



Ohio Legislative Service Commission

Bill Analysis

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H.B. 22

128th General Assembly
(As Introduced)

Reps. Fende, Yuko, Bupp, Garrison, Stebelton, Bolon, Harris, Luckie, Letson, B. Williams, Hagan, Slesnick

BILL SUMMARY

- Modifies the Public Records Law by generally authorizing a public office to adopt rules to reasonably limit the number of bulk data requests and to include charges for bulk data requests covering the actual cost for making the bulk data available for inspection and copying.
- Authorizes a public office to also charge for expenses for redacting information the release of which is prohibited by law.

CONTENT AND OPERATION

Existing law

The Public Records Law generally requires that, upon request, all public records¹ responsive to the request must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Upon request, a public office² or person responsible for public records must make copies of the

¹ "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio that are kept by the nonprofit or for-profit entity operating the alternative school. The definition of "public record" excludes specified types of records. (R.C. 149.43(A)(1).)

² As used in R.C. Chapter 149. (Documents, Reports, and Records), which includes the Public Records Law, "public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of Ohio for the exercise of any function of government (R.C. 149.011(A)--not in the bill).

requested public record available at cost and within a reasonable period of time. (R.C. 149.43(B)(1).)

Operation of the bill

Under the bill, except as otherwise provided in the provision pertaining to rules adopted by the Bureau of Motor Vehicles regarding bulk commercial special extraction requests (see **COMMENT**) or in any other provision of law authorizing a higher cost recovery amount per request, a public office may adopt rules under the Administrative Procedure Act (R.C. Chapter 119.) to reasonably limit the number of bulk data requests. The rules may include provisions for charges to be made for bulk data requests to cover the actual cost to the public office of making the bulk data available for inspection and copying. The public office also may charge for expenses for redacting information, the release of which is prohibited by law. (R.C. 149.43(G)(1).)

The bill defines the following terms for purposes of the provisions described above (R.C. 149.43(G)(2)):

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

"Bulk data request" means a request for copies of a record that includes 50 or more images or 50 or more separate entries of information.

COMMENT

R.C. 149.43(F)(1) authorizes the Bureau of Motor Vehicles to adopt rules pursuant to the Administrative Procedure Act to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the Bureau, plus special extraction costs, plus 10%. The Bureau may charge for expenses for redacting information, the release of which is prohibited by law.

HISTORY

ACTION

DATE

Introduced

02-18-09

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