narrowly construed and does not include reporting or gathering 1248
news, reporting or gathering information to assist citizen 1249
oversight or understanding of the operation or activities of 1250
government, or nonprofit educational research. 1251

(8) A public office or person responsible for public records 1252
is not required to permit a person who is incarcerated pursuant to 1253
a criminal conviction or a juvenile adjudication to inspect or to 1254
obtain a copy of any public record concerning a criminal 1255
investigation or prosecution or concerning what would be a 1256
criminal investigation or prosecution if the subject of the 1257
investigation or prosecution were an adult, unless the request to 1258

inspect or to obtain a copy of the record is for the purpose of 1259
acquiring information that is subject to release as a public 1260
record under this section and the judge who imposed the sentence 1261
or made the adjudication with respect to the person, or the 1262
judge's successor in office, finds that the information sought in 1263
the public record is necessary to support what appears to be a 1264
justiciable claim of the person. 1265

(9)(a) Upon written request made and signed by a journalist 1266
on or after December 16, 1999, a public office, or person 1267
responsible for public records, having custody of the records of 1268
the agency employing a specified peace officer, parole officer, 1269
probation officer, bailiff, prosecuting attorney, assistant 1270
prosecuting attorney, correctional employee, community-based 1271
correctional facility employee, youth services employee, 1272
firefighter, EMT, or investigator of the bureau of criminal 1273
identification and investigation shall disclose to the journalist 1274
the address of the actual personal residence of the peace officer, 1275
parole officer, probation officer, bailiff, prosecuting attorney, 1276
assistant prosecuting attorney, correctional employee, 1277
community-based correctional facility employee, youth services 1278
employee, firefighter, EMT, or investigator of the bureau of 1279
criminal identification and investigation and, if the peace 1280
officer's, parole officer's, probation officer's, bailiff's, 1281
prosecuting attorney's, assistant prosecuting attorney's, 1282
correctional employee's, community-based correctional facility 1283
employee's, youth services employee's, firefighter's, EMT's, or 1284
investigator of the bureau of criminal identification and 1285
investigation's spouse, former spouse, or child is employed by a 1286
public office, the name and address of the employer of the peace 1287
officer's, parole officer's, probation officer's, bailiff's, 1288
prosecuting attorney's, assistant prosecuting attorney's, 1289
correctional employee's, community-based correctional facility 1290
employee's, youth services employee's, firefighter's, EMT's, or 1291

investigator of the bureau of criminal identification and 1292
investigation's spouse, former spouse, or child. The request shall 1293
include the journalist's name and title and the name and address 1294
of the journalist's employer and shall state that disclosure of 1295
the information sought would be in the public interest. 1296

(b) Division (B)(9)(a) of this section also applies to 1297
journalist requests for customer information maintained by a 1298
municipally owned or operated public utility, other than social 1299
security numbers and any private financial information such as 1300
credit reports, payment methods, credit card numbers, and bank 1301
account information. 1302

(c) As used in division (B)(9) of this section, "journalist" 1303
means a person engaged in, connected with, or employed by any news 1304
medium, including a newspaper, magazine, press association, news 1305
agency, or wire service, a radio or television station, or a 1306
similar medium, for the purpose of gathering, processing, 1307
transmitting, compiling, editing, or disseminating information for 1308
the general public. 1309

(C)(1) If a person allegedly is aggrieved by the failure of a 1310
public office or the person responsible for public records to 1311
promptly prepare a public record and to make it available to the 1312
person for inspection in accordance with division (B) of this 1313
section or by any other failure of a public office or the person 1314
responsible for public records to comply with an obligation in 1315
accordance with division (B) of this section, the person allegedly 1316
aggrieved may commence a mandamus action to obtain a judgment that 1317
orders the public office or the person responsible for the public 1318
record to comply with division (B) of this section, that awards 1319
court costs and reasonable attorney's fees to the person that 1320
instituted the mandamus action, and, if applicable, that includes 1321
an order fixing statutory damages under division (C)(1) of this 1322
section. The mandamus action may be commenced in the court of 1323

common pleas of the county in which division (B) of this section 1324
allegedly was not complied with, in the supreme court pursuant to 1325
its original jurisdiction under Section 2 of Article IV, Ohio 1326
Constitution, or in the court of appeals for the appellate 1327
district in which division (B) of this section allegedly was not 1328
complied with pursuant to its original jurisdiction under Section 1329
3 of Article IV, Ohio Constitution. 1330

If a requestor transmits a written request by hand delivery 1331
or certified mail to inspect or receive copies of any public 1332
record in a manner that fairly describes the public record or 1333
class of public records to the public office or person responsible 1334
for the requested public records, except as otherwise provided in 1335
this section, the requestor shall be entitled to recover the 1336
amount of statutory damages set forth in this division if a court 1337
determines that the public office or the person responsible for 1338
public records failed to comply with an obligation in accordance 1339
with division (B) of this section. 1340

The amount of statutory damages shall be fixed at one hundred 1341
dollars for each business day during which the public office or 1342
person responsible for the requested public records failed to 1343
comply with an obligation in accordance with division (B) of this 1344
section, beginning with the day on which the requester files a 1345
mandamus action to recover statutory damages, up to a maximum of 1346
one thousand dollars. The award of statutory damages shall not be 1347
construed as a penalty, but as compensation for injury arising 1348
from lost use of the requested information. The existence of this 1349
injury shall be conclusively presumed. The award of statutory 1350
damages shall be in addition to all other remedies authorized by 1351
this section. 1352

The court may reduce an award of statutory damages or not 1353
award statutory damages if the court determines both of the 1354
following: 1355

(a) That, based on the ordinary application of statutory law 1356
and case law as it existed at the time of the conduct or 1357
threatened conduct of the public office or person responsible for 1358
the requested public records that allegedly constitutes a failure 1359
to comply with an obligation in accordance with division (B) of 1360
this section and that was the basis of the mandamus action, a 1361
well-informed public office or person responsible for the 1362
requested public records reasonably would believe that the conduct 1363
or threatened conduct of the public office or person responsible 1364
for the requested public records did not constitute a failure to 1365
comply with an obligation in accordance with division (B) of this 1366
section; 1367

(b) That a well-informed public office or person responsible 1368
for the requested public records reasonably would believe that the 1369
conduct or threatened conduct of the public office or person 1370
responsible for the requested public records would serve the 1371
public policy that underlies the authority that is asserted as 1372
permitting that conduct or threatened conduct. 1373

(2)(a) If the court issues a writ of mandamus that orders the 1374
public office or the person responsible for the public record to 1375
comply with division (B) of this section and determines that the 1376
circumstances described in division (C)(1) of this section exist, 1377
the court shall determine and award to the relator all court 1378
costs. 1379

(b) If the court renders a judgment that orders the public 1380
office or the person responsible for the public record to comply 1381
with division (B) of this section, the court may award reasonable 1382
attorney's fees subject to reduction as described in division 1383
(C)(2)(c) of this section. The court shall award reasonable 1384
attorney's fees, subject to reduction as described in division 1385
(C)(2)(c) of this section when either of the following applies: 1386

(i) The public office or the person responsible for the 1387

public records failed to respond affirmatively or negatively to 1388
the public records request in accordance with the time allowed 1389
under division (B) of this section. 1390

(ii) The public office or the person responsible for the 1391
public records promised to permit the relator to inspect or 1392
receive copies of the public records requested within a specified 1393
period of time but failed to fulfill that promise within that 1394
specified period of time. 1395

(c) Court costs and reasonable attorney's fees awarded under 1396
this section shall be construed as remedial and not punitive. 1397
Reasonable attorney's fees shall include reasonable fees incurred 1398
to produce proof of the reasonableness and amount of the fees and 1399
to otherwise litigate entitlement to the fees. The court may 1400
reduce an award of attorney's fees to the relator or not award 1401
attorney's fees to the relator if the court determines both of the 1402
following: 1403

(i) That, based on the ordinary application of statutory law 1404
and case law as it existed at the time of the conduct or 1405
threatened conduct of the public office or person responsible for 1406
the requested public records that allegedly constitutes a failure 1407
to comply with an obligation in accordance with division (B) of 1408
this section and that was the basis of the mandamus action, a 1409
well-informed public office or person responsible for the 1410
requested public records reasonably would believe that the conduct 1411
or threatened conduct of the public office or person responsible 1412
for the requested public records did not constitute a failure to 1413
comply with an obligation in accordance with division (B) of this 1414
section; 1415

(ii) That a well-informed public office or person responsible 1416
for the requested public records reasonably would believe that the 1417
conduct or threatened conduct of the public office or person 1418
responsible for the requested public records as described in 1419

division (C)(2)(c)(i) of this section would serve the public 1420
policy that underlies the authority that is asserted as permitting 1421
that conduct or threatened conduct. 1422

(D) Chapter 1347. of the Revised Code does not limit the 1423
provisions of this section. 1424

(E)(1) To ensure that all employees of public offices are 1425
appropriately educated about a public office's obligations under 1426
division (B) of this section, all elected officials or their 1427
appropriate designees shall attend training approved by the 1428
attorney general as provided in section 109.43 of the Revised 1429
Code. In addition, all public offices shall adopt a public records 1430
policy in compliance with this section for responding to public 1431
records requests. In adopting a public records policy under this 1432
division, a public office may obtain guidance from the model 1433
public records policy developed and provided to the public office 1434
by the attorney general under section 109.43 of the Revised Code. 1435
Except as otherwise provided in this section, the policy may not 1436
limit the number of public records that the public office will 1437
make available to a single person, may not limit the number of 1438
public records that it will make available during a fixed period 1439
of time, and may not establish a fixed period of time before it 1440
will respond to a request for inspection or copying of public 1441
records, unless that period is less than eight hours. 1442

(2) The public office shall distribute the public records 1443
policy adopted by the public office under division (E)(1) of this 1444
section to the employee of the public office who is the records 1445
custodian or records manager or otherwise has custody of the 1446
records of that office. The public office shall require that 1447
employee to acknowledge receipt of the copy of the public records 1448
policy. The public office shall create a poster that describes its 1449
public records policy and shall post the poster in a conspicuous 1450
place in the public office and in all locations where the public 1451

office has branch offices. The public office may post its public 1452
records policy on the internet web site of the public office if 1453
the public office maintains an internet web site. A public office 1454
that has established a manual or handbook of its general policies 1455
and procedures for all employees of the public office shall 1456
include the public records policy of the public office in the 1457
manual or handbook. 1458

(F)(1) The bureau of motor vehicles may adopt rules pursuant 1459
to Chapter 119. of the Revised Code to reasonably limit the number 1460
of bulk commercial special extraction requests made by a person 1461
for the same records or for updated records during a calendar 1462
year. The rules may include provisions for charges to be made for 1463
bulk commercial special extraction requests for the actual cost of 1464
the bureau, plus special extraction costs, plus ten per cent. The 1465
bureau may charge for expenses for redacting information, the 1466
release of which is prohibited by law. 1467

(2) As used in division (F)(1) of this section: 1468

(a) "Actual cost" means the cost of depleted supplies, 1469
records storage media costs, actual mailing and alternative 1470
delivery costs, or other transmitting costs, and any direct 1471
equipment operating and maintenance costs, including actual costs 1472
paid to private contractors for copying services. 1473

(b) "Bulk commercial special extraction request" means a 1474
request for copies of a record for information in a format other 1475
than the format already available, or information that cannot be 1476
extracted without examination of all items in a records series, 1477
class of records, or database by a person who intends to use or 1478
forward the copies for surveys, marketing, solicitation, or resale 1479
for commercial purposes. "Bulk commercial special extraction 1480
request" does not include a request by a person who gives 1481
assurance to the bureau that the person making the request does 1482
not intend to use or forward the requested copies for surveys, 1483

marketing, solicitation, or resale for commercial purposes. 1484

(c) "Commercial" means profit-seeking production, buying, or 1485
selling of any good, service, or other product. 1486

(d) "Special extraction costs" means the cost of the time 1487
spent by the lowest paid employee competent to perform the task, 1488
the actual amount paid to outside private contractors employed by 1489
the bureau, or the actual cost incurred to create computer 1490
programs to make the special extraction. "Special extraction 1491
costs" include any charges paid to a public agency for computer or 1492
records services. 1493

(3) For purposes of divisions (F)(1) and (2) of this section, 1494
"surveys, marketing, solicitation, or resale for commercial 1495
purposes" shall be narrowly construed and does not include 1496
reporting or gathering news, reporting or gathering information to 1497
assist citizen oversight or understanding of the operation or 1498
activities of government, or nonprofit educational research. 1499

(G)(1) A public office that posts a public record on its web 1500
site, or on a public web site maintained or authorized by the 1501
state, shall make its best efforts to post the public record in an 1502
open format so that the public record, or the data contained in 1503
the public record, is capable of being searched, viewed, and 1504
downloaded by the public, and is in a format that is machine 1505
readable. 1506

A public office that opts in to posting public records online 1507
in an open format, and that has amended its public records policy 1508
to indicate it has opted to do so, shall make its best effort to 1509
continue to post such records online in an open format in 1510
accordance with its public records policy. 1511

(2) A public office that opts in to posting public records 1512
online in an open format shall include in the public office's 1513
public records policy a statement of which public records the 1514

public office posts in accordance with the requirements of 1515
division (G)(1) of this section. A public office shall submit to 1516
the DataOhio board, not later than thirty days after amending its 1517
public records policy regarding public records posted in 1518
accordance with the requirements of division (G)(1) of this 1519
section, the portion of its public records policy that states 1520
which public records are posted. 1521

(3) Nothing in this section requires a public office to post 1522
public records to a web site. A public office's decision regarding 1523
which public records to post in accordance with the requirements 1524
of division (G)(1) of this section, if any, is solely within the 1525
discretion of the public office. A public office's decision in 1526
this regard is final and may not be modified except by action of 1527
the public office. 1528

Section 4. That the existing version of section 149.43 of the 1529
Revised Code that is scheduled to take effect on March 20, 2015, 1530
is hereby repealed. 1531

Section 5. Sections 3 and 4 of this act take effect on March 1532
20, 2015. 1533