



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Legislative Documents and the Public Records Law

This brief discusses the laws that protect the confidentiality of certain legislative information and that exempt certain legislative documents from disclosure under the Public Records Law.

Confidential relationship with LSC and other legislative staff

Under the Revised Code, legislative staff must maintain a confidential relationship with each legislator and with each General Assembly staff member. **Legislative staff** means the staff of LSC, the Correctional Institution Inspection Committee, the Legislative Information Systems Office, and any other legislative agency included in LSC's budget group. **General Assembly staff** means an officer or employee of either house of the General Assembly who acts on behalf of a General Assembly member or on behalf of a committee or chamber.

Legislative staff are prohibited from disclosing their communications with a legislator or General Assembly staff member. But, the legislator or General Assembly staff member may choose to disclose those communications to others. This statute does not address confidentiality between legislators and their legislative aides or other General Assembly staff, although other laws may apply to those relationships.¹

Legislative documents under the Public Records Law

In general, a legislative document arising out of the confidential relationship between legislative staff and a legislator or General Assembly staff member is exempt from disclosure under Ohio's Public Records Law. A **legislative document** includes:

- A working paper, work product, correspondence, preliminary draft, note, proposed legislation, proposed amendment, analysis, opinion, memorandum, or other document in whatever form prepared by legislative staff for a legislator or General Assembly staff;
- Any document or material provided by a legislator or General Assembly staff to legislative staff that requests, or that provides information or materials to assist in, the preparation of any of the items described above; or

¹ R.C. 101.30(A) and (B).

- Any summary of legislation or an amendment, if the summary is prepared before the legislation or amendment is filed for introduction or presented at a committee hearing or floor session.

An otherwise confidential legislative document becomes a public record when a legislator makes it public by doing any of the following:

- Filing it for introduction (bills and resolutions);
- Presenting it at a committee hearing or floor session (amendments or substitute bills or resolutions); or
- Otherwise releasing it, or authorizing General Assembly staff or legislative staff to release it, to the public (research memorandums, bills, resolutions, amendments, and other documents).

Additionally, a bill analysis, synopsis, fiscal note, or local impact statement that legislative staff prepare for the benefit of the members of either or both houses or any legislative committee becomes public when it is presented to those members.

If it is in the public interest and the Legislative Service Commission (LSC's governing body) consents, the LSC Director also may release an otherwise confidential legislative document to the public under certain circumstances. This procedure applies only if the document arises out of a confidential relationship with a former legislator or former member of the General Assembly staff and one of the following is true:

- The person is not available to make the document public because of death or disability;
- The Director is unable to contact the person for that purpose;
- The person fails to respond to the Director after the Director has made a reasonable number of attempts to make contact for that purpose.²

² R.C. 101.30. For more information about public records, including other exemptions that may apply, see LSC's *Members Brief*, [Ohio's Public Records Law \(PDF\)](#), available on LSC's website at lsc.ohio.gov.