

APPENDIX A

Statutory Provisions Exempting Records from the Ohio Public Records Act or Declaring Records Confidential

The chart below is designed to be a helpful tool in identifying specific statutory exemptions to the Ohio Public Records Act. It is not meant to be an exhaustive list of all such exemptions. Independent legal research to determine additional applicable exemptions exist elsewhere in Ohio or Federal law is still recommended.

The exemptions listed in this Appendix do not include those in the Public Records Act (R.C. 149.43) itself, which are addressed in Chapter 3 of this Manual. Some of the listed exemptions are qualified exemptions. The statutes enumerated in the first column should be examined to determine whether there are qualifications that operate to remove or qualify any confidentiality provision or other exemption from the topical description in the second column.

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3.16(C)(2)	Records of a special commission formed by the Chief Justice of the Ohio Supreme Court to determine whether a public official should be suspended as a result of being charged with a felony, until the special commission issues its written report.
9.235(C)(1)	Records of the receipt or expenditure of non-public money by the recipient of a contract with a governmental entity.
9.28(B), (C)	Materials submitted to a public office in response to a competitive solicitation, until the date the public office either announces the award of a contract based on the competitive solicitation or cancels the competitive solicitation. This holds true even if the office rejects all bids, while at the same time issues notice of intent to reissue.
9.312(A)	Additional financial information requested by a state agency or political subdivision from an apparent low bidder on a public contract.
9.37(G)	Specified written authorizations provided by public officials under county, municipal, or township direct deposit payroll policies.
9.92(E) and 2981.12(F)	Records maintained relative to a citizens' reward program.
9.96(C)	Records of ownership, registration, transfer, and exchange of securities kept by a public issuer and contracted to a qualified financial institution.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
101.30(B)	Legislative documents arising out of confidential General Assembly member/staff and legislative staff relationship.
101.34(F)(1)	Certain files of former House and Senate ethics committees.
102.02(B)	Certain disclosure statements filed with the Ohio Ethics Commission.
102.06(B), (C)(2), and (F)	Information and records concerning investigations of complaints and charges by the appropriate ethics commission, unless the accused person requests otherwise.
102.07	Information and records presented to the Ohio Ethics Commission, Joint Legislative Ethics Committee (JLEC), or Board of Commissioners on Grievances and Discipline of the Supreme Court, including certain information that appears on disclosure statements.
102.08(D)	Privately sought written opinions and associated records of the JLEC.
109.28	Any investigation of a charitable trust by the Attorney General.
109.365	Information obtained by the Attorney General in an investigation to determine whether to defend a state officer or employee.
109.57(D), (E), and (H)	Information and materials furnished to the Superintendent of the Bureau of Criminal Identification and Investigation (BCI) as criminal history; information gathered or disseminated through the Ohio Law Enforcement Gateway (OHLEG); and information obtained by a government entity or person under R.C. 109.57(F) or (G).
109.571, Art. IV(c)	Records obtained under national crime prevention and privacy compact.
109.5721(C), (E), and (H)	Information in the Retained Applicant Fingerprint Database maintained by BCI, and information regarding the arrest, conviction, or guilty plea of a person of which the Superintendent of BCI is required to notify a participating public office.
109.573(E), (G) and 149.43(A)(1)(j)	Certain DNA-related records, fingerprints, photographs, and personal information BCI receives.
109.75(L)	Ohio Peace Officer Training Commission certification examinations, either before or after completion; however, results are public records.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
109.88(C)	Information gathered by the Attorney General during the course of an investigation of telecommunications fraud is a confidential law enforcement investigatory record.
109.89	National precursor log information that is specified and governed by the terms of a contract or memorandum between the attorney general and the national association of drug diversion investigators or its successor organization.
109.94(C)(1)	An application, and any supporting documentation, made with the Attorney General for an identity fraud passport.
111.41(B) through 111.46	The residence, school, institution of higher education, business, or place of employment address of a participant in the Secretary of State's address confidentiality program. However, this information shall be provided to the Attorney General for inclusion into the OHLEG system, and may be accessed only by listed officials and/or their designees, or by court order when requested by a city law director or similar chief legal officer.
113.041(E)	The report of a BCI criminal records check of an individual who applies for employment with, or is employed by, the Treasurer of State's Office.
117.14	Annual audit report of the Auditor of State's office until filed with state library.
117.15	Annual audit report of the Treasurer of State's office until specified submission.
117.26	Certified copies of completed audit reports until specified filing.
120.38	Information obtained by a public defender when determining if a person is indigent and communications between a defendant and public defender.
121.22(E)	Specified information provided regarding an applicant or members of the applicant's immediate family to the Controlling Board, the Tax Credit Authority, or the Minority Development Financing Advisory Board in relation to an application for economic development assistance or assistance from the Department of Development. Note that unanimous vote of the Board or Authority is required to close the meeting to consider such information.
121.37(A)(2)(c) and (C)(6)	Records of meetings of the Ohio Family and Children First Cabinet Council that identify individual children and personal family information disclosed during county service coordination meetings or in service coordination plans.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
121.44(A), 121.45, 121.47, and 121.48	Reports of an investigation conducted and designated confidential by the Inspector General or a deputy inspector general and confidential information acquired in the course of such an investigation.
121.481(B)	Information that would risk impairing an investigation conducted by the Inspector General, when the Inspector General is requesting a transfer of money to the Special Investigations Fund.
121.51	The random review program of the processing of contracts associated with building and maintaining the state's infrastructure that is conducted by the Deputy Inspector General for the Department of Transportation, and any confidential information the Deputy Inspector General accesses in the course of an investigation.
121.52	Any confidential information the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission accesses in the course of an investigation.
122.073(B)	Records concerning tourism market research of TourismOhio.
122.075(D)	A report to the Director of Development (DOD) from the recipient of an Alternative Fuel Transportation Grant that identifies the gallon, or gallon equivalent, amounts of alternative fuel the applicant sells at retail in Ohio.
122.17(G) and 122.171(G)	Certain financial statements and information submitted to the DOD or the Tax Credit Authority by applicants for or recipients of tax credits.
122.175(H)	Financial statements and other information submitted to the Department of Developmental Services or Tax credit Authority by an applicant for or recipient of the computer data center tax exemption.
122.1710 (J)	Any personal information of an individual the Director of Developmental Services receives in connection with the individual microcredential assistance program.
122.36	Trade secrets or commercial or financial information received by the DOD Director or the Controlling Board.
122.42(D)	Financial statements and data submitted to the DOD Director in connection with certain loan applications.
122.561	Financial statements and data submitted to the DOD Director or the Controlling Board in connection with applications for mortgage payments insurance.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
122.74(C)(2)	Financial statements and other data submitted to the DOD Director in connection with specified financial assistance for minority business and development.
123.152(C)	Business and personal financial information and trade secrets submitted by Encouraging Diversity, Growth, and Equity Program applicants to the Director of the Department of Administrative Services (DAS).
124.88(B)	Identity, diagnosis, prognosis, or treatment of any person maintained in connection with the employee assistance program for state employees.
125.071(C)	Proposals and related documents submitted to DAS in response to requests for competitive sealed proposals, until after the award of the contract.
125.30(B)	Information that has been designated as confidential by any state agency on the business reply form established by DAS.
126.48, 149.433, and 5703.21	Any internal audit report produced by the Office of Internal Audit in the Office of Budget and Management and all work papers of the internal audit, until submission of the final report. Additionally, internal audit reports that are security or infrastructure records or are derived from State tax return information.
128.32(G) and 128.99	Telephone numbers, addresses, or names obtained from a 911 database maintained pursuant to R.C. 128.32.
128.60(B)(1)	Information provided to the Statewide Emergency Services Internet Protocol Network Steering Committee and the Tax Commissioner by a telephone company operating public safety answering points for countywide wireless 9-1-1 systems, if that information consists of trade secrets or regards the customers, revenues, expenses, or network information of the telephone company.
131.02(F)(4) and 131.022(I)	Information contained in an uncollectible claim owed to the state that is sold, conveyed, or transferred to a private entity and that is confidential under federal or state law.
145.27(A), (B), and (D)(4), 3305.20, 3307.20(A)(1), (B), (C), and (E)(4), and 3309.22(A), (B), and (D)(4)	Certain information and records of the Public Employees Retirement Board, State Teachers Retirement Board, School Employees Retirement Board, or an entity providing an alternative retirement plan.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
149.431(A)(1) through (3)	Certain contracts, agreements, and financial records of governmental entities, agencies, and non-profit organizations receiving governmental funds that identify a present or former patient or client or his diagnosis, prognosis, or medical treatment, treatment for a mental or emotional disorder, developmental disability, drug abuse or alcoholism, or counseling for personal or social problems, or certain financial records that pertain to any private funds expended in relation to the performance of services pursuant to the contract or agreement made between entities or organizations and the federal government.
149.432(B)	Library records and patron information.
149.433(B) and (C)	Security records kept by public offices are not public records. Infrastructure records of public offices, public schools, or chartered non-public schools that are kept by public offices are not public records. Infrastructure records of private entities that are prepared by, submitted to, or kept by public offices may be exempted from release when specified conditions are met.
149.435(B) and (C)	Name or other information contained within a routine factual report that is highly likely to identify an alleged delinquent child or arrestee who is also an abused child and who is under eighteen years of age at the time the report is created, except to specified individuals and agencies.
149.436 and 149.43(A)(1)(gg)	Name, address, contact information, and other personal information of a minor in a record related to a traffic accident involving a school vehicle, except to specified recipients.
149.45	If a public office makes a document available on the Internet, an individual's social security number and any personal information that the individual has asked to have redacted from that document.
166.05(C)	Financial statements and other data submitted to the Director of Development Services or the Controlling Board by a private sector person in connection with specified financial assistance, and information taken from the same.
166.14(B)	Financial statements and other data submitted to the Director of Development Services or the Controlling Board by a private sector person in connection with the Innovation Financial Assistance Program, and information taken from same.
166.19(B)	Financial statements and other data submitted to the Director of Development Services or the Controlling Board by a private sector person in connection with the Research and Development Financial Assistance Program, and information taken from same.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
169.03(F)(4)	Audited records of holders of unclaimed funds.
173.061	Records identifying recipients of Golden Buckeye Cards, subject to the Director of Aging's discretion, but never a recipient's medical history.
173.22	Certain investigative and other files and information, including any proprietary records of a long-term care provider or records relating to advocacy visits, contained in the State Long-Term Care Ombudsman Program's or regional program's office.
173.27(G)	The report of a criminal records check of a person who is under final consideration for employment with the Office of the State Long-Term Care Ombudsman Program or an employee of a regional long-term care ombudsman program in a position that involves providing ombudsman services to long-term care residents and recipients.
173.38(I)	The report of a criminal records check of a person who is under final consideration for employment with a community-based long-term care agency in a position that involves providing direct care to an individual.
173.381(G)	The report of a criminal records check of a self-employed provider conducted pursuant to a self-employed provider's request for a community-based long-term care services contract with the Department of Aging.
173.393(B)	A part of a record of an evaluation of a community-based long-term care agency, if the release of the record would violate a federal or state statute, regulation, or rule, including HIPAA regulations.
175.12(B) and 149.43(A)(1)(x)	Financial statements and data submitted for any purpose to the Ohio Housing Finance Agency or the Controlling Board in connection with applying for, receiving, or accounting for financial assistance the Agency provides and information that identifies any individual who benefits directly or indirectly from financial assistance the Agency provides.
177.02(F)	Information concerning the filing of a complaint alleging organized criminal activity and the investigation of said activity, for a specified time.
177.03(D)(4) and (5)	Task force information concerning the investigation and potential prosecution of organized criminal activity, for a specified time.
187.04(C)	Records created or received by JobsOhio, regardless of who may have custody of the records, unless specifically designated as public records by contract between JobsOhio and the Director of Development Services.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
307.626(C),307.627, 307.629, 3701.045(A)(4), and 149.43(A)(1)(s)	Certain information, documents, and reports presented to the child fatality review board; statements made by board members at meetings; work product of a child fatality review board, and child fatality review data submitted by board to department of health or national child fatality review database.
307.862(C)	Proposals and any documents or other records related to a subsequent negotiation for a final contract by a county contracting authority that uses competitive sealed proposals, until after the award of the contract.
307.987	Information received by a private or government entity pursuant to a contract to provide workforce development activities or family service duties, a plan of cooperation, a regional plan of cooperation, or a transportation work plan that was confidential in the hands of the entity that provided the information.
313.091	Medical or psychiatric record provided to a coroner.
313.10(A)(2), (D), and (E)	The following records in a coroner's office, except in specified circumstances: preliminary autopsy and investigative notes and findings made by the coroner or by anyone acting under the coroner's direction or supervision, photographs of a decedent made by the coroner or anyone acting under the coroner's direction and supervision, suicide notes, and medical and psychiatric records provided to the coroner, records of a deceased individual that are confidential law enforcement investigatory records under R.C. 149.43, and lab reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16. Note that journalists and insurers may obtain records from a coroner's office under certain circumstances.
313.121(B)	Reporting forms completed by or for county coroners regarding the sudden death of a child under two years of age within that county.
317.24(B)(2)(a), (b) and 149.43(A)(1)(z)	Records of a discharged armed forces member recorded with a county recorder for a period of seventy-five years after the date of recording.
317.241(G)	All application materials concerning applications for Ohio veterans identification cards, including applications, photographs, documents, or other information submitted with the application or obtained by a county recorder or county veterans service office, except for specified purposes and to specified individuals or entities.
319.34	County auditor's classified tax list and county treasurer's classified tax duplicate of taxable property.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
339.81	Information, data, and reports of a tuberculosis case furnished to, or procured by, a county or district tuberculosis control unit or the Department of Health.
340.15(B)	Certain information obtained or maintained by a public children services agency addiction or mental health program.
351.24	Records or proprietary information relating to lessees or other users obtained by a convention facilities authority or other person acting under Chapter 351 of the Revised Code.
718.11(F)	Records of transactions of a municipal corporation board of appeals relative to income taxation obligations.
718.13(A)	Information from tax returns, investigations, hearings, or verifications concerning municipal corporation income taxes, except pursuant to a proper judicial order in connection with the performance of that person's official duties, or the official business of a municipal corporation.
742.41(A)(2), (B), (C), and (E)(4)	Certain personal information in records of the Board of Trustees of the Ohio Police and Fire Pension Fund.
901.27	Information acquired by a Department of Agriculture agent in an investigation.
905.324(C)	Information, data, and any associated record used in the development, approval, implementation, review of, or contained in a voluntary nutrient management plan or used to determine compliance with such a plan. Effective April 12, 2021.
905.57	Information in an annual tonnage report (agricultural liming material sold or distributed) and certain other information maintained by the Department of Agriculture.
917.17	Information furnished to or procured by the Director of Agriculture regarding dairy products under Chapter 917 of the Revised Code.
921.02(E)	Trade secret or confidential business information on a pesticide registration application.
921.04(B)	Information on a pesticide registration or permit application designed as a trade secret or confidential commercial or financial information.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
924.05(B)	Information contained in the individual reports filed with the Director of Agriculture by producers, handlers, or processors of any Ohio agricultural commodity for which a marketing program is proposed.
924.17	Any record submitted to the Department of Agriculture that indicates how an individual has voted in a referendum to establish or amend an Agricultural Commodity Marketing Program, or how an individual has voted in an election of the members of an operating committee for an Agricultural Commodity Marketing Program.
926.06(D)	Financial information in the Department of Agriculture's records identifying commodity handler license applicants.
936.08(D)	Any additional information provided to the propane council that was requested of a retailer seeking a refund of assessments.
940.37(A)	Data or records of a person's agricultural operations, conservation or water quality improvement practices, or proposed utilization of such practices collected or maintained by the Department of Agriculture, a soil or water conservation district, an institution of higher education, or any other state agency. Effective April 12, 2021.
959.10, 959.08	Written warnings issued to an officer, dog warden, or deputy dog warden by the entity responsible for employment oversight for the individual's failure to report a violation involving a companion animal. Effective April 12, 2021.
1112.23	Certain information concerning family trust companies, except for specified purposes and to specified individuals or entities.
1121.18(A)	Information related to an examination of a bank or other financial institution by the Superintendent of Financial Institutions.
1121.25(A) and (E)	Commercial or financial information in an application or notice declared confidential by the Superintendent of Financial Institutions.
1121.43(B)	Any written agreement or other writing for which a violation may be enforced by the Superintendent of Financial Institutions, if the Superintendent determines that publishing it and making it available to the public would be contrary to the public interest; a final order issued by the Superintendent of Financial Institutions, if the Superintendent determines that publishing it and making it available to the public would seriously threaten the safety and soundness of a bank or trust company, for a reasonable time.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
1121.45(C)	Certain records and information presented at a meeting with regulated persons called by the Superintendent of Financial Institutions.
1181.23(E)	Any confidential or privileged information or material provided to the multistate licensing system by licensed or registered financial institutions.
1306.23	Records that would jeopardize the state's use or security of computer or telecommunications devices or services associated with electronic signatures, records, or transactions.
1315.03(C) and 1315.10(C)	Information in or related to an application for a money transmitter license or an application to acquire control of a money transmitter license to which the Superintendent of Financial Institutions decides to grant confidential treatment.
1315.122(A)	Information leading to, arising from, or obtained in the course of the examination of a licensee or other person conducted under the money transmitter laws.
1315.53(H)	A report, record, information, analysis, or request obtained by the Attorney General or an agency pursuant to the Currency and Foreign Transactions Reporting Act, 31 U.S.C. §§ 5311 to 5326.
1315.54(C)	A record, other document, or information obtained by the Attorney General pursuant to an investigation of a money transmitter.
1321.09(A)	Reports filed with the Division of Financial Institutions by small loans licensees.
1321.422(B)	Individual reports required to be filed with the Division of Financial Institutions by licensees under the short-term loan laws regarding the business and operation for the preceding calendar year.
1321.48(B), (C), (D), and (F)	Examination and investigation information, and any information leading to or arising from an examination or an investigation that is maintained by the Superintendent of Financial Institutions or released to the Attorney General under the short-term loan laws.
1321.55(B)(2)	Annual individual reports filed by second mortgage security loans registrants with the Superintendent of Financial Institutions.
1321.76(C)	Information obtained by the Superintendent of Financial Institutions regarding insurance premium finance company licensees.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
1322.36(A), (B), 1349.43(E), and 1349.44(B)	Examination, investigation, and certain application information (i.e. SSNs, employer identification numbers, particular banking and financial information, etc.) obtained by the Superintendent of Financial Institutions regarding mortgage broker registrants.
1331.16(L)	Certain records and information provided to the Attorney General pursuant to an investigative demand under Chapter 1331 of the Revised Code.
1332.24(A)(3) and 1332.25(G)	Information submitted by a video service provider to the Director of Commerce for determining subscriber counts are considered trade secrets. Information in an application made to the Director for a video service authorization that the applicant identifies, and the Director affirms, as trade secret information.
1332.30(E)(2)(b)	Quarterly reports to a municipal corporation or township identifying the total number of video service subscribers served within the municipal corporation or the unincorporated area of the township for the purposes of deriving pro rata shares.
1345.05(A)(7)	Identity of suppliers investigated or facts developed in investigations of Consumer Sales Practices Act violations until a specified time.
1346.03	Certain tax information about a tobacco product manufacturer submitted to the Attorney General by the Department of Taxation.
1501.012(B), 1501.091, and 1501.10	Questionnaires and financial statements submitted to the Director of Natural Resources by a public service facility construction contract bidder, by a bidder for a contract for the operation of public service facilities, or by a bidder for a lease of public service facilities in a state park.
1505.03	Geological records accepted and retained on a confidential basis by the Chief of the Division of Geological Survey of the Department of Natural Resources (DNR).
1506.32(J)	Revelation by the Director of Natural Resources of abandoned property's location during certain time periods.
1509.73(E)	Information contained in a bid for a lease for a formation within a parcel of land submitted to the Oil and Gas Leasing Commission shall be confidential and shall not be disclosed before a person is selected, unless the Oil and Gas Leasing Commission determines otherwise.
1510.08(E)	Any additional information provided to the operating committee of the Oil and Gas Marketing Program by a producer seeking a refund, when the information is requested by the operating committee in order to support the refund request.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
1513.07(B)(2), (C)(12), and (D)	Information pertaining to the analysis of the chemical and physical properties of coal and certain other information by the Chief of DNR's Division of Mineral Resources Management.
1513.072(B)	Trade secrets or certain privileged commercial or financial information submitted to the Chief of DNR's Division of Mineral Resources Management (coal exploration operations).
1514.02(A)(9)	Information relating to test boring results relating to an application for an in-stream mining permit submitted to the Chief of DNR's Division of Mineral Resources Management.
1522.17	Information contained within a facility water conservation plan submitted to the Chief of the Division of Soil and Water that the applicant requests, and the Chief affirms, as trade secret information.
1531.04(E)	Information regarding sensitive site locations of endangered plant species and of unique natural features that are included in the Ohio Natural Heritage Database, if the Chief of Natural Areas and Preserves determines that the release of the information could be detrimental to the conservation of a species or unique natural feature.
1531.06(M)	Information regarding sensitive site locations of endangered wildlife species and of features that are included in the Wildlife Diversity Database, if the Chief of the Division of Wildlife determines that the release of the information could be detrimental to the conservation of a species or feature.
1547.80(C)	A copy of the registration, security plan, and emergency locator map provided by certain port facilities to the Department of Public Safety, the Department of Natural Resources, the sheriff of the county in which the port is located, and the chief of police of each municipal corporation in which the port is located.
1551.11(B)	Trade secrets or other proprietary information submitted to the Director of Development regarding utilization of present, new or alternative energy sources, the conservation of energy, energy resource development facilities, the attraction of funding in emerging and established national or state priority areas, or the enhancement of the state's economic development.
1551.35(C) and 1555.17	Trade secrets or proprietary information in materials or data submitted to the Ohio Air Quality Development Authority or the Director of the Ohio Coal Development Office in connection with agreements for financial assistance relative to coal research and development projects.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
1707.12(B) and (C)	Investigation information, confidential law enforcement investigatory records, trial preparation records, and certain exempt transaction information of the Department of Commerce's Division of Securities.
1710.02(C)	Records of organizations contracting with a special improvement district.
1716.05(B)(5)(a)	Attorney General cannot disclose, as reflected in a fund-raising counsel's solicitation campaign records, a contributor's name and address and the date and amount of each contribution to the fund-raising counsel, except to the extent necessary for investigative or law enforcement purposes.
1716.07(G)(1)(a)	Attorney General cannot disclose, as reflected in a professional solicitor's solicitation campaign records, a contributor's name, address, and telephone number and the date and amount of each contribution to the professional solicitor, except to the extent necessary for investigative or law enforcement purposes. (Note that these records must be kept not less than three years after the completion of a solicitation campaign).
1717.16(B) and 149.43(A)(2)	Any records of enforcement activity by a humane society agent that would otherwise qualify as confidential law enforcement records. Effective March 31, 2021.
1724.11(A)(1) and (2)	Certain financial, proprietary, and other information submitted by an entity to a community improvement corporation acting as a political subdivision's agent.
1733.32(H)	Information obtained by the Superintendent of Financial Institutions under an examination or independent audit of a credit union.
1733.327(A)	Certain conferences and administrative proceedings, and associated documents, regarding a credit union.
1739.16(E)	Written agreement between a multiple employer welfare arrangement operating a group self-insurance program and a third party administrator.
1751.19(C)	Any document or information pertaining to a complaint or response that contains a medical record that is provided to the Superintendent of Insurance for inspection by a health insuring corporation.
1751.52(B)	Data or information concerning an enrollee's or applicant's diagnosis, treatment, or health obtained by a health insuring corporation from specified sources.
1751.80(A)	Health insuring corporation's clinical review rationale when made available to government agency.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
1753.38(A) and (C)(1) and 3903.88	The risk-based capital plans, reports, information, and orders maintained by the Superintendent of Insurance.
1761.08(A)(3)	Certain financial statements and analyses furnished to a credit union share guaranty corporation.
1761.21(A)	Conferences and administrative proceedings, and associated documents, regarding a credit union share guaranty corporation.
2111.021	A file, record, petition, motion, account, or paper pertaining to a conservatorship upon probate court order.
2151.14(B)	Reports and records of a juvenile court's probation department.
2151.141(B)(2)	Under specified circumstances, certain records of a law enforcement agency or prosecuting attorney regarding abused, neglected, or dependent child complaints (protective orders).
2151.142(B) and (C)	Under specified circumstances, residential address of an officer or employee, or person related by blood or marriage to an officer or employee, of a public children services agency or private child placing agency (the agency, the juvenile court, and any law enforcement agency cannot disclose).
2151.313(C)	Originals and copies of fingerprints and photographs of a child and the child's related records of arrest or custody can be released only in limited circumstances.
2151.356, 2151.357 and 2151.358	Juvenile court records that have been sealed by court order.
2151.421(I)(1)	Reports by specified individuals regarding their knowledge or suspicion of a suffered, or threat of a, physical or mental wound, injury, disability, or condition reasonably indicating abuse or neglect of a minor or of a mentally retarded, developmentally disabled, or physically impaired child under age 21.
2151.422(D)	Information in the possession of a homeless shelter that identifies the last known residential address and county of residence of a homeless person.
2151.423	Information discovered during an investigation of the neglect or abuse of a child that is disclosed to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
2151.85(F), 2505.073(B), 2919.121(C)(7), and 149.43(A)(1)(c)	The complaint and all other papers and records that pertain to an action brought by a pregnant, unmarried, and unemancipated minor woman who wishes to have an abortion without the notification of her parents, guardian, or custodian and all papers and records that pertain to an appeal of such an action.
2151.86(E)	With some exceptions, BCI criminal records check information relative to a person under final consideration for employment as a child caregiver in out-of-home care, a prospective adoptive parent, or a prospective recipient of a foster home certificate from the Department of Job and Family Services (DJFS).
2151.904 and 2151.907	With some exceptions, the report of a criminal records check of a prospective host family to provide care for a child or single-family group and all other persons eighteen years or older residing in the family home.
2152.19(D)(3), 2930.13(D), and 2947.051(C)	A victim impact statement associated with a felony that was committed by an adjudicated delinquent child or adult offender and that involved a specified “physical harm” aspect.
2305.24	Information, data, reports, or records furnished to a quality assurance or utilization committee of a hospital, long-term care facility, specified not-for-profit health care corporation, state or local medical society, or to a quality assurance committee of the bureau of workers’ compensation or the industrial commission.
2305.252(A) and (B)	Proceedings and records of a peer review committee of a health care entity.
2307.46(A)	Upon court order in a civil action, except for limited purposes, the identity of a woman, upon whom an abortion was allegedly performed, induced, or attempted.
2317.02, 2317.021, and 4732.19	Certain privileged communications between an attorney, physician, dentist, psychologist, school psychologist, school guidance counselor, professional clinical counselor, professional counselor, social worker, independent social worker, social work assistant, mediator, communications assistant, member of the clergy, spouse, or chiropractor and a client, patient, person being religiously counseled, other spouse, or parent.
2329.154(E) and 2329.271(B)(2)	The email address, telephone number, and financial transaction device information of a person who has registered to bid in an online property sale, or who has purchased lands and tenements taken in execution.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
2710.03(A), 2710.07, and 149.43(A)(1)(i)	Mediation communications.
2743.62(A)(2)(a)	A record or report that the Court of Claims or Attorney General obtains under the Crime Victims Reparations Awards Law that is confidential or exempt from public disclosure when in its creator's possession, except it may be used by specific individuals in proceedings in the Court of Claims.
2909.15(E)(2)	Registry of arson offenders and out-of-state arson offenders established and maintained by the BCI.
2921.22(G)	Information about the commission of a felony that would otherwise have to be reported, under specified circumstances, such as an attorney-client relationship, doctor-patient relationship, etc.
2921.24(A)	Law enforcement agency, court, or court clerk's office cannot disclose in absence of court order the home address of any peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee who is a witness or arresting officer in a pending criminal case.
2921.25(A)	Judge or mayor's court may not order a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee to disclose their home address during examination in a criminal court case or mayor's court case, unless court determines defendant has a right to the disclosure.
2923.129(B) and (D)	Sheriff records concerning the issuance, renewal, suspension, or revocation of a concealed handgun license or temporary emergency concealed handgun license. Information available through the Law Enforcement Automated Data System is also not a public record.
2930.07	The victim's or victim's representative's address, place of employment, or similar identifying fact, if the prosecutor in a case determines that there are reasonable grounds for the victim in a case to be apprehensive regarding acts or threats of violence or intimidation by the defendant or alleged juvenile offender and the court issues an order that the information should be confidential.
2930.13(D), 2947.06, 2951.03, and 2953.08(F)(1)	Certain or all information in presentence investigation reports (contents and summaries) and those reports, psychiatric reports, victim impact statements and other investigative reports in a court record to be reviewed.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
2930.14(A)	Written statement submitted by a victim, defendant, or alleged juvenile offender before sentencing.
2930.16(D)(2)	Record kept by prosecutors or custodial agencies that reflects attempted notices by those agencies to notify victims of specified crimes of specified activity concerning the incarceration or release of a defendant is not a public record, but note that the record of attempts and notices given to persons other than victims is a public record.
2933.231(E)	Until search warrant is returned, the recording and transcript of proceeding concerning a request for a waiver of the statutory precondition for nonconsensual entry.
2939.18	Information that an indictment has been found against a person not in custody or under bail, before the indictment is filed and the case docketed.
2949.221 and 2949.222	Information in the possession of any public office that identifies persons who manufacture or participate in the testing, provision, or use of drugs or medical equipment used in the administration of a death sentence by lethal injection is not a public record under R.C. 149.43, and is not subject to disclosure during any judicial proceeding unless a court finds that the person whose identity is protected appears to have acted unlawfully. The information can also be disclosed to the Ohio Ethics Commission for the sole purpose of confirming specific stated facts.
2950.08	Certain statements, information, photographs, fingerprints, and other material required under the Sex Offender Registration Law.
2950.10(A)(4)	Certain information a sheriff obtains regarding the victim of a sexually oriented offense or a child-victim oriented offense who wishes to be notified of the offender's or delinquent child's registration status.
2950.13(A)(1) and (13)	BCI's Internet database of the State Registry of Sex Offenders and Child-Victim Offenders and information obtained by local law enforcement representatives through use of the database.
2951.03(A)(2), (D)(1)	The contents of, and any written or oral summary of, a presentence investigation report, including an offender background investigation report prepared for purposes of a presentence investigation report, are confidential information and are not public records.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
2953.32(C) and (D), 2953.321, 2953.33 to 2953.35	Official records and related investigatory work product in an eligible offender's case sealed by court order.
2953.52(B), 2953.53(D), 2953.54, 2953.55, and 2953.59	Official records and related investigatory work product pertaining to a case sealed by court order (in cases where person found not guilty; complaint, indictment, or information against person dismissed; or no bill entered by grand jury) whether in the possession of court or another public office or agency.
2953.60	Information or data concerning any arrest, complaint, indictment, information, trial, adjudication, or correctional supervision contained in sealed records. Any officer or employee of the state who knowingly releases or disseminates such information is guilty of divulging confidential information, which is a fourth degree misdemeanor.
2967.271, 149.43(A)(1)(b)	Records of proceedings regarding the release or maintained incarceration of individuals who have been sentenced to non-life felony indefinite prison terms.
2981.03(B)(4)	Until property is seized under the Forfeiture Law, the recording and transcript of certain hearings or proceedings in relation to the forfeiture of that property.
3101.05(A) and 3101.051	In connection with marriage license applications, under specified circumstances, a record containing applicant social security numbers.
3107.17(B)(1) and (D)	Certain placement or adoption records and information; forms concerning the social or medical histories of the biological parents of an adopted person (only specified individuals may access).
3107.52(A) and 149.43(A)(1)(f)	The Department of Health's records pertaining to adoption proceedings regarding a person available or potentially available for adoption on or after September 18, 1996.
3111.94(A)	A physician's files concerning non-spousal artificial inseminations.
3113.31(E)(8)(b)	The address of a person who petitions for a civil protection order or a consent agreement, if the person requests that the person's address be confidential.
3113.36(A)(5)	Any information that would identify individuals served by a domestic violence shelter.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3113.40	Information in the possession of a domestic violence shelter that identifies the residential address and county of residence information for a person admitted to the shelter. (It may, however, be released to a public children services agency, in certain circumstances).
3113.453	Any contact information of a petitioner for a civil protection order who has sought the transfer of rights and billing responsibilities for a wireless service number in use by the petitioner or any minor children in his/her care shall be kept confidential by a court from the wireless service account holder.
3121.76	Information obtained from a financial institution pursuant to an account information access agreement.
3121.894 and 149.43(A)(1)(o)	Records contained in the new hires directory maintained by the Department of Job and Family Services (DJFS).
3121.899(A)	New hire reports filed by employers with DJFS.
3301.0711(I) and (O)	Individual student assessment scores and proposed assessment questions. Student achievement assessments received by the Ohio Department of Education are not public records until the thirty-first day of July following the school year that the assessments were administered, with the specified exceptions. Field test or anchor questions are not public records and must be redacted from any released assessment. Effective April 12, 2021.
3301.0714(I)	Data collected or maintained in the Statewide Education Management Information System that identifies a pupil.
3301.12(A)(3)	Individual student data used in studies and research projects for the improvement of public school education that are conducted under the authority of the Superintendent of Public Instruction.
3301.32(D), 3301.541(D), and 3319.39(D)	BCI criminal records check information relative to a Head Start employment applicant, a preschool employment applicant or a school district, educational service center, or chartered non-public school employment applicant.
3302.021(A)(2)	Individual student test scores and reports used in the Value-Added Progress Dimension.
3304.21	Lists of names or information concerning persons applying for or receiving services in connection with the Ohioans with disabilities agency.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3310.11(D)	Any document relative to the Educational Choice Scholarship Pilot Program that the Department of Education holds in its files and that contains both a student's name or other personally identifiable information and the student's data verification code.
3313.173	Certain identifying information provided pursuant to a school district or educational service center reward offer relative to crimes committed against school employees or pupils or on school property.
3313.6610(C) and 149.433	Any data collected by the SaferOH tip line or an anonymous reporting program, or reported to the Department of Education or Department of Public Safety. Effective March 24, 2021.
3317.20(D)(3) and (E)	Any data verification code that the Department of Developmental Disabilities (DODD) receives, except as provided by law; and any document relative to special education and related services provided by the county board of developmental disabilities that the department holds in its files that contains personally identifiable information.
3319.311(A)(1)	Information obtained during an investigation by the State Board of Education or the Superintendent of Public Instruction on behalf of the Board.
3319.321	Public school student directory information and personally identifiable information other than student directory information.
3334.19(H)	Records of the identity of purchasers, contributors, and beneficiaries under the plans offered by the Ohio tuition trust authority and amounts contributed to, earned by or distributed from them.
3701.14(B) and (D)	Information obtained during the course of an investigation or inquiry that the Director of the Department of Health currently is conducting.
3701.17(B)	Protected health information reported to or obtained by the Director of the Department of Health, the Department of Health, or a board of health of a city or general health district is confidential and shall not be released without the written consent of the individual who is the subject of the information unless specified exceptions apply.
3701.241	Information obtained or maintained under the partner notification system developed by the Director of Health to alert and counsel sexual contacts of individuals with HIV infection.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3705.12, 3705.122, 3705.123, and 3705.124	Adoption file maintained by the department of health containing all records, papers and documents relating to the original birth record of an adopted child sent from the probate court.
3706.20	Records or information relating to secret processes or secret methods of manufacture or production that may be obtained by the Air Quality Development Authority or other persons acting under the Authority.
3706.41, 3706.43, and 3706.431	All financial and proprietary information, including trade secrets, submitted to the Ohio Air Quality Development Authority in an application to receive payments for nuclear resource credits or renewable energy credits.
3706.61(C)	The Public Utilities Commission's annual review report shall be made publicly available, but it shall not reveal any confidential or proprietary information.
3706.65	Any information, data, or equipment shared with the Public Utilities Commission's staff or experts in the possession of the Air Quality Development Authority or Commission that is not a public record under R.C. 149.43.
3707.75 and 3707.77	Any records, documents, reports, or other information presented to a Fetal-Infant Mortality Review Board or person abstracting such materials on the Board's behalf, statements made by Board members during Board meetings, all work products of the Board, and data submitted by the Board to the Department of Health or a national infant death review database, other than a report submitted to the Department of Health that summarizes any trends or patterns identified by the Board.
3727.101(E)(2)	Documents and information in reports furnished to the Director of Health by the trauma center regarding the consultative or reverification visit obtained from the American College of Surgeons and a copy of the approved plan and timetable for obtaining verification or reverification.
3738.06 and 3738.08	Any records, documents, reports, or other information presented to the Pregnancy-Associated Mortality Review Board, as well as all statements made by Board members during Board meetings, all work products of the Board, and data submitted to the Department of Health by the Board, other than biennial reports.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3745.71	The contents of an environmental audit report, and the contents of communications between the owner or operator of a facility or property who conducts an environmental audit and employees or contractors of the owner or operator, or among employees or contractors of the owner or operator, that are necessary to the audit and are made in good faith as part of the audit after the employee or contractor is notified that the communication is part of the audit (applies to audits initiated after March 13, 1997).
3750.02(B)	Certain information obtained by the Emergency Response Commission and local emergency planning committees, such as trade secrets, confidential business information, and the name and address of a person who seeks access to information in the Commission's files.
3750.09 and 3751.04	For purposes of the Emergency Planning Law and the Hazardous Substances Law, trade secrets or confidential business information obtained under the Emergency Planning and Community Right-to-Know Act of 1986.
3750.10(B)(5)	Under certain circumstances, the storage location of a hazardous chemical at a facility provided on an emergency and hazardous chemical inventory form to the Emergency Response Commission or a local emergency planning committee.
3750.22(B)(1)	Any vulnerability assessment or other security-sensitive information a public office receives from an owner or operator of a facility where chemicals are produced, or the owner or operator of any other facility or business of any type.
3769.041(A) and (E)	Certain information submitted, collected or gathered as a part of an application to the State Racing Commission for horse racing license or permit, including information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a horse racing license or permit.
3770.02(B)	State Lottery Commission meeting records available upon prior notification of the Director and a showing of good cause.
3770.07(A)(1) and (4)	The name, address, and social security number of each beneficial owner of a trust that is making a claim for a lottery prize award, unless the beneficial owner consents to the inspection or copying in writing.
3770.22(A) and (D)	Information submitted, collected or gathered as part of an application to the State Lottery Commission for a video lottery related license, including information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a video lottery related license.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3772.061	Report of an internal audit of the Ohio Casino Control Commission, until such a report is forwarded to the commission and the auditor of state.
3772.07	The criminal records check of a person who is to be appointed or licensed obtained by certain appointing or licensing authorities.
3772.16(A)	Certain information submitted, collected, or gathered as part of an application to the Ohio Casino Control Commission for a license.
3774.08(A)	Internal procedures, personal and financial information, and trade secret information of a fantasy contest operator.
3799.01	As part of the Solemn Covenant of the States to Award Prizes for Curing Diseases, any work papers related to any internal or independent audit of the Solemn Covenant of States Commission and any information subject to compacting states' privacy laws. Any confidential information shared by the Commission with a member shall remain confidential, including cure submissions.
3901.045	Documents and information the Superintendent of Insurance receives from local, state, federal, and international regulatory and law enforcement agencies, from local, state, and federal prosecutors, from the National Association of Insurance Commissioners and its affiliates and subsidiaries, from the Chief Deputy Rehabilitator, from the Chief Deputy Liquidator, from other deputy rehabilitators and liquidators, and from any other person employed by, or acting on behalf of, the Superintendent, if the documents or information were confidential or privileged when held by the provider.
3901.36	Information and documents obtained by the Superintendent of Insurance in an examination or investigation of an insurer's financial condition or legality of conduct.
3901.378(A) and (B)	Documents, materials or other information, including the own risk and solvency assessment summary report, in the possession or control of the Department of Insurance that are obtained by, created by, or disclosed to the superintendent of insurance, or any other person, containing trade secrets.
3901.44(B), (C), and (D)	Documents, reports, and evidence in the possession of the Superintendent of Insurance pertaining to an insurance fraud investigation.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3901.48(A), (B), and (C)	Certain records concerning an audit of an insurance company or health insuring company; and the work papers of the Superintendent of Insurance resulting from specified insurer examinations, financial analyses, and performance regulation examinations.
3901.70(A)	Reports obtained by or disclosed to Superintendent of Insurance relative to insurer material transactions.
3902.52(G)	Documents and other evidence submitted to an arbitrator by a health plan issuer and a provider, facility, emergency facility, or ambulance as part of a reimbursement dispute. Effective April 12, 2021.
3903.11	Certain records pertaining to delinquency proceedings against an insurer and judicial reviews of those proceedings.
3903.7211	A memorandum and information received by the Superintendent of Insurance in support of a qualified actuary's opinion on the valuation of an insurance company's reserves for policies and annuities and other related information.
3903.77(E)	Actuarial opinion summary, report, work papers, and any documents, materials or other information provided in support of the state of actuarial opinion prepared for a property and casualty insurance company doing business in Ohio.
3905.24	Under certain circumstances, records and other information obtained by the Superintendent of Insurance in an investigation of an insurance agent license applicant, or of an agent, solicitor, broker, or other person licensed or appointed under the Insurance Producers Licensing Law, the Public Insurance Adjusters Law, the Home Warranty Companies Law, or the Third-Party Administrators Law.
3905.50(H)	Information or documentation provided to an agent or to the Superintendent of Insurance by an insurer regarding termination of an independent insurance agency contract.
3911.021	Reports maintained by the Superintendent of Insurance regarding measures taken by a life insurance company to detect and prevent stranger-originated life insurance.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3916.11(D), 3916.12(E), and 3916.18(E)(1) and (G)(2)	Certain viator-related and other information, documents, reports, etc., produced or acquired by the Superintendent of Insurance in the course of an examination under the Viatical Settlements Law; documents and evidence obtained by the Superintendent in an investigation of a suspected or actual fraudulent viatical settlement act; antifraud plans submitted to the Superintendent under that law; proprietary information of viatical settlement licensees; individual transaction data, and data that could compromise the privacy of the viator's or insured's personal, financial, and health information.
3922.21(A)	Records containing information pertaining to the medical history, diagnosis, prognosis, or medical condition of a covered person provided to the Superintendent of Insurance for any reason regardless of the source.
3929.302(G) and (I)	Information reported to the Department of Insurance by insurers and related entities or by attorneys or law firms regarding any medical, dental, optometric, or chiropractic claim asserted against a risk located in Ohio, if the claim resulted in a final judgment in any amount, a settlement in any amount, or a final disposition of the claim resulting in no indemnity payment on behalf of the insured.
3929.68	Reports and communications made in connection with certain actions of the Medical Liability Underwriting Association, the Stabilization Reserve Fund, the Superintendent of Insurance, and others.
3930.10	Reports and communications concerning the performance of powers and duties by the Ohio Commercial Insurance Joint Underwriting Association, the Superintendent of Insurance, and others under the Commercial Market Assistance Plan Law.
3935.06	Information submitted for an examination of policies, etc. by an insurance rating bureau.
3937.42(F)	Information a law enforcement or prosecuting attorney receives from an insurance company investigating a claim involving motor vehicle or vessel insurance, until a specified time.
3953.231(E)	Statements and reports submitted by a financial institution regarding trust account (IOLTA) interest used to fund legal aid programs.
3955.14(A)(2)	Ohio Insurance Guaranty Association's recommendations regarding the status of certain member insurers.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
3956.12(A)(4), (C), and (E)	Certain records concerning the detection and prevention of life and health insurance company insolvencies (Superintendent of Insurance and the Board of Directors of the Ohio Life and Health Insurance Guaranty Association).
3961.07(C) and (G)	All records and other information concerning a discount medical plan organization obtained by the Superintendent of Insurance in an examination or investigation of the business and affairs of such an organization.
3964.08(B) and 3964.193(A)	Documents and information submitted by a captive insurance company to the Department of Insurance superintendent or any employee. Examination reports, results, working papers, recorded information, documents obtained by or disclosed to the superintendent or any other person in the course of an examination.
3999.36(C)	Written notice of impairment sent by an insurer to the Superintendent of Insurance.
4104.19(E)(1)	The examination for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator.
4111.14(H) and (I)	The name of a person who makes a complaint, and all records and information related to investigations by the state, regarding an employer's compliance with the constitutional minimum wage requirements.
4112.05(B)(2) and (3)(c), 4112.051(D)(1) and (F)(3), and 149.43(A)(1)(i)	All information that was obtained as a result of or that otherwise pertains to a Civil Rights Commission preliminary investigation into allegedly unlawful discriminatory practices, prior to certain Commission actions.
4121.44(H)(1) and (L)(3)	Certain managed care and other information associated with the Bureau of Workers' Compensation qualified health plan system, health partnership program, and health care data program.
4121.45(B)	Information in a claim file that an Industrial Commission ombudsperson accesses that would tend to prejudice the case of either party to a claim or that would tend to compromise a privileged attorney-client or doctor-patient relationship.
4123.27	Information contained in employer annual statements filed with the Bureau of Workers' Compensation (BWC) and information regarding recipients of public assistance provided to BWC by the Ohio Department of Job and Family Services.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
4123.88	Claim files and other information concerning a claim or appeal filed with the Bureau of Workers' Compensation or the Industrial Commission and information directly or indirectly identifying the address or phone number of a claimant.
4125.05(F) and (G)	All records, reports, client lists, and other information obtained by BWC from a professional employer organization.
4133.07(F) and (G)	All records, reports, client lists, and other information obtained by BWC from an alternate employer organization. Effective March 24, 2021.
4141.162(E), 4141.21, and 4141.22	Certain information maintained by the Director of Job and Family Services under the Unemployment Compensation Law; and redisclosure of information declared confidential by the Unemployment Compensation Law.
4163.07(C)	Information pertaining to any shipment of special nuclear material or by-product material, until shipment of the material is completed (Executive Director of Emergency Management Agency).
4167.12	Information reported to or otherwise obtained by the administrator of workers' compensation or the administrator's designee in connection with any investigation, inspection or proceeding pertaining to Public Employment Risk Reduction that reveals a trade secret of any person.
4501.15	Social security and credit information obtained in connection with a driver's license or vehicle registration, with limited exceptions.
4501.27 and 4501.272	After September 13, 1997, certain personal information in motor vehicle records may be disclosed for permitted use only.
4501.271	Residence address of a peace officer, correctional employee, or youth service employee contained in Bureau of Motor Vehicle records. Business address to be displayed on driver's license or certificate of registration at the request of the peace officer, correctional employee, or youth service employee.
4501.81(A)	Information contained in Bureau of Motor Vehicles' next of kin database accessible only to employees of the bureau and to criminal justice agencies.
4507.20	Report submitted to the registrar of motor vehicles by physicians regarding the examination of a licensee's competency.
4507.53	Digitalized photographic records of the Department of Public Safety, except to state, local or federal governmental agencies for criminal justice purposes and to any court.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
4509.10	Accident reports submitted for use of the registrar of motor vehicles, subject to exemptions.
4513.263(C)(7)	Information provided and included in the database for people with a permanent or reasonably expected to be permanent physical impairment that makes the use of an occupant restraining device impossible or impracticable.
4517.43(A)	Motor vehicle dealer, motor vehicle auction owner, motor vehicle distributor, and motor vehicle salesperson license applications and copies of contracts.
4701.19(B)	Statements, records, schedules, working papers, and memoranda made by a certified public accountant or public accountant incident to or in the course of performing an audit of a public office or private entity, including those documents in the possession of the Auditor of State, except reports submitted by the accountant to the client.
4701.29(D)	Investigative proceedings of the Accountancy Board.
4719.02(E)	Social security numbers, bank accounts, and solicitation scripts, outlines or presentations in application to register with the attorney general as a telephone solicitor.
4723.35(F)	All records pertaining to an individual's application for or participation in an alternative program for chemically dependent nurses.
4727.18	Information relating to an investigation by the Superintendent of Financial Institutions of a person licensed as a pawnbroker or of any person the Superintendent reasonably suspects has violated Chapter 4727 of the Revised Code.
4729.23	Information received by the State Board of Pharmacy pursuant to an investigation.
4729.80(C)	Information contained in and obtained from the drug database established by the State Board of Pharmacy. Information contained in the records of requests for information from the database.
4734.45(B)	Information received by the State Chiropractic Board pursuant to an investigation.
4738.14	Motor vehicle salvage dealer, salvage motor pool, or salvage motor vehicle auction license applications.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
4741.22(D), 4757.36(J), 5101.93(B), and 959.07	Written warning for failing to report a violation involving a companion animal to an officer that is not a dog warden or deputy dog warden issued by (1) the state veterinary medical licensing board to a veterinarian, (2) the appropriate professional standards committee of the counselor, social worker, and marriage and family therapist, or (3) the entity responsible for the employment oversight of a social service professional to a social service professional. Effective April 21, 2021.
4751.30 and 4751.31(D)	Complaints filed with the Board of Executives of Long-Term Services and Supports. However, the Board may disclose any information it receives as part of investigation, including the identity of the person submitting the complaint may be disclosed to a law enforcement agency, licensing board, or other government agency that investigates, prosecutes or adjudicates alleged violations of statutes or rules.
4755.02(E)	Information and records received or generated by the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board pursuant to an investigation.
4757.38(B)(1)	Information received by the Counselor, Social Worker, and Marriage and Family Therapist Board pursuant to a complaint or investigation, except the Board may disclose information to law enforcement officers and government entities for purposes of an investigation.
4758.31	Chemical Dependency Professionals Board records pertaining to a pending investigation.
4759.05	Information received by the State Medical Board pursuant to a dietetics investigation other than as included in a quarterly report.
4765.06(C)	Information that identifies or tends to identify a specific recipient or provider of emergency medical services or adult or pediatric trauma care.
4765.102(B)	Information received by the state board of emergency medical services pursuant to an investigation or complaint, until completion of the investigation and any resulting adjudication proceedings.
4767.02(C)	Information obtained during an investigation or audit of a cemetery.
4768.04(C)	Information obtained during an investigation or audit conducted by the superintendent of real estate and professional licensing.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
4776.04	Results or reports of criminal records checks required for certain occupational licenses available only in response to specific requests.
5104.013(B)(7), (C)(4), (D)(4), and (F)(9)	With certain exceptions, the report of any criminal records check conducted by BCI, any information obtained by the Director of Job and Family Services concerning any abuse or neglect reports of which the following individuals is a subject, any information obtained by the Director's inspection of the state registry of sex offenders and child-victim offenders and the national sex offender registry to determine if any of the following persons is registered or required to be registered as an offender: (1) owner or licensee of a child day-care center, (2) owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home, (3) or owner or an approved child day camp, (4) any director of a licensed preschool program or licensed school child program that provides publicly funded child care, (5) any in-home aide, and (6) any applicant or employee of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. The report of any criminal records check conducted by BCI as to any applicant or employee, including an administrator, of a child day camp.
5101.131 and 5101.132	Information contained in or obtained from the Child Welfare Information System.
5101.27, 5101.273, 5101.28, and 5101.30	Information regarding a public assistance recipient, except for specified purposes and to specified entities, unless voluntary written authorization is provided by the recipient, an authorized representative, a legal guardian, or the recipient's attorney.
5101.29(A)-(C)	Names and other identifying information regarding children enrolled in or attending a publicly funded child day-care center or home; children placed with a foster caregiver or foster home; or any person who submits a complaint to the Department of Job and Family Services, or other entity responsible for enforcing Chapters 5103 or 5104 of the Revised Code, regarding a publicly funded child day-care center or home or a foster caregiver or foster home.
5101.63(F) and 5101.65	The written or oral report of suspected abuse, neglect, or exploitation of an adult made to a county department of jobs and family services and any investigative reports of the same made by the county department of jobs and family services.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
5119.17(D)	A record or information the Department of Mental Health and Addiction Services obtains or maintains for the Addicted Pregnant Women Program that could identify a specific woman or her child.
5119.26	Health and medical records of a person treated for alcoholism or drug addiction.
5119.27	Records or information pertaining to the identity, diagnosis, or treatment of any Director of Mental Health and Addiction Services-licensed or certified drug treatment program patient.
5119.28	Records and reports, other than court journal or docket entries, identifying a person and pertaining to the person's mental health condition, assessment, care or treatment in connection with services certified by the department of mental health and addiction services, unless disclosed by a permitted party.
5120.115	All reports generated of data collected in the risk assessment tool selected by the department of rehabilitation and correction for adult offenders.
5120.21(E) and (F)	Inmate records released by the Department of Rehabilitation and Correction (ODRC) to the Department of Youth Services (DYS) or court of record. Records of inmates committed to ODRC as well as records of persons under the supervision of the Adult Parole Authority.
5122.311(B)	Notices received by the Ohio Attorney General's Office from a hospital, community mental health services provider or facility used for the purpose of conducting incompetency records checks, as well as the information contained in the notices.
5123.61(M) and 5126.31(E)	Reports of abuse, neglect, and other major unusual incidents made to the DODD; reports received from county boards of developmental disabilities; and reports submitted to the law enforcement agency responsible for investigating the report are not public records.
5123.89(B)	All certificates, applications, records, and reports made for the purpose of Ohio Revised Code Chapter 5123, that directly or indirectly identify a resident or former resident of an institution for persons with intellectual disabilities or persons whose institutionalization has been sought shall be kept confidential, except in limited situations.
5139.56(C)	Written statement or written comments submitted by a victim or victim's representative to release authority to notify the victim of all release and discharge reviews of the child offender that has been committed to the legal custody of the Department of Youth Services.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
5153.17 and 5153.173	Records kept by a public children services agency concerning certain investigations; and information an agency possesses concerning a deceased child if a court determines disclosing the information would not be in the best interest of the deceased child's sibling or another specified child.
5153.171, 149.43(A)(1)(t), 5153.172, and 5153.173	Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney under certain circumstances involving deceased children whose deaths may have been caused by abuse, neglect, or other criminal conduct. The director shall not disclose any information pertaining to the deceased child(ren) if a judge of the county common pleas court where child resided at time of death determines that disclosing the information would not be in the best interest of a sibling of the deceased child or another child residing in the household.
5153.175(C)	Information provided to DJFS or a county department of job and family services by a public children services agency regarding child abuse or neglect that involves a person who has applied for licensure or renewal of licensure as a type A family day-care home or certification or renewal of certification of a type B family day-care home.
5153.176(D)	Information provided to the Superintendent of Public Instruction by a public children services agency regarding the agency's investigation of a report of child abuse or neglect involving a person who holds a license issued by the State Board of Education if the agency has determined that child abuse or neglect occurred and that abuse or neglect is related to the person's duties and responsibilities under the license.
5164.342(H)	Reports of any criminal records check conducted as a condition of employment for any applicant in a position that involves providing home and community-based services is not a public record, except in limited circumstances.
5164.752	Responses of terminal distributors of dangerous drugs to a survey initiated by the Department of Medicaid regarding the cost of dispensing drugs.
5501.56(B)	Any part of a transit agency's system safety program plan that concerns security for the system.
5501.71(F)	Materials, data, and financial information received by the director of transportation related to a proposal consisting of trade secrets. Note that financial information becomes public when a proposal is selected.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
5502.03(B)(2)	Information collected, analyzed, maintained, and disseminated by the Division of Homeland Security to support local, state, and federal law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, responding to, and recovering from threatened or actual terrorist events.
5502.08(E)	Information contained in the database of persons registered as being diagnosed with a communication disability.
5502.12	State Highway Patrol (SHP) reports, statements, and photographs relative to accidents it investigates, in the Director of Public Safety's discretion and until a specified time.
5505.04(C) and (E)(4)	State Highway Patrol Retirement Board records containing a personal history record of monthly allowance or benefit information; the identity of recipients of public assistance.
5525.04 and 5525.15	Information the Director of Transportation receives from transportation construction project contract bidders, and the estimate of cost of any project to be constructed by ODOT by competitive bidding, in the Director's discretion until the occurrence of specified events.
5537.07(A)	The cost estimate for the construction, demolition, alteration, repair, improvement, renovation, or reconstruction of roadways and bridges for which the Ohio Turnpike Commission is required to receive bids, in the Commission's discretion and until all bids for the public improvement have been received or the deadline for receiving bids has passed.
5703.21(A), (C)(9), and (C)(16), and 5703.53(I)	Information acquired by a Department of Taxation agent as to any person's transactions, property, or business; notices or documents provided to a county auditor concerning the taxable value of property in the county; certain opinions the Tax Commissioner prepares for a taxpayer; and identifying information in an opinion.
5709.081(D)	Certain records of a corporation that owns tax-exempt "public recreational facility" property used by a major league professional team.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
5711.10, 5711.101, 5711.11, 5711.18, 5711.25, and 5711.26	An investments-related document filed with returns of taxable property under certain circumstances; a document filed with returns of taxable property when the Tax Commissioner requires a business to file a financial statement or balance sheet; tax returns listing personal property used in business or credits and other returns; information about a taxpayer's business, property, or transactions the Tax Commission obtains for the purpose of adopting or modifying the method of determining true value; and preliminary, amended, and final assessment certificates concerning certain taxpayers.
5715.49 and 5715.50	Taxpayer transactions, property, or business information acquired by a county auditor; county board of revision member; expert, clerk, or employee of a county auditor, a county board of revision, or the Tax Commissioner; or Tax Commissioner deputy, assistant, or agent, in the course of employment.
5727.11(I)	Information about the business, property, or transactions of any tax payer obtained by the Tax Commissioner in adopting or modifying the utility's composite annual allowance.
5731.90(A)(1)	For purposes of the Ohio Estate Tax Law, certain tax returns and information the probate court, Department of Taxation, county auditor or treasurer, municipal or township fiscal officers, Attorney General, or other authorized person possesses.
5733.03, 5733.056(B)(4), and 5733.42(E)	For purposes of the Corporation Franchise Tax Law, information gained from returns, investigations hearings, or verifications; a financial institution's balance sheet made available upon the Tax Commissioner's request; and financial statements and other information submitted to the Director of Job and Family Services for an employee "eligible training program" tax credit.
5735.33	For purposes of the Motor Vehicle Fuel Tax Law, information acquired by Department of Taxation employees in an investigation.
5739.35, 5741.24, 5743.45, and 5747.60	Information acquired by Department of Taxation employees in an investigation under the Sales Tax Law, the Use Tax Law, the Cigarette Tax Law, or the Personal Income Tax Law.
5740.08	For purposes of the Interstate Streamlined Sales and Use Tax Law, personally identifiable information of consumers who buy, lease, or rent tangible personal property or services from a certified service provider as required by the Department of Taxation for taxpayer information.
5747.18	Information from a return, investigation, hearing, or verification associated with the Personal Income Tax Law.

APPENDIX A

<u>REVISED CODE SECTION</u>	<u>TOPIC</u>
5751.12	Any information required by the Tax Commissioner under the Commercial Activity Tax.
5901.09(A), (B), and (C), and 5902.04(B) and (C)	Certain documents and information relative to applications for financial assistance to a county veterans service commission and, generally, commission documents that the Director of Veterans Services obtains that identify applicants for or recipients of financial assistance.
6111.05	Records, reports, or information accessible under the Federal Water Pollution Control Act by the Director of Environmental Protection that constitutes trade secrets. If the Director is to divulge any alleged trade secret information, the Director must give ten days' written notice to the person claiming trade secrecy.
6121.21 and 6123.20	Records or information relating to secret processes or secret methods of manufacture or production the Ohio Water Development Authority obtains.

Ohio Attorney General Opinions Interpreting Ohio’s Public Records Act

The following are summaries of selected Opinions of the Ohio Attorney General that have addressed or interpreted the Public Records Act. Be aware that the validity of any one opinion may have been affected by a subsequent court opinion or statutory change. The full text of these opinions can be found at <http://www.ohioattorneygeneral.gov/opinions>.ⁱ

2017-042

Fingerprints or photographs of a child obtained or taken under R.C. 2151.313(A)(1) or (2), copies of fingerprints or photographs of that nature, or records of the arrest or custody that was the basis of the taking of fingerprints or photographs of that nature, are not “public records,” unless: (1) the originals and copies of fingerprints and photographs taken under R.C. 2151.313(A)(2) of a child described in R.C. 2151.313(B)(3), and any records of the arrest or custody that was the basis for the taking of the fingerprints or photographs, are transferred by a law enforcement agency pursuant to R.C. 2151.313(B)(3)(b)(ii) to files that are used for the retention of fingerprints and photographs taken of adults who are arrested for, otherwise taken into custody for, or under investigation for the commission of a criminal offense, and (2) the transferred records are not otherwise excluded from the definition of “public record” by any of the exceptions in R.C. 149.43(A)(1).

2014-030

When a county law library resources board deems it necessary, and subject to the approval of the board of county commissioners, a county law library resources board may contract with and pay a vendor to digitize public records of the county recorder, and to post those records and the public records of the clerk of court on a third-party website. A county law library resources board may also purchase a public access computer for placement in the county law library.

2014-029

Whether personal email addresses that are contained in a public record are themselves public records is a fact-specific inquiry that must be determined on a case-by-case basis. Personal email addresses that are contained in an email sent by a township fiscal officer that do not document the organization, functions, policies, decisions, procedures, operations or other activities of the township do not constitute “records,” as defined in R.C. 149.011(G), and are not required to be disclosed by R.C. 149.43.

To determine whether personal email addresses document the organization, functions, policies, decisions, procedures, operations, or other activities of the township, the township must determine whether disclosure of the email addresses would facilitate the public’s ability to monitor the functions of the township in performing its statutory duties, and whether the township actually used the email addresses in making decisions or in performing its functions.

APPENDIX B

2014-021, n. 5

A law enforcement agency's access to information about a public assistance recipient that is found within the records of a county department of job and family services, including by public records request, is limited by the statutes controlling the release of such information.

2014-009

For purposes of R.C. 149.43, a county auditor makes a public record available for inspection when he provides access to the public records online through the county's website. A county auditor may not charge and collect a fee for making public records available for inspection on a county website.

2014-007

A social security number, driver's license number, name (first, middle, and last), street name, city and state received by the Secretary of State from the Bureau of Motor Vehicles are personal information as defined in 18 U.S.C. § 2725(3) and R.C. 4501.27(F)(3). Other information that the Bureau of Motor Vehicles provides to the Secretary of State is personal information for purposes of 18 U.S.C. § 2725(3) and R.C. 4501.27(F)(3) if the information identifies an individual. The Secretary of State is an authorized recipient of personal information under 18 U.S.C. § 2721(c) and R.C. 4501.27(C), and may disclose personal information for the permissible uses set forth in 18 U.S.C. § 2721(b)(1)-(10) and (13)-(14) and R.C. 4501.27(B)(2)(a)-(k) and (n)-(o).

The Secretary of State may disclose personal information to a member of the General Assembly pursuant to 18 U.S.C. § 2721(b)(1) and R.C. 4501.27(B)(2)(a), provided the information is sought for use in carrying out the functions of the General Assembly. The Secretary of State may disclose personal information to a journalist pursuant to 18 U.S.C. § 2721(b)(5) and R.C. 4501.27(B)(2)(f), provided the journalist intends to use the information for research activities and does not publish or re-disclose the information or use the information to contact the individuals to whom the information pertains.

2013-006

The term "special taxing district," as used in R.C. 149.412, means a separate and distinct territorial division of government throughout which a tax may be levied to promote or achieve a public purpose. A county veterans service commission and a county board of developmental disabilities are subject to the jurisdiction of a county records commission under R.C. 149.38. The entities subject to the jurisdiction of a special taxing district records commission under R.C. 149.412 include, but are not limited to: (1) a county soil and water conservation district; (2) a single county alcohol, drug addiction, and mental health service district; (3) a general health district; and (4) a combined general health district.

APPENDIX B

2012-036

Pursuant to R.C. 307.862(C), information in a competitive sealed proposal submitted to a county contracting authority pursuant to R.C. 307.862 becomes a public record that must be made available for public inspection and copying under R.C. 149.43 after the contract is awarded, unless the information falls within one of the exceptions to the definition of the term “public record” set forth in R.C. 149.43(A)(1) and is redacted from the proposal by the contracting authority.

Pursuant to R.C. 307.87 and R.C. 307.88, information in a competitive bid submitted to a county contracting authority under R.C. 307.86-.92 becomes a public record that must be made available for public inspection and copying under R.C. 149.43 after the bid is opened by the contracting authority, unless the information falls within one of the exceptions to the definition of the term “public record” set forth in R.C. 149.43(A)(1) and is redacted from the bid by the contracting authority.

2012-032

The Ohio Vendors Representative Committee is a public office subject to the requirements of R.C. 149.43. The Committee is responsible for maintaining the public records of the Committee. The chairperson of the Committee is responsible for developing a records retention schedule for the Committee under R.C. 149.34.

2012-028

Pursuant to R.C. 4141.22, information that is (1) maintained by the Ohio Department of Job and Family Services and provided to the Unemployment Compensation Review Commission by the Department and (2) placed in a director’s file, review file, or decision of the Commission is not a public record that must be made available for inspection and copying under R.C. 149.43. Information in a director’s file, review file, or decision of the Commission that is not subject to the confidentiality provision of R.C. 4141.22 is a public record for purposes of R.C. 149.43, unless the information is not a “record,” as defined in R.C. 149.011(G), or the information falls within one of the exceptions to the definition of the term “public record” set forth in R.C. 149.43(A)(1).

2011-012

A provisional ballot envelope is subject to state elections laws mandating the seal and preservation of ballots until any possible recount or election contest is completed; state law, within the meaning of R.C. 149.43(A)(1)(v) and R.C. 3501.13(C), prohibits the release of provisional ballot envelopes during the time a board of elections is required to preserve ballots under seal. A provisional ballot envelope is a “public record” subject to release once the time has passed during which a board of elections is required to preserve ballots under seal. R.C. 3505.181(B)(5)(b) does not prohibit the release of provisional ballot envelopes. Rather, R.C. 3505.181(B)(5)(b) prohibits the release of particular voter information through the free access system to anyone other than the voter to whom that information pertains. The free

APPENDIX B

access system established pursuant to R.C. 3505.181(B)(5)(b) may be used only by a voter to gain access to information about his individual provisional ballot.

2010-029

The Ohio Department of Job and Family Services, in support of civil or criminal prosecutions arising out of investigations by the Bureau of Workers' Compensation, may provide certified copies of employer payroll records to the Bureau or the appropriate prosecuting authority and may allow a Department representative to testify regarding those records at trial.

2010-016

R.C. 1347.15 requires every state agency to adopt rules under R.C. Chapter 119 regulating access to its confidential personal information systems, but exempts the courts, any "judicial agency," any state assisted institution of higher education, and any local agency from such requirements. A judicial agency is part of the judicial branch of government or renders judgments in quasi-judicial proceedings. The Board of Tax Appeals (BTA) renders judgments to resolve justiciable disputes arising under Ohio's tax laws and its proceedings are quasi-judicial in nature. The BTA is therefore not subject to the requirements of R.C. 1347.15.

2008-019

An audio tape recording of a meeting of a board of township trustees that is created by the township fiscal officer for the purpose of taking notes to create an accurate record of the meeting, as required by R.C. 507.04(A), is a public record for purposes of R.C. 149.43. The audio tape recording must be made available for public inspection and copying, and retained in accordance with the terms of the township records retention schedule for such a record.

2008-003

Depending on the manner in which it is formed and operated, a non-profit corporation formed under R.C. 183.061 might be subject to the public records law in R.C. 149.43, the open meetings law in R.C. 121.22, or particular contracting controls governing state agencies.

2007-042

A county coroner who performs an autopsy and forensic examination, pursuant to contract with the coroner who has jurisdiction over the case, is not required by R.C. 313.09 to keep the autopsy and examination reports he prepares, but he must keep copies of the reports in conformance with his office's records retention schedule, as filed and approved in accordance with R.C. 149.38.

APPENDIX B

A county coroner who performs an autopsy and forensic examination, pursuant to contract with the coroner who has jurisdiction over the case, is required by R.C. 149.43 to make available to any person for inspection and copying the copies of the autopsy and forensic examination reports that he prepared for the jurisdictional coroner, unless a report is not a public record under a statutorily defined or constitutionally mandated exception.

A county corner who performs an autopsy and forensic examination, pursuant to contract with the coroner who has jurisdiction over the case, has no duty under R.C. 313.10(D) or (E), or R.C. 149.43, to make available to journalists or insurers copies of any records that his office has retained in connection with performance of the contract if the records are not public records.

2007-039

In the context of R.C. 2923.129, which concerns the powers and duties of a county sheriff with respect to information kept pertaining to licenses to carry concealed handguns, a journalist is prohibited from making a reproduction by any means, other than through his own mental processes, of the information the journalist is permitted to view under the statute. A sheriff may exercise his discretion in determining a reasonable manner by which a journalist may view, but not copy, that information so long as the confidentiality of other information relative to licenses to carry concealed handguns is maintained. Any party subject to the journalist exception is prohibited from revealing, disclosing, or otherwise making known any of the information made confidential by the statute, is prohibited except as required by a court order, or unless a statute specifically authorizes or requires other uses of such information. R.C. 2923.129(B)(1) does not prohibit a newspaper from publishing information that a journalist has viewed in accordance with the statute.

2007-034

A piece of physical evidence collected by law enforcement in connection with a criminal investigation and held by a county prosecuting attorney following conclusion of the trial, appeals, and post-conviction proceedings to which the evidence pertains is not a public records for purposes of R.C. 149.43.

2007-026

Article II, Section 34a of the Ohio Constitution and Am.Sub. HB690, 126th Gen. A. (2006) (eff. April 4, 2007) do not render confidential information about a public employee's rate of pay, the number of hours worked by the employee, or the amount of compensation paid to the employee, nor do they otherwise exempt this information from inspection and copying under R.C. 149.43. Therefore, any person, including any co-worker of the public employee, has the right under R.C. 149.43 to inspect and copy information about a public employee's pay rate, hours worked, and amounts paid.

APPENDIX B

2007-025

The “good cause” standard described in 1991 Ohio Op. Att’y Gen. No. 91-003, under which the executive director of a public children services agency (PCSA) determines whether to grant access to child abuse or neglect investigation records included as confidential records under R.C. 5153.17, is applicable to all PCSA records described in R.C. 5153.17, including records pertaining to matters other than child abuse or neglect investigations. (1991 Ohio Op. Att’y Gen. No. 91-003, approved and clarified).

A PCSA is responsible for keeping records described in R.C. 5153.17 confidential and may disclose them only as authorized by statute, in accordance with the “good cause” standard described in 1991 Ohio Op. Att’y Gen. No. 91-003. If, in conjunction with a criminal proceeding or investigation or a civil proceeding, a PCSA received a subpoena requesting the disclosure of information that is confidential under R.C. 5153.17, the PCSA, in order to preserve the confidentiality prescribed by statute, may file a motion to quash the subpoena, thereby seeking from the court an in camera review of the PCSA’s records and a determination as to whether and to what extent the information may be disclosed.

2006-038

In the absence of a statute to the contrary, foreign individuals and entities domiciled in a foreign country are “persons” who are entitled to inspect and copy public records pursuant to R.C. 149.43.

2006-037

Except as provided in R.C. 149.43 (A)(1)(a)-(y) and R.C. 1724.11, information kept in the records of a community improvement corporation designated as an agency of a county under R.C. 1724.10 is a public record for purposes of R.C. 149.43.

2005-047

Because individuals possess a constitutionally protected privacy right in their social security numbers, such numbers when contained in a court’s civil case are not public records for purposes of R.C. 149.43. Prior to releasing information from a court’s civil case files, the clerk of court has a duty to redact social security numbers included in those files. An individual’s personal financial information contained in a court’s civil case files is a public record for purposes of R.C. 149.43 unless the information is not a “record” of the court or the information falls within one of the exceptions to the definition of the term “public record” set forth in R.C. 149.43(A)(1).

2005-039

R.C. 3701.741(C)(1)(c) requires a health care provider or a medical records company to provide one free copy of an individual’s medical records only to the Ohio Department of Job and Family Services, not to the various county departments of job and family services. A *county* department of job and family

APPENDIX B

services is not included within the language “[t]he department of job and family services, in accordance with [R.C. Chapter 5101] and the rules adopted under those chapters,” as used in R.C. 3701.741(C)(1)(c).

2004-050

Under Ohio law, a board of elections has a duty to preserve ballots in sealed containers until any possible recount or election contest is completed. Ballots are therefore not “public records” for purposes of R.C. 149.43 while they remain under seal or where they are subject to a court order prohibiting their release. In addition, they are not subject to inspection under R.C. 3501.13 during such time.

However, once the time within which a possible recount or election contest may occur has passed, pursuant to R.C. 3501.13, such ballots are subject to public inspection “under such reasonable regulations as shall be established by the board.” Nonetheless, the board of elections remains under a duty to “carefully preserve” ballots used in an election for the remainder of the preservation period prescribed by R.C. 3505.31.

In addition, upon completion of the canvass of election returns under R.C. 3505.32, poll books used in an election are public records of a board of elections and are subject to public inspection in accordance with any reasonable regulations the custodian board of elections has established under R.C. 3501.13.

2004-045

Information of a personal nature within a criminal case file is subject both to Ohio’s public records law and a constitutional right of access. Therefore, whether information within a criminal case file may be withheld depends on whether the information meets or is exempt from the definition of a “public record” under the Public Records Act, R.C. 149.43(A)(1), and whether the qualified constitutional right has been overridden.

2004-033

A county recorder who makes available in her office a photocopying machine for use by the public may not charge the two-dollar per page fee set forth in R.C. 317.32(I) where the public without the assistance of the recorder or her staff operates the photocopier. The recorder is, instead, subject to R.C. 149.43(B), which requires a public office to provide copies of public records “at cost.”

2004-011

A county recorder may not impose a fee upon a requester to inspect records or make copies using their own equipment. However, the county recorder may impose reasonable rules governing the use and operation of such equipment.

APPENDIX B

2003-030

R.C. 2303.26 requires the clerk of courts to carry out her duties “under the direction of [her] court.” Once the judges of a court of common pleas have delegated to the judges of a division of that court authority to determine whether to make that division’s records available to the public through the Internet, and the judges of that division have ordered that its records are not to be accessible to the public through the Internet, the clerk of courts must obey that order, unless a court of competent jurisdiction reverses that order or prohibits its enforcement.

2003-025

Pursuant to R.C. 2953.321, R.C. 2953.54, and R.C. 2151.358, a county sheriff may not disclose to the public information in an investigatory work product report that pertains to a case the records of which have been ordered sealed or expunged pursuant to R.C. 2953.31-.61 or R.C. 2151.358. But the sheriff must disclose information in the report that relates to a defendant, suspect, or juvenile offender who has not had this information ordered sealed or expunged, unless one of the exceptions set forth in R.C. 149.43(A) applies to the information.

2002-040

Except as provided in R.C. 149.43(A)(1) and R.C. 2950.081(B), sex offender registration information submitted to a county sheriff by a sex offender who is required to register with the sheriff under R.C. Chapter 2950 may be made available to the general public on the Internet through the sheriff’s website, provided such access to the public records does not endanger the safety and integrity of the records or interfere with the discharge of the sheriff’s duties.

A county sheriff that provides sex offender registration information to the general public on the Internet through a website must provide a written notice containing the information set forth in R.C. 2950.11(B) to all the persons listed in R.C. 2950.11(A). Except for the persons listed in R.C. 2950.11(A)(1) and Ohio Admin. Code 109:5-2-03(A)(1)(c), a county sheriff may use email to electronically transmit the written notice required by R.C. 2950.11(A). The persons listed in R.C. 2950.11(A)(1) and Rule 109:5-2-03(A)(1)(c) must receive the written notice required by R.C. 2950.11(A) by regular mail or by personal delivery to their residences.

2002-030

In the absence of facts indicating that the names and addresses of a county sewer district’s customers fall within one of the exceptions to the definition of “[p]ublic record” contained in R.C. 149.43(A)(1), such names and addresses are public records that are subject to disclosure by the sewer district in accordance with R.C. 149.43.

APPENDIX B

2002-014

Transcripts prepared pursuant to R.C. 2301.23 by a court reporter of the court of common pleas are public records under R.C. 149.43, unless the transcripts include or comprise a record that is exempt from the definition of “public record” in R.C. 149.43(A)(1). (1989 Op. Att’y Gen. No. 89-073, syllabus, paragraph two, approved and followed.) A party in a trial of a civil action in the court of common pleas that requests a photocopy of a transcript previously prepared pursuant to R.C. 2301.23 in the action is required to pay the compensation fixed by the judges of the court of common pleas under R.C. 2301.24 in order to obtain the photocopy of the transcript from the court.

Each party in a trial of a civil or criminal action in the court of common pleas that requests a transcript pursuant to R.C. 2301.23 is required to pay the court reporter of the court of common pleas who prepares the transcript the compensation fixed by the judges of the court of common pleas in accordance with R.C. 2301.24.

Each time that a party in a trial of a civil or criminal action in the court of common pleas requests a transcript pursuant to R.C. 2301.23, the court reporter of the court of common pleas who prepares the transcript is entitled to the entire compensation fixed by the judges of the court of common pleas in accordance with R.C. 2301.24, unless the party requests at the same time more than one transcript of the same testimony or proceeding. In such a situation, pursuant to R.C. 2301.25, the court reporter is entitled to the entire compensation fixed by the judges of the court of common pleas in accordance with R.C. 2301.24 for the first copy and to one-half the compensation allowed for the first copy for each additional copy.

A prosecuting attorney in a trial of a civil or criminal action in the court of common pleas or the court of appeals may not obtain a photocopy of a transcript previously prepared in the action from the court’s file without paying the court reporter of the court of common pleas or the court of appeals, respectively, the compensation fixed by the judges of the court of common pleas in accordance with R.C. 2301.24 or the judges of the court of appeals in accordance with R.C. 2501.17.

2001-041

Information on a run sheet created and maintained by a county emergency medical services (EMS) organization that documents medication or other treatment administered to a patient by an EMS unit, diagnostic procedures performed by an EMS unit, or the vital signs and other indicia of the patient’s condition or diagnosis satisfied the “medical records” exception of R.C. 149.43(A)(1)(a), and thus, is not a “public record” that must be released to the public pursuant to R.C. 149.43(B). (1999 Op. Att’y Gen. No. 006, approved and followed.)

Information on a run sheet created and maintained by a county emergency medical services organization that documents medication or other treatment administered to a patient by an EMS unit, diagnostic procedures performed by an EMS unit, or the vital signs and other indicia of the patient’s condition or diagnosis, and is relied upon by a physician for diagnostic or treatment purposes, is a communication covered by the physician-patient testimonial privilege of R.C. 2317.02(B), and thus, is confidential information, the release of which is prohibited by law for purposes of R.C. 149.43(A)(1)(v).

APPENDIX B

(1996 Op. Att’y Gen. No. 005 and 1999 Op. Att’y Gen. No. 006, approved and followed.) If a physician authorizes an emergency medical technician (EMT) to administer a drug or perform other emergency medical services, documentation of the physician’s authorization and administration of the treatment or procedure by the EMS unit may also fall within the physician-patient testimonial privilege.

A written protocol, developed pursuant to R.C. 4765.41, without reference to a particular patient, for use by emergency squad personnel in cases where communication with a physician is not possible and the patient’s life is in danger, does not establish, for purposes of R.C. 149.43(A)(1)(v), a physician-patient testimonial privilege between the physician who prepared the protocol and a patient who is treated by an EMS unit pursuant to that protocol, where there is no further communication by the EMS unit with the physician about the condition or treatment of the patient.

If an EMS unit administers a controlled substance to a patient, the patient’s name and address documented on the run sheet will, pursuant to Ohio Admin. Code 4729-9-14(A)(3) (Supp. 2000-2001), be deemed to meet a portion of the record keeping requirements of R.C. 3719.07, and thus, will be confidential under the terms of R.C. 3719.13, if the run sheet becomes a permanent part of the patient’s medical record. However, information on the run sheet that pertains to the administration of a drug that is not a controlled substance is not required by R.C. 3719.07 or other provision of R.C. Chapter 3719, and thus, does not fall within the confidentiality requirements of R.C. 3719.13.

2001-012

Data, photographs, maps, and other information created, collected, prepared, maintained, and published pursuant to R.C. 1504.02(A)(6) by the Department of Natural Resources’ Division of Real Estate and Land Management are public records for purposes of R.C. 149.43. If the Department of Natural Resources stores, produces, organizes, or compiles public records in such a manner that enhances the value of data or information included therein, it may charge for copies an amount that includes the additional costs of copying the information in such enhanced or “value-added” format. R.C. 1501.01, which authorizes the director of the Department of Natural Resources to “publish and sell” data, reports and information, does not authorize the director to charge an amount in excess of its actual cost for providing copies of the records created and maintained pursuant to R.C. 1504.02(A)(6).

2000-046

A county recorder may make indexed public records available through the Internet, provided this does not endanger the records or interfere with the recorder’s duties. A fee cannot be charged or collected to inspect or copy records from the Internet when a person does not use equipment maintained by the recorder. Internet access cannot be limited to real estate title companies.

APPENDIX B

2000-036

Governor's Office of Veterans Affairs is prohibited by 32 C.F.R. § 45.3(e)(4) from releasing a copy of a Certificate of Release or Discharge from Active Duty (DD Form 214) without the written consent of the service member who is the subject of the DD Form 214.

2000-021

R.C. 149.43, as amended by Am. Sub. S.B. 78, 123rd Gen. A. (1999) (eff. Dec. 16, 1999), imposes no duty upon any particular individual or office to notify public offices of a peace officer's residential and familial information or to update the database. For purposes of R.C. 149.43, a child of a peace officer includes a natural or adopted child, a stepchild, and a minor or adult child.

Under the definition in R.C. 149.43(A)(7), peace officer residential and familial information encompasses only records that both contain the information listed in the statute and disclose the relationship of the information to a peace officer or a spouse, former spouse, or child of the peace officer, and those are the only records that come within the statutory exception to mandatory disclosure provided by R.C. 149.43(A)(1)(p). The exception for peace officer residential and familial information applies only to information contained in a record that presents a reasonable expectation of privacy, and does not extend to records kept by a county recorder or other public official for general public access. The general provisions of R.C. 149.43 excluding peace officer residential and familial information from mandatory disclosure do not operate to impose requirements or limitations on systems of public records that have been designed and established for general public access, where there is no reasonable basis for asserting a privacy interest and no expectation that the information will be identifiable as peace officer residential and familial information.

R.C. 149.43 provides no liability for disclosing information that comes within an exception to the definition of "public record." Liability may result, however, from disclosing a record that is made confidential by a provision of law other than R.C. 149.43.

1999-012

When county office chooses to create customized document from an existing public record it may only charge its actual cost, which does not include employee time or computer programming fees.

1999-006

Information on a county EMS run sheet that does not satisfy either the medical records exception or the "catch-all" exception is a public record and must be disclosed pursuant to R.C. 149.43(B). HIV testing information contained in run sheets must not be disclosed.

APPENDIX B

1997-038

Information submitted to a county sheriff pursuant to R.C. Chapter 2950 by an individual who has been convicted of or pleaded guilty to a sexually oriented offense is a public record that must be made available for inspection to any person, except to the extent that such information comprises “records the release of which is prohibited by state or federal law.”

1997-010

Information within a workers’ compensation claim file that does not fall within one of the exceptions listed in R.C. 149.43(A)(1) is a public record which must be disclosed to the public pursuant to R.C. 149.43(B) when the Bureau of Workers’ Compensation, a member of the Industrial Commission, the claimant, or the employer has authorized the examination of the claim file as required by R.C. 4123.88. (1975 Op. Att’y Gen. No. 75-062 (syllabus, paragraph one), overruled.)

Information in a workers’ compensation claim file that indicates that an individual has been diagnosed as having AIDS or an AIDS-related condition is not a public record that the Bureau of Workers’ Compensation must disclose to the public.

1996-034

A county recorder is not required to remove or obliterate social security numbers from mortgages, mortgage releases, veterans discharges, and financing statements before recording those instruments.

1996-005

Records collected for trauma system registry or emergency medical services incidence reporting systems that constitute medical records or physician/patient privilege do not constitute public records. The State Board of Emergency Medical Services is not required to disclose such records, and the Board is required to maintain confidentiality of any patient identifying information contained therein.

1995-001

PASSPORT administrative agency operated by a private non-profit agency is a public office for purposes of Ohio Public Records Act and public body for purposes of Ohio Open Meetings Act.

1994-089

A clerk of court may not remove, from a court file, a pleading that is stricken from the record or an original pleading when a substitute pleading is filed in its place unless removal is permitted by law or by the appropriate records commission.

APPENDIX B

1994-084

A county human services department may release the address of a current recipient of aid to dependent children, general assistance, or disability assistance to a law enforcement agency that has authority to apprehend an individual under an outstanding felony warrant.

1994-058

A township clerk is authorized to have access to estate tax returns or other records or information made confidential by R.C. 5731.90 in connection with the duties and responsibilities of the clerk. A county treasurer who reports collection of estate tax to a township clerk is permitted to reveal the identity of taxpayer to the township clerk in the course of making the report.

1994-046

All information pertaining to LEADS is not public record subject to disclosure.

1994-006

If a person requesting copies of public records stored by the county recorder on microfiche or film presents a legitimate reason why paper copies are insufficient or impracticable and assumes the expense of making the copies in that medium, the county recorder is required to make available in the same medium a copy of the portions of the microfiche or film containing the public records.

1993-038

When a court orders official records of a case sealed and such order does not require sealing of the pertinent official records of an administrative licensing agency, the agency is not required to seal its records. The agency may seal its records containing information prohibited from disclosure pursuant to R.C. 2953.35(A).

1993-033

Pursuant to R.C. 5715.07, all documents relating to the assessment of real property that are in the office of a county board of revision or in the official custody or possession of the board of revision are required to be open to public inspection.

A member or an employee of a county board of revision who, pursuant to R.C. 5715.07, makes available for public inspection documents concerning the transactions, property, or business of any person, company, firm, corporation, association, or partnership that are in the office of the county auditor or county board of revision or in the official custody or possession of such officer or board, does not violate R.C. 5715.49 or R.C. 5715.50.

APPENDIX B

1993-010

Blueprints submitted to a county building inspection department for approval under R.C. 3791.04 are public records while in possession of the department.

1992-071

A county board of mental retardation and developmental disabilities may not disclose to a parent organization the names of the board's clients or the names, addresses, and phone numbers of the parents of the board's clients unless proper consent is obtained.

1992-046

Reports and investigations pursuant to R.C. 2151.421 are confidential and dissemination of such information to an agency or organization is permitted only if the agency or organization has rules or policies governing the dissemination of confidential information consistent with Ohio Admin. Code 5101:2-34-38. Ohio Admin. Code 5101:2-34-38(F) permits disclosure of child abuse and neglect investigation information when the dissemination of information is believed to be in the best interest of an alleged child victim, his family, or caretaker, a child residing, or participating in an activity at an out-of-home care setting where alleged abuse or neglect has been reported, or a child who is an alleged perpetrator.

1992-005

A copy of a federal income tax Form W-2 prepared and maintained by a township as an employer is subject to inspection as a public record.

1991-053

Federal tax return information filed by an individual pursuant to R.C. 3113.215(B)(5) and a local rule of court is a public record. 26 U.S.C. § 6103, governing the confidentiality of federal income tax returns, is inapplicable to income tax returns submitted to a court of common pleas by a litigant in connection with a child support determination or modification proceeding in that court.

1991-003

A county prosecuting attorney may release children services agency's child abuse or neglect investigation file only with the written permission of the agency executive secretary. The executive secretary may only grant permission for good cause. Child abuse or neglect investigation records maintained by public children services agencies are not public records. (Clarified by 2007-025.)

APPENDIX B

1990-103

Absent statutory authority, a county recorder is without authority to delete documents from the records of the county recorder.

1990-102

Ohio Public Records Act does not make confidential all records filed with Ohio taxation authorities. Specific Revised Code sections make particular information confidential.

1990-101

Records of juvenile offenders are not public records to the extent that a specific exception in R.C. 149.43 or an applicable provision of state or federal law prohibits their release. Sealed or expunged juvenile records are not public records. (Syllabus, paragraph 3, modified and clarified by 2017-042.)

1990-099

Public school officials may not release, without proper consent on behalf of the student, information concerning illegal drug or alcohol use by students to law enforcement agencies where such information is personally identifiable information, other than directory information concerning any student attending a public school.

1990-057

Subject to the provisions of R.C. 149.351(A), a county official may, pursuant to a valid contract, temporarily transfer physical custody of the records of his office to a private contractor to microfilm such records at the facilities of the contractor. A contract must incorporate sufficient safeguards to prevent loss, damage, mutilation, or destruction of the records.

1990-050

Names, addresses, and telephone numbers of employees of a public school district are public records open to inspection by any person. Motive is irrelevant even if for commercial purposes.

APPENDIX B

1990-007

Unless state or federal law prohibits disclosure to a person who is the subject of information kept by an Ohio public office, R.C. Chapter 1347 permits the person to inspect and copy such information. Chapter 1347 is not a provision of state law prohibiting the release of information under R. C. 149.43.

1989-084

Records that do not constitute “personal information systems” as used in R.C. Chapter 1347 are not subject to the disclosure provision of Chapter 1347. Child abuse and neglect investigatory records maintained by public children services agency constitute “investigatory material compiled for law enforcement purposes” within the meaning of R.C. 1347(A)(1)(e).

1989-073

Shorthand notes taken pursuant to R.C. 2301.20 and transcripts prepared pursuant to R.C. 2301.23 are public records unless they include or comprise a record excepted from the definition of public record.

1989-055

A judicial determination that a particular entity is a public office under R.C. 149.011(A) is not determinative of the question whether that entity is a public office under R.C. 117.01(D) for purposes of audit and regulation by the Auditor of State.

1989-042

Providing that properly approved record retention schedules under R.C. 149.333 permit disposal of paper or other original documents after recording by optical disk process, original documents may be destroyed and the recorded information stored on optical disks becomes the original of the public record.

1988-103

An application to the County Veterans Service Commission for assistance under R.C. Chapter 5901 is a public record (now exempt from disclosure). (Overruled in part by 1998-029.)

1987-024

A community improvement corporation organized pursuant to R.C. Chapter 1724 is not a “political subdivision” as that term is defined in R.C. 2744.01(F).

APPENDIX B

1987-010

A public school may not forward personal information regarding the first-time use of drugs or alcohol by a student on school property to local law enforcement agencies without the consent of the student's parent or guardian, or the student, where appropriate. (Clarified by 1990-099.)

1986-096

Disclosure of the number of persons employed by an applicant at the time of application for a loan is prohibited where such information is submitted to the Director of Development, the Controlling Board, or the Minority Development Financing Commission in connection with a loan application.

1986-089

A personnel file maintained by an exempted village school district is a public record except to the extent such file may include records that are exempt from the definition of the term public record.

1986-069

A letter requesting an advisory opinion from the Ohio Ethics Commission under R.C. 102.08 and the documents held by the commission concerning such advisory opinion are public records.

1986-033

The Unemployment Compensation Board of Review may, in accordance with the specific terms of the schedule of retention pertaining thereto and approved by the State Records Commission, destroy or dispose of its hearing records six months after a decision by the Board of Review becomes final. The hearing records shall be destroyed or disposed of within 60 days after the expiration of the six-month retention period, unless, in the opinion of the Board of Review, they pertain to any pending case, claim or action.

1985-087

Appraisal cards that are kept by the office of the county auditor and that contain information used in the valuation and assessment of real property for purposes of taxation are subject to public inspection, and disclosure of such documents does not violate either R.C. 5715.49 or R.C. 5715.50.

APPENDIX B

1984-084

Client records held by the Rehabilitation Services Commission in connection with the state vocational rehabilitation services program are not public records and cannot be disclosed without the consent of the person to whom the records relate.

1984-079

Grand jury subpoenas while in possession of the clerk of courts prior to issuance in accordance with R.C. 2939.12 are not public records.

1984-077

Under R.C. 1347.08, a juvenile court must permit a juvenile or a duly-authorized attorney who represents the juvenile to inspect court records pertaining to the juvenile unless the records are exempted under R.C. 1347.04(A)(1)(e), 1347.08(C) or (E)(2). Under Juv. R. 37(B), the records may not be put to any public use except in the course of an appeal or as authorized by order of the court.

1984-015

The director of the Ohio Department of Mental Retardation and Developmental Disabilities may make available to persons approved by the director the medical, psychological, social, and educational records of persons who have been nominated for protective services pursuant to R.C. 5123.58.

1983-100

The Ohio State Board of Psychology does not have the authority to expunge or actually destroy its official records except as provided by law or pursuant to its records retention schedule. When a court orders that the criminal conviction of an individual who is a licensee of the Ohio State Board of Psychology be sealed, pursuant to R.C. 2953.32(C), the Board is not required to seal any of its official records unless an order sealing the same specifically directs the Board to do so by the court. The Board may seal information or data contained in its official records that are not public records within the meaning of R.C. 149.43(A)(1).

1983-099

Since the examinations administered by the State Board of Examiners of Architects are records under R.C. 149.40 and there is no law prohibiting the destruction of such examinations or requiring the retention of such examinations for a specified period of time, such examinations may be disposed of in

APPENDIX B

accordance with a schedule of records retention or an application for records disposal approved by the State Records Commission pursuant to R.C. 149.32.

1983-071

A county department of welfare is prohibited from disclosing to law enforcement personnel personal information about applicants for or recipients of aid to Families with Dependent Children or poor relief unless such law enforcement personnel are prosecuting public fraud or seeking child support and are directly connected with the enforcement of the Food Stamp Act or regulations, other federal assistance programs or general relief programs, or the applicant or recipient has consented in writing.

1983-003

Materials of all varieties (including but not limited to, correspondence, memorandums, notes, reports, audio and video recordings, motion picture films, and photographs) that are received by public officials and employees, or created and maintained by them at public expense, are considered records if they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the public office.

Notes:

¹ When searching the full text of these opinions on the Attorney General's website, use the numbers found in bold above each body of text. If using another search method (such as LexisNexis or Westlaw), the citation format will be different. For example, to locate the first opinion listed on this page, the format would be: 2014 Ohio Op. Att'y Gen. No. 2014-030.

Ohio Attorney General Opinions Interpreting Ohio's Open Meetings Act

The following are summaries of selected Opinions of the Ohio Attorney General that have addressed or interpreted the Ohio Open Meetings Act. Be aware that the validity of any one opinion may have been affected by a subsequent court opinion or statutory change. The full text of these opinions can be found at <http://www.ohioattorneygeneral.gov/opinions>.¹

2012-032

The Ohio Vendors Representative Committee is a public body subject to the requirements of R.C. 121.22. A subcommittee of the Committee is a public body subject to the requirements of R.C. 121.22 when the subcommittee provides advice and recommendations to the Committee.

2012-022

To hold an executive session pursuant to R.C. 121.22(G)(1), a person must, in the motion and vote to hold that executive session, state which one or more of the approved purposes listed in R.C. 121.22(G)(1) are the purposes for which the executive session is to be held. This requirement is not satisfied if the motion and vote state, without further explanation, that the session is to discuss a "personnel matter."

Any vote or action by a county children services board officially placing its executive director on administrative leave is a formal action under R.C. 121.22(H) that must occur in a meeting open to the public. The failure to comply with this requirement renders the vote or action invalid.

2011-038

A public body that is subject to the requirements of the Open Meetings Act may not vote in an open meeting by secret ballot. R.C. 121.22 is intended to ensure openness and accountability in government. Voting by secret ballot is inconsistent with the purpose of the open meetings law and denies the people their right to view and evaluate the workings of their government. A meeting is not "open" to the public where members of a public body vote by way of secret ballot. (1980 Ohio Op. Att'y Gen. No. 083 (syllabus, paragraph 4), overruled).

APPENDIX C

2009-034

During a declared emergency, R.C. 5502.24(B) provides a limited exception to fulfilling the requirements of the Open Meetings Act. A public body may meet at an alternative location, and exercise their powers and functions “in the light of the exigencies of the emergency without regard to or compliance with time-consuming procedures and formalities prescribed by law pertaining thereto.” However, this is not an exception to the “in person” meeting requirement of R.C. 121.22(C) and does not permit the public body to meet by teleconference.

2008-003

Depending on the manner in which it is formed and operated, a non-profit corporation formed under R.C. 183.061 might be subject to the public records law in R.C. 149.43, the open meetings law in R.C. 121.22, or particular contracting controls governing state agencies.

2007-019

A board of township trustees has authority to enforce its own rules as to how to maintain order at, approve the minutes of, and provide and distribute a written agenda for its regular meetings.

2000-035

Public hearings conducted by a township board of zoning appeals to consider the matters described in R.C. 519.14(A)-(C) are not “meetings” for purposes of R.C. 121.22, but rather, are quasi-judicial proceedings. (1985 Ohio Op. Att’y. Gen. No. 044 (syllabus, paragraph two, overruled); followed by *Groff-Knight v. Bd. of Zoning Appeals of Liberty Twp.*, 5th Dist. No. 03CAH08042, 2004 Ohio App. LEXIS 2856 (June 14, 2004).

1996-046

The health care quality advisory council created by R.C. 4121.442 is without authority to permit a member who is appointed by the Governor to designate an alternate to vote on such member’s behalf at council meetings.

Pursuant to R.C. 121.05, the Administrator of Workers’ Compensation may designate his assistant or a deputy to serve in his place as a member and chairman of the health care quality advisory council.

APPENDIX C

1996-010

Absent adoption of a rule by a county board of mental retardation and developmental disabilities specifying the day on which its annual organizational meeting is to be held, the board's annual organizational meeting is not one of the regularly scheduled meetings for purposes of the removal provision of R.C. 5126.04.

1995-030

A district advisory council, established pursuant to R.C. 3709.03 has inherent authority to call special meetings of the council by acting through the concurrence of a majority of its members with respect to a particular meeting or by promulgating a procedural rule authorizing specified officers or members of the council to call special meetings; the board of health of a general health district and the state director of health, as expressly provided in R.C. 3709.03, are the only other public authorities with power to call a special meeting of the district advisory council.

1995-001

A PASSPORT administrative agency that is operated by a private not-for-profit agency pursuant to Ohio Admin. Code 5101:3-31-03(A)(1) is a public office as defined at R.C. 149.011(A) for purposes of the public records law and a public body as defined at R.C. 121.22 for purposes of the open meetings law.

1994-096

A committee of private citizens and various public officers or employees that is established by the board of health of a general health district for the purpose of advising the board on matters pertaining to the administration of a state or federal grant program is a public body; where the establishment of the committee is not required or authorized by the terms of the grant or any action of the general health district board, such committee is not a public body.

1994-014

The panel created by the Erie County Court of Common Pleas in Local Rule 17.08(F) for the purpose of making recommendations to that Court on the reasonableness of requests for attorney fees for the representation of indigent clients is not subject to the open meeting requirements of R.C. 121.22.

APPENDIX C

1993-033

Pursuant to R.C. 5715.07, all documents relating to the assessment of real property that are in the office of a county board of revision or in the official custody or possession of the board of revision are required to be open to public inspection.

1993-012

The Industrial Commission is a “public body,” as defined in R.C. 121.22(B)(1), and is, therefore, subject to the open meeting requirements of R.C. 121.22. R.C. 4121.36 provides that orders, rules, memoranda, and decisions of the Industrial Commission with respect to hearings conducted under R.C. 4121.36 may be adopted either in a meeting of the Commission or “by circulation to individual commissioners,” and thereby establishes an exception to the requirement of R.C. 121.22 that the Industrial Commission adopt all resolutions, rules, or formal actions in an open meeting.

1992-078

The board of directors of a county agricultural society is a public body subject to the open meeting requirements of R.C. 121.22.

1992-077

An advisory committee legislatively created by a board of county commissioners to make recommendations to the board on matters relating to a proposed county jail is a public body subject to the provisions of R.C. 121.22.

1992-065

A housing advisory board created by a county under R.C. 176.01 is a public body for purposes of R.C. 121.22.

1992-032

A board of township trustees must conduct its open meetings in a public meeting place, as determined in its fair and impartial discretion; board of township trustees may not conduct an executive session from which the public is excluded in order to deliberate about a proposed zoning change, even if the board ultimately votes on that matter in an open meeting, unless the deliberations were solely for the purpose of discussing one or more of the six subject areas listed in R.C. 121.22(G).

APPENDIX C

1990-028

Unless a statutory or constitutional provision expressly grants a specific officer of a public body the power to make the decision to call a meeting of such body, the power to make the decision is vested in the body itself and not inherently in an individual officer; the decision that a meeting is necessary requires a concurrence of a majority of the body; pursuant to R.C. 5715.09, the secretary of the board of revision has the power to call a meeting of the board as necessary.

1988-087

A board of township trustees has authority to adopt reasonable rules for the conduct of its meetings; such rules may not prohibit audio and video recording of township proceedings, but may regulate such recording to promote the orderly transaction of business without unreasonably interfering with the rights of those present.

1988-029

The Public Utilities Commission Nominating Council is a public body as defined in R.C. 121.22.

1988-003

The word “property,” as used in R.C. 121.22(G)(2), means real and personal property, which includes both tangible and intangible property; the PERS may discuss in executive session the purchase or sale of tangible or intangible property authorized under R.C. 145.11, including but not limited to such items as bonds, notes, stocks, shares, securities, commercial paper, and debt or equity interests.

1985-046

In its development of amendments to the state health plan, the Statewide Health Coordinating Council (SHCC) must, pursuant to R.C. 3702.56(C), follow the procedures set forth in R.C. 119.03(A), (B), (C) and (H), with the exception of requirements imposed pursuant to R.C. 121.24 or 127.18, but need not comply with 119.03(D), (E), (F), (G) and (I); in particular, the SHCC must follow the public notice and hearing procedures of R.C. 119.03(A) and (C) and must file proposals with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review under R.C. 119.03(B) and (H); but proposed amendments to the state health plan are not subject to invalidation by the General Assembly pursuant to R.C. 119.03(I).

APPENDIX C

1985-044

A township board of zoning appeals is a public body for purposes of R.C. 121.22; a township board of zoning appeals may not conduct, in an executive session, deliberations concerning a zoning appeal heard pursuant to R.C. 519.14(A) or (B). (Syllabus, paragraph two, overruled by 2000 Ohio Op. Att’y Gen. No. 035).

1982-081

A soldiers’ relief commission established pursuant to R.C. 5901.02 is a public body for the purposes of R.C. 121.22.

1981-005

Because the superintendent’s offices are, pursuant to R.C. 3319.19, to be used by the county board of education when it is in session, and because the board’s meetings are required by R.C. 121.22 to be open to the public, the duty of the board of county commissioners to provide and equip offices includes the duty to provide some type of conference facility.

1980-083

A county central committee of a political party is a public body and its members are public officials for purposes of R.C. 121.22; convening the committee pursuant to R.C. 305.02 is a meeting as defined by R.C. 121.22(B)(2), even when the number of members present is fewer than the majority of the total membership; the committee may discuss appointment of a person pursuant to its duties under R.C. 305.02 in executive session under R.C. 121.22(G), however, final voting on such appointment must be held in a public meeting; convening the committee for conducting purely internal party affairs unrelated to the committee’s duties of making appointments to vacant public offices is not a meeting as defined by R.C. 121.22(B)(2). (Syllabus, paragraph four, overruled by 2011 Ohio Op. Att’y Gen. No. 038).

1979-110

The Safety Codes Committee, created by resolution of the Industrial Commission for the purpose of reviewing safety code requirements and drafting revisions for consideration by the Industrial Commission, is not a public body for the purposes of R.C. 121.22.

APPENDIX C

1979-061

The governing board of a community improvement corporation, organized in the manner provided in R.C. 1702.04 and R.C. 1724.01 to R.C. 1724.09, inclusive, does not constitute a public body for the purposes of R.C. 121.22 unless it has been designated an agency of a county, municipal corporation, or any combination thereof, pursuant to R.C. 1724.10.

1978-059

The Internal Security Committee, established by the Industrial Commission and the Bureau of Workers' Compensation pursuant to R.C. 4121.22(D), is a public body for purposes of R.C. 121.22.

1977-075

Pursuant to R.C. 4112.05(B), the Ohio Civil Rights Commission may not reveal the final terms of conciliation, written or unwritten, to members of the general public who are not parties to the matters conciliated.

Notes:

ⁱ When searching the full text of these opinions on the Attorney General's website, use the numbers found in bold above each body of text. If using another search method (such as LexisNexis or Westlaw), the citation format will be different. For example, to locate the first opinion listed on this page, the format would be – 2012 Ohio Op. Att'y Gen. No. 2012-032.