

GALLIA COUNTY

PUBLIC RECORDS POLICY

Adopted: October 4, 2007
Gallia County Board of Commissioners

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GALLIA COUNTY PUBLIC RECORDS POLICY

Introduction:

This Public Records Policy is adopted by Gallia County in accordance with the applicable provisions of House Bill 9 (126th General Assembly), primary authority being Ohio Revised Code Chapter 149. This policy is not intended to be legal advice. It is the policy of Gallia County to strictly adhere to the state's Public Records Act as well as other state and federal laws.

The Public Records Act imposes two primary obligations upon public offices:

- Provide prompt inspection of public records; and
- Provide copies of public records within a reasonable period of time.

These obligations, in turn, provide the public with two primary rights:

- The right to prompt inspection of public records; and
- The right to copies within a reasonable period of time.

The Public Records Act evolved from the principle that Ohio's citizens are entitled to access the records of their government. To advance that principle, the Public Records Act is to be interpreted⁶ liberally in favor of disclosure.⁷ Additionally, the exemptions to the Public Records Act, which are discussed more fully later, should be narrowly construed.⁸ In summary, whenever possible, the Public Records Act and its exemptions should be construed liberally in favor of giving the public utmost access to their records.

⁶ *State ex rel. Warren Newspapers v. Huston* (1994), 70 Ohio St.3d 619.

⁷ *White v. Clinton Cty. Bd. Of Cmsrs.*(1996), 76 Ohio St. 3d 416; *State ex rel. Patterson v. Ayers* (1960)., 171 Ohio St. 369.

⁸ *Huston*, 70 Ohio St. 3d 619.

Section 1 PUBLIC RECORDS

Under Ohio law, a public office may only create records that are "necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities."⁹

Section 1.1 Public Record Definition

In accordance with the Ohio Revised Code and court rulings, a record is defined as any item kept¹⁰ by a public office that meets all of the following:

- Is stored on a fixed medium, (such as paper, electronic – including but not limited to e-mail, and other formats);
- Is created or received by, or sent under the jurisdiction of a public office;
- Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.¹¹

If any of these three requirements is absent, the item is not a "record" and therefore not a public record.

Furthermore, a public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.¹²

Section 1.2 Exemptions to Public Records Law

Generally, the confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exceptions to the general rule that disclosure of public records is mandatory. However, most of the exceptions do not, by themselves, prohibit the release of the prescribed records. Rather, these records merely are excluded from the general rule of mandatory disclosure.¹³

In the event a request is made to inspect or obtain a copy of a record maintained by this public office whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to the County Prosecutor for research and/or review. The requester shall be advised that their request is being reviewed by the County Prosecutor to ensure that protected exempted information is not improperly released.

Records, whose release is found to be prohibited or exempted by either state or federal law, or not considered public records as defined by ORC §149.43(A)(1), shall NOT be subject to public inspection.

Please see *Appendix A* for a list of records that may not be subject to release per ORC §149.43 (A)(1), *Appendix B* for a list of the most common express exemptions in Ohio law, and finally, *Appendix C* for a non-exhaustive list of express exemptions found throughout the Ohio Revised Code.

⁹ ORC §149.40

¹⁰ *State ex rel. Cincinnati Enquirer v. Cincinnati Bd. Of Educ'n.* (2003), 99 Ohio St. 3d 6, 2003 (materials related to superintendent search were not "public records" where neither board nor search agency kept such materials).

¹¹ ORC §149.011(G)

¹² *State ex rel. White v. Goldsberry* (1999), 85 Ohio St. 3d 153; *State ex rel. Warren v. Warner* (1999), 84 Ohio St. 3d 43.2

¹³ *Henneman v. Toledo* (1988), 35 Ohio St. 3d 241.

SECTION 2 PUBLIC RECORD REQUESTS

All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the current record retention schedule of this public office. Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 Identification of Public Record

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow this public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request for public records such that this office cannot reasonably identify the exact public records being requested, then this office may deny the request. In such case, this office will provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by this office and accessed in the ordinary course of this office's duties.¹⁴

Section 2.2 Format of Request

This public office or the person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but only after all of the following occur:

- Disclosure to the requester that a written request is not mandatory;
- Disclosure to the requester that the requester may decline to reveal the requester's identity or intended use;
- Determination by this public office that a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability to identify, locate, or deliver the public records sought by the requester.¹⁵

Section 2.3 Choice of Medium

The public records law allows a person to choose the medium upon which they would like a record to be duplicated.¹⁶ The requester can choose to have the record (1) on paper, (2) in the same form as this public office keeps it (e.g., on computer disk), or (3) on any medium upon which this public office determines the record can "reasonably be duplicated as an integral part of the normal operations of the public office."¹⁷

Section 2.4 Response Time to Request

Public records must be available for inspection during regular business hours and made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. However, under current Ohio

law, there is no defined period of time by which a public records request must be completed. Instead, appropriate (prompt and reasonable) response times will vary depending on different factors, including, but not limited to all of the following:

- The circumstances of this public office at the time of the request;
- The breadth of the request;¹⁸
- Whether legal evaluation of the responsive records is required before release.¹⁹

Section 2.5 Prohibition Against Requesters Right to Make Copies Themselves

A requester seeking copies of public records is not permitted to make their own copies of the requested records by any means.²⁰ This measure is to protect the integrity of the original document.

Section 2.6 Limit to Number of Requests by Mail

This office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. (The scope of the word "commercial" is to be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit education research.)²¹

Section 2.7 Requests by Incarcerated Persons

Under Ohio law, an incarcerated person may receive public records, but only if the records concern a criminal investigation. The incarcerated person must also follow very strict guidelines.

- The records must be "public records" which are not subject to an exemption from disclosure.
- The incarcerated person must have secured a finding from the judge who imposed the sentence of incarceration (or that judge's successor) that the information sought in the public record is necessary to support a justifiable claim of the person.²²

Courts have denied the public records requests of inmates because this procedure was not followed.²³

¹⁴ ORC §149.43(B)(2)

¹⁵ ORC §149.43(B)(5)

¹⁶ ORC §149.43(B)(2); *State ex rel. Dispatch Printing Co. v. Morrow County Prosecutor's Office*(2005), 105 Ohio St. 3d 172.

¹⁷ ORC §149.43(B)(2)

¹⁸ *State ex rel. Gibbs v. Concord Twp. Trustees* (2003), 152 Ohio App. 3d 387.

¹⁹ *State ex rel. Taxpayers Coalition v. City of Lakewood* (1999), 86 Ohio St.3d 385.

²⁰ ORC §149.43(B)(6)

²¹ ORC §149.43(B)(7)

²² ORC §149.43(B)(4)

²³ *State ex rel. Breeden V. Judge Paul Mitrovich* (2005), 2002 Ohio 7168.

Section 3 DENIAL OF PUBLIC RECORD REQUESTS

If a request is ultimately denied, in part or in whole, this public office shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. Further, if the initial request was provided in writing, the explanation shall be provided to the requester in writing.²⁴

Section 3.1 Denial of an Ambiguous or Overly Broad Request for Public Record

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that this public office cannot reasonably identify what public records are being requested:

- This public office may deny the request.
- However, this public office shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained in the ordinary course of business.²⁵

Section 3.2 Denial of a Public Record Not Maintained by [Public Office]

If this public office receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be so notified in writing utilizing Form PR-1 that one of the following applies:

- The request involves records that have never been maintained by this office (*if possible this office will direct you to the proper office*);
- The request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2);
- The request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
- If the record that is requested is not a record used or maintained this public office, the requester shall be notified that this office is under no obligation to create records to meet public record requests (*however, if applicable this office will inform you of how the information requested is organized*).

Section 3.3 Denial of a Public Record Maintained by Gallia County

This public office may deny a request for a record maintained by the office if the record that is requested is prohibited from release due to applicable state or federal law.

- If the record request is denied in its entirety:
- This office may check the appropriate box on Form PR-1 if the employee is simply applying the statutory exclusion.
- This office shall consult the County Prosecutor if the employee is unsure if the record requested is exempt from disclosure.

- If only part of the record is not subject to release, this office will redact such information and release the non-exempted information:
- "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record."²⁶
- This office will check the appropriate box on Form PR-1 and cite the exemption from Appendix A, B, or C with the corresponding redaction.
- This office shall consult the County Prosecutor if the employee is unsure if a part of the record requested is exempt from disclosure.

As custodians of public records, this public office has a responsibility to maintain the integrity of the record. As such, any request that includes redactions should be made on a copy of the original record to preserve the authenticity and accuracy of the original document.

The explanation cited shall not preclude this public office from relying upon additional reasons or legal authority in defending an action commenced pursuant to ORC §149.43.

²⁴ ORC §149.43(B)(3)

²⁵ ORC §149.43(B)(2)

²⁶ ORC §149.43(A)(11)

Section 4 COSTS FOR PUBLIC RECORDS

Generally, a requester is only required to pay this public office for the actual cost of reproduction. Employee time will not be calculated into the "actual cost" charge. However, in some circumstances, it is permissible for this public office to have an outside contractor make copies and recover the cost of the service directly from the requester.²⁷ This public office may employ the services of a private contractor to produce copies as long as the decision to do so is reasonable.²⁸

Section 4.1 Payment in Advance

This public office may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested. For photocopies of either letter or legal sized documents, the fee shall be (actual cost) per photocopy. If video tapes, cassette tape or any other type of media is requested, the fee shall be the replacement cost or reproduction cost (copying costs if outside vendor is necessary).

Section 4.2 Delivery Costs to be Paid in Advance

Requesters may ask that documents be mailed or transmitted to them within a reasonable period of time after this office receives the request for a copy. This public office may require the person making the request to pay in advance the cost of postage if the copy is transmitted by U.S. mail or the cost of delivery if the copy is transmitted other than by U.S. mail, and to pay in advance the costs incurred for other supplies (envelope, etc) used in the mailing, delivery, or transmission.²⁹

²⁷ *Huston*, 70 Ohio St. 3d 619.

²⁸ *State ex rel. Gibbs*, 152 Ohio App .3d. 387.

²⁹ ORC §149.43(B)(7)

Section 5 Email

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email must be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 5.1 Public Email Accounts

- Records in public email accounts used to conduct public business are subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such e-mails that relate to public business in accordance with this public office's record retention schedule.
- Records in public email accounts used while on county computers not used to conduct public business, while strongly prohibited by this public office's policies and procedures are not subject to disclosure.³⁰

Section 5.2 Private Email Accounts

- Records in private email accounts used to conduct public business on public property (i.e. county computers) may be subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such private emails should they relate to public business.³¹
- Such emails from private account should be treated as records of this public office, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

³⁰ *State ex rel. Wislon- Simmons v. Lake County Sheriff's Dept.* (1998), 82 Ohio St. 3d 37. (Court holds that the requested e-mail consisting of racist slurs, although reprehensible, does not serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the sheriff's department).

³¹ Case law is undecided as to private email use on county property. Therefore county employees are cautioned against using private email accounts for public business, particularly when such email is created from county computer usage.

Section 6 FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

This public office recognizes that the failure to properly respond to a public records request not only causes distrust in government but may also lead to legal consequences.

If a requester feels they have been improperly denied public records due to the inability to inspect or to receive a copy of a record, the requester shall be advised that they may:

- Contact this public office's senior representative.
- Request a meeting be called with the County Prosecutor.

If the requester is still not satisfied, they shall be advised the Ohio Revised Code provides a legal means for addressing their complaint.

APPENDIX A

The Express Exemption

In accordance with Ohio Revised Code §149.43, "Public record" does not mean any of the following:

(a) Medical records;

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

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

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

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

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

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

(g) Trial preparation records;

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

(h) Confidential law enforcement investigatory records;

"Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following: 1) The identity of a suspect who has not been charged with the offense to which the record pertains,

or of an information source or witness to whom confidentiality has been reasonably promised; 2) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity; 3) Specific confidential investigatory techniques or procedures or specific investigatory work product; or 4) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

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

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

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

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

(m) Intellectual property records;

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

(n) Donor profile records;

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

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

(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;

"Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information" (hereto after referred to the protected class

employee) means any information that discloses any of the following about such a protected class employee:

(1) The address of the actual personal residence of a protected class employee, except for the state or political subdivision in which the protected class employee resides;

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

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to a protected class employee;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a protected class employee's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the protected class employee's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a protected class employee;

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

**** Please Note**** The applicability of this exemption is being reviewed by the Attorney General's office.

Further, there is a journalist mechanism by which a journalist can request such information. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

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

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

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

- (1) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;
- (2) The social security number, birth date, or photographic image of a person under the age of eighteen;
- (3) Any medical record, history, or information pertaining to a person under the age of eighteen;
- (4) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.
- (s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;
- (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;
- (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;
- (v) Records the release of which is prohibited by state or federal law;
- (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;
- (x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;
- (y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency.

APPENDIX B

The "Catch-All" Exemption

If any provision of Ohio or federal law prohibits public disclosure of a certain type of record, a public office must not release it in response to a public records request. A state statute or rule, or a federal statute or regulation may designate the records of certain government offices or particular types of records confidential. Such a designation means those records are not subject to the provisions of the Public Records Act.

Here is a list of some common "catch-all" exemptions:

- a. Attorney-client privileged information.³²
- b. Medical board investigative records.³³
- c. Child abuse reports.³⁴
- d. Student education records (maintained by public schools, colleges, universities and at private institutions receiving public funding.³⁵ However, student "directory information"³⁶ is public information unless the student's parent, guardian or custodian of a minor has requested the information not be released without the parent's prior consent.)
- e. Records of a Certified Public Accountant or public accountant in the performance of an audit of a public office or private entity.³⁷

³² State ex rel. Nix v. Cleveland (1998), 83 Ohio St.3d 379, 1998 Ohio 290, 700 N.E.2d 1; Allright Parking of Cleveland, Inc. v. Cleveland

(1992), 63 Ohio St.3d 772, 591 N.E.2d 708; etc.

³³ Ohio Rev. Code Ann. §4731.22(F)(5). State ex rel. Wallace v. State Medical Board of Ohio (2000), 89 Ohio St.3d 431, 732 N.E.2d 960

(Medical Board's investigative records are not public records).

³⁴ Ohio Rev. Code Ann. §2151.421(H). But, see, State ex rel. Strothers v. Wertheim (1997), 80 Ohio St.3d 155, 1997 Ohio 349, 684 N.E.2d 1239

(Ohio Rev. Code Ann. §2151.421(H) is directed to the children services boards or the departments of human services, not to a county

ombudsman office); State ex rel. Munci v. Kovacic (June 15, 1994), Cuyahoga App. No. 64818, 1994 Ohio App. LEXIS 2612 (police

investigatory reports are not governed by Ohio Rev. Code Ann. §2151.421).

³⁵ The Family Educational Right to Privacy Act ("FERPA" or "Buckley Amendment"), 20 U.S.C. §1232g; Ohio Rev. Code Ann. §3319.321;

United States v. Miami University (2000), 91 F.Supp.2d 1132, 2000 U.S. Dist. LEXIS 3345 (student disciplinary records are exempt under

FERPA). But, cf., State ex rel. The Miami Student v. Miami University (1997), 79 Ohio St.3d 168, 1997 Ohio 386, 680 N.E.2d 956 (student

disciplinary records are not student "education records" that are exempt from disclosure but, see, Phillips v. Village of Carey (Aug. 3, 2000),

Wyandot App. No. 16-99-11, 2000 Ohio 1733, 2000 Ohio App. LEXIS 3675 (release of high school graduate's transcript to his employer to

verify GPA and class rank did not violate graduate's constitutional rights. However, parent can request any or all information not be disclosed

without parent's prior consent).

³⁶ FERPA, 20 U.S.C. §1232g; Ohio Rev. Code Ann. §3319.321(B) (regarding Ohio public schools, K-12).

³⁷ Ohio Rev. Code Ann. §4701.19(B).

- f. Ohio Ethics Commission proceedings on a complaint or charge and certain information provided to the commission are not public record,³⁸ (but letters requesting an opinion of the commission are public record.)³⁹
- g. Taxpayer records (maintained by the Ohio Department of Taxation⁴⁰ as well as those maintained by municipal corporations).⁴¹
- h. Estate tax returns (held by the probate court, the Department of Taxation, a county auditor, a county treasurer, the attorney general, or others listed in Ohio Rev. Code Chapter 5731).⁴²
- i. Federal tax returns and return information filed under the jurisdiction of the Internal Revenue Service.⁴³
- j. Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database.⁴⁴
- k. Records that have been sealed pursuant to statutorily authorized court order.⁴⁵
- l. A trade secret deriving independent value from the fact that it is not generally known and has been the subject of reasonable efforts to maintain its confidentiality.⁴⁶ (A detailed analysis is needed.)⁴⁷

38 Ohio Rev. Code Ann. §102.06(F).

39 1986 Ohio Atty. Gen. Ops. No. 86 069.

40 Ohio Rev. Code Ann. §5703.21.

41 Ohio Rev. Code Ann. §718.13. But, see, 1992 Ohio Atty. Gen. Ops. No. 92 005 (W-2 forms prepared and made by a township as an employer are subject to inspection as a public record).

42 Ohio Rev. Code Ann. §5731.90; 1992 Ohio Atty. Gen. Ops. No. 92-076.

43 26 U.S.C. §6103

44 42 U.S.C. §3789g; 28 C.F.R. §20.21, §20.33(a)(3); *State ex rel. Multimedia, Inc. v. Snowden* (1995), 72 Ohio St.3d 141, 1995 Ohio 248, 647

N.E.2d 1374; also, Ohio Rev. Code Ann. §109.57(D) and (E); Ohio Admin. Code §109:05 1 01; Ohio Admin. Code §4501:2-10-06; 1989 Ohio

Atty. Gen. Ops. No. 89 005; *State ex rel. Lippett v. Kovacic* (1991), 70 Ohio App.3d 525, Cuyahoga App. No. 58243, 591 N.E.2d 422; *State ex*

rel. National Broadcasting Co. v. Cleveland (1992), 82 Ohio App.3d 202, Cuyahoga App. No. 52337, 611 N.E.2d 838. St.3d 382, 2004 Ohio

1581, 805 N.E.2d 1094; c.f. *State ex rel. Highlander v. Rudduck* (2004), 103 Ohio St.3d 370, 2004 Ohio 4952, 816 N.E.2d 213 (sealing must be

made pursuant to lawful authority);

45 E.g. Ohio Rev. Code Ann. §2953.52 constitutionality of which was discussed in *State ex rel. Cincinnati Enquirer v. Winkler* (2004), 101 Ohio

St.3d 382, 2004 Ohio 1581, 805 N.E.2d 1094; c.f. *State ex rel. Highlander v. Rudduck* (2004), 103 Ohio St.3d 370, 2004 Ohio 4952, 816 N.E.2d

213 (sealing must be made pursuant to lawful authority); *State ex rel. WBNS v. Dues* (2004), 101 Ohio St.3d 406, 2004 Ohio 1497, 805 N.E.2d

1116 (a court may not create its own exemption to the Public Records Act by sealing its records absent an appropriate grant of authority).

46 Ohio Rev. Code Ann. §1333.61(D). See, also, *State ex rel. Besser v. Ohio State University* (2000), 87 Ohio St.3d 535, 2000 Ohio 475, 721

N.E.2d 1044 ("Besser I") (public entity can have its own trade secrets); *State ex rel. Lucas County Board of Comm'rs. v. Ohio EPA* (2000), 88

Ohio St.3d 166, 2000 Ohio 282, 724 N.E.2d 411; *State ex rel. Plain Dealer v. Ohio Dept. of Ins.* (1997), 80 Ohio St.3d 513, 1997 Ohio 75, 687

N.E.2d 661; compare, *State ex rel. Gannett Satellite Info. Network v. Shirey* (1997), 76 Ohio St.3d 1224, 669 N.E.2d 1148 (resumes are not trade

secrets of private consultant); *State ex rel. Rea v. Ohio Dept. of Education* (1998), 81 Ohio St.3d 527, 1998 Ohio 334, 692 N.E.2d 596

(proficiency tests are public records after they have been administered); *State ex rel. Dayton Newspapers v. Dayton Board of Education* (2000),

140 Ohio App.3d 243, Montgomery App. No. 18247, 747 N.E.2d 255 (resumes of applicants for superintendent not trade secret).

- m. "Judicial Mental Process" Privilege created by Ohio case law.⁴⁸
- n. Peace officers' home addresses (during the pendency of a criminal case in which the officer is a witness or arresting officer).⁴⁹
- o. Personal and medical records of the mentally retarded and developmentally disabled.⁵⁰
- p. Attorney General investigation files relating to consumer protection or charitable trust investigations.⁵¹
- q. Mediation communications.⁵²
- r. Employees' and their family members' records and documents relating to medical certifications, recertifications or medical histories that have been created for purposes of the Family Medical Leave Act (FMLA) (are confidential medical records and shall be maintained in separate files/records from normal personnel files.⁵³ Should the Americans with Disabilities Act (ADA) also be applicable, then those records shall be maintained consistent with ADA confidentiality requirements.)⁵⁴

47 Ohio Rev. Code Ann. §1333.61(D). State ex rel Toledo Blade Co. v. Ohio Bureau of Workers Compensation (2005), 106 Ohio St.3d 113, 2005 Ohio 3549, 832 N.E.2d 711 (trade secret argument requires allegation of efforts to maintain recovery); State ex rel. Allright Parking of Cleveland, Inc. v. Cleveland (1992), 63 Ohio St.3d 772, 591 N.E.2d 708 (an in camera inspection is necessary to determine whether disputed records contain trade secrets); State ex rel. Lucas County Board of Comm'rs. v. Ohio EPA (2000), 88 Ohio St.3d 166, 2000 Ohio 282, 724 N.E.2d 411; State ex rel. Besser v. Ohio State University (2000), 89 Ohio St.3d 396, 2000 Ohio 207, 732 N.E.2d 373 ("Besser II") (following in camera inspection, court held documents did not constitute "trade secrets"); State ex rel. Seballos v. School Employees Retirement Sys. (1994), 70 Ohio St.3d 667, 1994 Ohio 80, 640 N.E.2d 829; State ex rel. Dayton Newspapers v. Dayton Board of Education (2000), 140 Ohio App.3d 243, Montgomery App. No. 18247, 747 N.E.2d 255.

48 TBC Westlake v. Hamilton County Board of Revision (1998), 81 Ohio St.3d 58, 1998 Ohio 445, 689 N.E.2d 32 (hearing examiner's report to Board of Tax Appeals is not a public record).

49 Ohio Rev. Code Ann. §2921.24(A); in fact, violation of Ohio Rev. Code Ann. §2921.24(A) is a fourth degree misdemeanor. Ohio Rev. Code Ann. §2921.24(D).

50 Ohio Rev. Code Ann. §5123.62(T); 1992 Ohio Atty. Gen. Ops. No. 92-071

51 Ohio Rev. Code Ann. §1345.05(A)(7) and Ohio Rev. Code Ann. §109.28, respectively. But, see, also, Ohio Rev. Code Ann. §109.34 (nonprofit health care entities proposing to transfer ownership or control of assets to persons exempt from taxation shall provide notice of the proposed transaction to the attorney general and obtain written approval of the transaction. The notice and all other documents or materials submitted pursuant to Ohio Rev. Code Ann. §109.34 are public records provided they meet the definition set forth in Ohio Rev. Code Ann. §149.43).

52 Ohio Rev. Code Ann. §2317.023.

53 29 CFR 825.500(g)

54 29 CFR 1630.14(c)(1)

APPENDIX C

Ohio Provisions Affecting Public Records Status of Certain Records

The following is a list of statutory citations from the Legislative Services Commission that affect whether certain records may be released pursuant to a public records request. Each statutory provision may either constitute a "catch-all" exemption under the public records law or an express discretionary exemption. Although we believe the list to be exhaustive, we are aware that there may be additional statutory provisions that do not appear on the list. If you are aware of such a provision, please contact our office so that we may add it to this list.

| Topic | Citation |
|---|------------------------------------|
| 911 Database Records: Information concerning telephone numbers, addresses, or names obtained from the 9-1-1 database. | R.C. 4931.49(E) |
| Abortion Records: 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. | R.C. 2307.46(A) |
| Abuse Records: 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. | R.C. 2152.19(D)(3) and 2947.051(C) |
| Abuse Records: Reports by specified individuals regarding their knowledge or suspicion of a suffered, or of a 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. | R.C. 2151.421(H)(1) |
| Adoption Records: 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). | R.C. 3107.17(B)(1) and (D) |
| Artificial Insemination Records: A physician's files concerning non-spousal artificial inseminations. | R.C. 3111.94(A) |
| Attorney General Records: 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. | R.C. 2743.62(A)(2)(a) |
| Attorney General Records: A record, other document, or information obtained by the Attorney General pursuant to an investigation of a money transmitter. | R.C. 1315.54(C) |
| Attorney General Records: 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. | R.C. 1716.05(B)(5)(a) |
| Attorney General Records: 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. | R.C. 1716.07(G)(1)(a) |
| Attorney General Records: Certain documents associated with an Attorney General investigative demand under the Solid and Hazardous Wastes Law. | R.C. 3734.43(L) |
| Attorney General Records: Certain records and information provided to the Attorney General pursuant to an investigative demand under the Monopoly Law. | R.C. 1331.16(L) |
| Attorney General Records: Certain tax information about a tobacco product manufacturer acquired by the Department of Taxation and provided to the Attorney General. | R.C. 1346.03 |
| Attorney General Records: Identity of suppliers investigated or facts developed in investigations of Consumer Sales Practices Act violations. | R.C. 1345.05(A)(7) |

| Topic | Citation |
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| Attorney General Records: Information obtained by the Attorney General in an investigation to determine whether to defend a state officer or employee. | R.C. 109.365 |
| Attorney General Records: Records, information, etc. obtained by the Attorney General or a federal agency pursuant to the Currency and Foreign Transactions Reporting Act, 84 Stat. 1118 (1970). | R.C. 1315.53(H) |
| Audit Records: Annual audit report of the Auditor of State's office until specified filing. | R.C. 117.14 |
| Audit Records: Annual audit report of the Treasurer of State's office until specified submission. | R.C. 117.15 |
| Audit Records: Certified copies of completed audit reports until specified filing. | R.C. 117.26 |
| Audit Records: In certain legal proceedings, the proceedings, records, and work papers of a public accounting firm peer reviewer; the statements, records, schedules, working papers, and memoranda made by a public accountant or CPA with respect to a public office's audit (other than client's copy of report), including the same in Auditor of State's possession; and the investigative proceedings of the Accountancy Board. | R.C. 4701.04(K)(1), 4701.19(B), and 4701.29(D) |
| Audit Records: Statements and reports of individual depositor information relative to attorney interest-bearing trust accounts. | R.C. 4705.10(B) |
| Benefit Records: Certain information obtained and furnished under the State Benefit Eligibility Verification System. | R.C. 125.24(D) |
| Bureau of Criminal Identification and Investigation Records: BCII criminal records check information relative to a person under final consideration for specified types of employment, a prospective adoptive parent, or a prospective recipient of a foster home certificate from the Department of Job and Family Services (DJFS). | R.C. 2151.86(E) |
| Bureau of Criminal Identification and Investigation Records: BCII criminal records check results and associated report relative to a registered nurse or licensed practical nurse license applicant. | R.C. 4723.09(C) |
| Bureau of Criminal Identification and Investigation Records: BCII criminal records check results and associated report relative to a dialysis technician certificate applicant. | R.C. 4723.75(C) |
| Bureau of Criminal Identification and Investigation Records: BCII criminal records check results and associated report relative to a community health worker certificate applicant. | R.C. 4723.83(B) |
| Bureau of Criminal Identification and Investigation Records: Certain DNA-related records and information BCII receives. | R.C. 109.573(E) |
| Bureau of Criminal Identification and Investigation Records: Information and materials furnished to the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) and information obtained by a board, administrator, or other person under a criminal records check. | R.C. 109.57(D) and (H) |
| Bureau of Criminal Identification and Investigation Records: Reports of BCII criminal records checks requested by entities that provide services through the PASSPORT Program. | R.C. 173.41(E) |
| Bureau of Criminal Identification and Investigations Records: BCII criminal records check information relative to a Head Start employment applicant, a preschool employment applicant, an applicant to participate in the Ohio Reads Program in a specified manner, or a school district, educational service center, or chartered nonpublic school employment applicant. | R.C. 3301.32(D), 3301.541(D), 3301.88(E), and 3319.39(D) |

| Topic | Citation |
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| Bureau of Criminal Identification and Investigations Records: BCII criminal records check information relative to a day-care center, type A family day-care home, or certified type B family day-care home employment applicant; a day-care center or type A family day-care home owner, licensee, or administrator; a Department of Mental Health employment applicant; a Department of Mental Retardation and Developmental Disabilities (DMRDD) employment applicant; a county MRDD board employment applicant; or a public children services agency employment applicant. | R.C. 5104.012(D), 5104.013(F), 5119.072(C), 5123.081(H), 5126.28(H), and 5153.111(D) |
| Bureau of Criminal Identification and Investigations Records: BCII criminal records check information relative to an applicant under final consideration for employment, or an existing employee, with a waiver agency in a position involving home and community-based waiver services to persons with disabilities. | R.C. 5111.95(E) |
| Bureau of Criminal Identification and Investigations Records: BCII criminal records check information relative to an independent provider in a DJFS administered home and community-based services program providing home and community-based waiver services to consumers with disabilities. | R.C. 5111.96(F) |
| Bureau of Criminal Identification and Investigations Records: Certificates, applications, records, and reports identifying patients, former patients, or persons whose hospitalization was sought under the Hospitalization of the Mentally Ill Law; notices (including their information) BCII receives from courts or others in order to conduct incompetency records checks (the notices pertain to individuals found by a court to be a mentally ill person subject to hospitalization by court order and individuals who become involuntary patients other than only for purposes of observation); and quality assurance records associated with mental health and medical services at certain locations. | R.C. 5122.31, 5122.311(B), and 5122.32(B)(1) |
| Bureau of Criminal Investigation and Identification Records: BCII criminal records check information relative to a home health agency, a hospice care program, an adult day-care program, or an adult care facility employment applicant. | R.C. 3701.881(E), 3712.09(E), 3721.121(E), and 3722.151(E) |
| Bureau of Motor Vehicle Records: An individual's driver's license identification number, name, telephone number, address, photograph or digital image, Social Security number, and medical or disability information obtained by the Bureau of Motor Vehicles in connection with a motor vehicle record, subject to certain exceptions ("personal information" and "sensitive personal information"). | R.C. 4501.27 |
| Bureau of Motor Vehicle Records: Applications for licenses and copies of contracts provided under the Motor Vehicle Dealers Law to the Registrar of Motor Vehicles. | R.C. 4517.43 |
| Bureau of Motor Vehicle Records: Lists of names and addresses on driver's license applications may be furnished by Registrar of Motor Vehicles, but no other application information is to be disclosed. | R.C. 4501.34(B) |
| Bureau of Motor Vehicle Records: Motor vehicle accident reports submitted to the Registrar of Motor Vehicles under the Financial Responsibility Law. | R.C. 4509.10 |
| Bureau of Motor Vehicle Records: Snowmobile, off-highway motorcycle, or all-purpose vehicle accident reports received by the Registrar of Motor Vehicles. | R.C. 4519.46 |
| Bureau of Motor Vehicle Records: Under certain circumstances, a peace officer's residential address obtained by the Bureau of Motor Vehicles in connection with a motor vehicle record. | R.C. 4501.271(B) |
| Carrying Concealed Weapons Records: Sheriff records concerning the issuance, renewal, suspension, or revocation of a concealed handgun license or temporary emergency concealed handgun license, subject to a specified journalist exception. | R.C. 2923.129(B)(1) |
| Cemetery Records: Proceedings and records maintained as confidential by the Ohio Cemetery Dispute Resolution Commission because the nature of a complaint merits the action. | R.C. 4767.06(A)(7) |
| Charitable Trust Investigation Records: Any investigation of a charitable trust by the Attorney General. | R.C. 109.28 |

| Topic | Citation |
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| Chemical Dependency Professionals Board Records: Records of the Chemical Dependency Professionals Board concerning an ongoing investigation. | R.C. 4758.31 |
| Chiropractic Board Records: Summaries, reports, and records the State Chiropractic Board receives and maintains regarding formal disciplinary actions taken with respect to chiropractors by a health care facility, their alleged violations of the Chiropractors Law, their professional membership revocation or suspension for certain reasons, or their professional liability insurance claim final dispositions; records of a chiropractor's participation in the Board's chemical dependency and mental illness monitoring program; and information the Board receives in an investigation of an alleged violation of the Chiropractors Law. | R.C. 4734.32(F), 4734.41(C), and 4734.45(B) |
| Citizen's Reward Program: Records maintained relative to a citizens' reward program. | R.C. 9.92(E) and 2933.41(G) |
| Community Improvement Corporation Records: Certain financial, proprietary, and other information submitted by an entity to a community improvement corporation acting as a political subdivision's agent. | R.C. 1724.11(A)(1) and (2) |
| Competitive Bidding Records: Additional financial information requested by a state agency or political subdivision from an apparent low bidder on a public contract. | R.C. 9.312(A) |
| Counseling Records: 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. | R.C. 2317.02, 2317.021, and 4732.19 |
| Counseling Records: Records of the Counselor, Social Worker, and Marriage and Family Therapist Board's investigations of alleged violations of the Counselor, Social Worker, and Marriage and Family Therapist Law. | R.C. 4757.38 |
| Court Records: A file, record, petition, motion, account, or paper pertaining to a conservatorship upon probate court order. | R.C. 2111.021 |
| Court Records: Official records in a first offender's case sealed by court order. | R.C. 2953.32(C) |
| Court Records: Official records pertaining to a case sealed by court order (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. | R.C. 2953.52(B) and 2953.53(D) |
| Court Records: Sealed or expunged court records concerning delinquent children, unruly children, or juvenile traffic offenders. | R.C. 2151.358(E), (F), and (G) |
| Credit Union Records: Certain conferences and administrative proceedings, and associated documents, regarding a credit union. | R.C. 1733.327(A) |
| Credit Union Records: Information obtained by the Superintendent of Financial Institutions under an examination or independent audit of a credit union. | R.C. 1733.32(H) |
| Day-Care Records: Names and other identifying information regarding children enrolled in or attending, and individuals who make a complaint about, a child day-care center or home. | R.C. 5101.29 |
| Dental Board Records: State Dental Board proceedings concerning an investigation of a complaint and the determination in them whether reasonable grounds exist to believe a violation of the Dentists and Dental Hygienists Law has occurred. | R.C. 4715.03(D) |
| Department of Aging Records: Records identifying recipients of Golden Buckeye Cards or Department of Aging (DOA) prescription drug cards, subject to DOA Director discretion but never a recipient's medical or prescription drug utilization history. | R.C. 173.062 |

| Topic | Citation |
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| Department of Alcohol and Drug Addiction Services Records: (Communications by a person seeking aid in good faith for alcoholism or drug dependence and information revealing the person's identity not to be collected or disclosed by the Department of Alcohol and Drug Addiction Services (DADAS). | R.C. 3793.12(C) |
| Department of Alcohol and Drug Addiction Services Records: A record or information DADAS obtains or maintains for the Addicted Pregnant Women Program that could identify a specific woman or her child. | R.C. 3793.15(D) |
| Department of Alcohol and Drug Addiction Services Records: Health and medical records of a person treated for alcoholism or drug addiction. | R.C. 3793.14 |
| Department of Alcohol and Drug Addiction Services Records: Records or information pertaining to the identity, diagnosis, or treatment of any DADAS-licensed or certified drug treatment program patient. | R.C. 3793.13(A) |
| Department of Commerce Records: Information acquired by the Department of Commerce's Division of Liquor Control concerning a D-4 liquor permit holder's membership roster. | R.C. 4303.17(A)(1) |
| Department of Commerce Records: Names of individuals who request inspections for a violation of an Ohio Employment Risk Reduction Standard (OERRS); and a trade secret in information reported in an OERRS investigation, inspection, or proceeding. (Department of Commerce). | R.C. 4167.10(B)(1) and 4167.12 |
| Department of Development Records: Certain financial statements and information submitted to the DOD or the Tax Credit Authority. | R.C. 122.17(G) and 122.171(G) |
| Department of Development Records: Financial statements and data submitted to the DOD Director in connection with certain loan applications. | R.C. 122.42(D) |
| Department of Development Records: Financial statements and data submitted to the DOD Director, the Development Financing Advisory Council, or the Controlling Board in connection with applications for mortgage payments insurance. | R.C. 122.561 |
| Department of Development Records: Financial statements and other data submitted to the DOD Director in connection with specified financial assistance. | R.C. 122.74(C)(2) |
| Department of Development Records: Financial statements and other data submitted to the DOD Director, the Development Financing Advisory Council, or the Controlling Board by a private sector person in connection with specified financial assistance, and information taken from same. | R.C. 166.05(E) |
| Department of Development Records: Financial statements and other data submitted to the DOD Director, the Development Financing Advisory Council, or the Controlling Board by a private sector person in connection with the Innovation Financial Assistance Program, and information taken from same. | R.C. 166.14(D) |
| Department of Development Records: Financial statements and other data submitted to the DOD Director, the Development Financing Advisory Council, or the Controlling Board by a private sector person in connection with the Research and Development Financial Assistance Program, and information taken from same. | R.C. 166.19(D) |
| Department of Development Records: Proposals and related documents submitted in response to requests for competitive sealed proposals, until specified time. | R.C. 125.071(C) |
| Department of Development Records: Records concerning tourism market research of the Department of Development (DOD)--Division of Travel and Tourism. | R.C. 122.07(B) |
| Department of Development Records: Trade secrets or commercial or financial information received by the DOD Director, the Industrial Technology and Enterprise Advisory Council, or the Controlling Board. | R.C. 122.36 |
| Department of Development Records: 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, or energy resource development facilities. | R.C. 1551.11(B) |
| Department of Jobs and Family Services Records: Any record, data, pricing information, or other information regarding a drug rebate or supplemental drug rebate agreement for the Medicaid Program or the Disability Medical Assistance Program that the DJFS receives from a pharmaceutical manufacturer or creates pursuant to negotiation of the agreement. | R.C. 5101.51 |

| Topic | Citation |
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| Department of Jobs and Family Services Records: Certain records for children attending a day-care center and health and employment records for center employees. | R.C. 5104.011(C)(2) |
| Department of Jobs and Family Services Records: New hire reports filed by employers with the DJFS. | R.C. 3121.899(A) |
| Department of Jobs and Family Services Records: Reports made to the DJFS concerning adult abuse, neglect, or exploitation and related investigatory reports. | R.C. 5101.61(F) |
| Department of Jobs and Family Services Records: The identity of a nursing facility resident, an individual who submits a complaint about a nursing facility, or an individual who provides information about a nursing facility. (DJFS). | R.C. 5111.61(B) |
| Department of Mental Health Records: The source of a complaint of a Residential Facilities Law violation when disclosure could be detrimental to the Department of Mental Health's purposes or could jeopardize the investigation. | R.C. 5119.22(I) |
| Department of Mental Retardation and Developmental Disabilities Records: Records created or received pursuant to a DMRDD audit; the source of certain complaints made to the DMRDD; certain records maintained by the DMRDD relative to residents in its institutions or persons discharged or transferred from them; files and records of certain DMRDD investigations pertaining to abuse or neglect of an individual with mental retardation or a developmental disability or misappropriation of such an individual's property; and information in DMRDD records pertaining to a mentally retarded or developmentally disabled person for whom a guardian, trustee, or protector has been appointed. | R.C. 5123.05, 5123.19(K), 5123.31, 5123.51(G), and 5123.57 |
| Department of Mental Retardation and Developmental Disabilities Records: Communications between personnel and agents of the Legal Rights Service (LRS) and its clients; the identities of certain individuals who provide information to the LRS's Ombudsman Section; and the Ombudsman Section's records and files. Reports of wounds, injuries, disabilities, and conditions reasonably indicating abuse or neglect or of another major unusual incident made to DMRDD relative to mentally retarded or developmentally disabled persons, and the DMRDD's associated report on a review committee's recommendations. | R.C. 5123.60(G), 5123.601(D), 5123.602, and 5123.603(B) R.C. 5123.61(M) and 5123.611(C) |
| Department of Mental Retardation and Developmental Disabilities Records: Information in the personal and medical records of mentally retarded and developmentally disabled persons. | R.C. 5123.62(T) |
| Department of Mental Retardation and Developmental Disabilities Records: Certificates, applications, records, and reports identifying residents or persons whose institutionalization was sought under the Mental Retardation and Developmental Disabilities Law. | R.C. 5123.89(A) |
| Department of Mental Retardation and Developmental Disabilities Records: The identity of an individual who requests programs or services of a county MRDD board, and the record of a person eligible for the programs or services. | R.C. 5126.044 |
| Department of Mental Retardation and Developmental Disabilities Records: Reports by a county MRDD board of reviews of abuse and neglect allegations. Records maintained by the Department of Youth Services (DYS) pertaining to the children in its custody, and certain victim-related statements pertaining to a child who is committed to DYS's legal custody and who is the subject of a release hearing. | R.C. 5126.31(E) R.C. 5139.05(D) and 5139.56(C) |
| Department of Mental Retardation and Developmental Disabilities Records: Records kept by a public children services agency concerning certain investigations; and information concerning a deceased child possessed by an agency if a court determines disclosing the information would not be in the best interest of the deceased child's sibling or another specified child. | R.C. 5153.17 and 5153.173 |
| Department of Natural Resources Records: 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. | R.C. 1513.07(B)(3), (C)(12), and (D) |
| Department of Natural Resources Records: Information relating to test boring results submitted to the Chief of DNR's Division of Mineral Resources Management. | R.C. 1514.02(A)(9) |

| Topic | Citation |
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| Department of Natural Resources Records: 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. | R.C. 1501.012(B), 1501.091, and 1501.10 |
| Department of Natural Resources Records: Revelation by the Director of Natural Resources of abandoned property's location during certain time periods. | R.C. 1506.32(J) |
| Department of Natural Resources Records: Trade secrets or certain privileged commercial or financial information submitted to the Chief of DNR's Division of Mineral Resources Management (coal exploration operations). | R.C. 1513.072(B) |
| Department of Rehabilitation and Correction Records: Certain records that identify an inmate under the law concerning transfer of mentally ill or mentally retarded inmates from a Department of Rehabilitation and Correction (DRC) state correctional institution to a psychiatric hospital; certain records maintained by DRC; and DRC quality assurance records. | R.C. 5120.17(K), 5120.21, and 5120.211(B)(1) |
| Department of Rehabilitation and Correction Records: Information provided to the Office of Victim Services in DRC's Division of Parole and Community Services by victims of crime or victim representatives for certain purposes. | R.C. 5120.60(G) |
| Department of Transportation Records: 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 and until a specified time. | R.C. 5525.04 and 5525.15 |
| Department of Transportation Records: Reports of an investigation the Department of Transportation (ODOT) conducts relative to the safety practices of rail fixed guideway systems; and any part of a transit agency's system safety program plan that concerns security for the system. | R.C. 5501.55(D)(1) and 5501.56(B) |
| Domestic Violence Records: Residential address and county of residence information for a person admitted to a domestic violence shelter that is possessed by the shelter. | R.C. 3113.40 |
| Education Records: 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. | R.C. 3313.173 |
| Education Records: Certain records of the Ohio Tuition Trust Authority concerning tuition credits or college savings bonds. | R.C. 3334.11(J) |
| Education Records: Certain records regarding the examination of pupils, teachers, or other school employees for tuberculosis. | R.C. 3313.71 |
| Education Records: Data collected or maintained in the Statewide Education Management Information System that identifies a pupil. | R.C. 3301.0714(I) |
| Education Records: Information obtained during a State Board of Education or Superintendent of Public Instruction investigation that may be the basis for suspending, revoking, or limiting an educator's license. | R.C. 3319.311(A) |
| Education Records: Information received by a board of education in relation to a Healthcheck program. | R.C. 3313.714(C) |
| Education Records: Personal information concerning a pupil in the school district that was obtained or obtainable by an educational assistant. | R.C. 3319.088(E) |
| Education Records: Personally identifiable data, information, and records collected under a State Board of Education plan concerning the education of handicapped children. | R.C. 3323.06(A) |
| Education Records: Privately sought written opinions and associated records of JLEC. | R.C. 102.08(D) |
| Education Records: Records of the Ohio Tuition Trust Authority indicating the identity of purchasers, contributors, and beneficiaries under the Variable College Savings Program and amounts contributed to, earned by, or distributed from Program accounts. | R.C. 3334.19(H) |
| Education Records: Release of personally identifiable information concerning students attending a public school for certain reasons. | R.C. 3319.321(A) and (B) |

| Topic | Citation |
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| Education Records: Under certain circumstances, confidential or proprietary information or trade secrets contained in alternative school proposals submitted to a school district board of education. | R.C. 3313.533(H)(6) |
| Electronic Records: Records that would jeopardize the state's use or security of computer or telecommunications devices or services associated with electronic signatures, records, or transactions. | R.C. 1306.23 |
| Emergency Records: Certain information obtained by the Emergency Response Commission and local emergency planning committees, such as trade secrets and confidential business information. | R.C. 3750.02 |
| Emergency Records: Deliberations of persons performing risk adjustment functions under the emergency medical services incidence reporting system of the State Board of Emergency Medical Services; information the Board collects or receives under its law which would identify a specific patient or recipient of emergency medical services or trauma care; and information generated solely for use in a peer review or quality assurance program conducted for an emergency medical service organization. | R.C. 4765.06(E), 4765.10(C), and 4765.12(B) |
| Emergency Records: 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. | R.C. 3750.09 and 3751.04 |
| Emergency Records: Information pertaining to any shipment of special nuclear material or by-product material, until specified time (Executive Director of Emergency Management Agency). | R.C. 4163.07(C) |
| Emergency Records: 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. | R.C. 3750.10(B)(5) |
| Environmental Records: Records or information relating to secret processes or secret methods of manufacture or production the Ohio Water Development Authority obtains. | R.C. 6121.21 and 6123.20 |
| Environmental Records: Records, reports, or information accessible under the Water Pollution Control Law by the Director of Environmental Protection that constitute trade secrets. | R.C. 6111.05 |
| Environmental Records: Secret processes, or methods of manufacture or production, information or records obtained by the Ohio Air Quality Development Authority. | R.C. 3706.20 |
| Environmental Records: Trade secrets obtained by the Director of Environmental Protection under the Air Pollution Control Law; emissions data obtained by public officials under the Small Business Stationary Source Technical and Environmental Compliance Assistance Program; communications and information from small businesses seeking assistance under the Program; and information on problems and grievances assistance given to a small business by the Program's ombudsman. | R.C. 3704.08(A) and (B), 3704.18(A)(7), and 3706.19(C)(6) |
| Ethics Commission Records: Disclosure statements filed with the Ohio Ethics Commission. | R.C. 102.02(B) |
| Ethics Commission Records: Information and records concerning investigations of complaints and charges by appropriate ethics commission. | R.C. 102.06(B), (C)(2), and (F) |
| Ethics Commission Records: 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. | R.C. 102.07 |
| Financial Institution Records: Annual reports filed by second mortgage security loans registrants with the Superintendent of Financial Institutions, and other information. | R.C. 1321.55(B)(2) and (C) |
| Financial Institution Records: Examination, investigation, and certain application information obtained by the Superintendent of Financial Institutions regarding mortgage broker registrants. | R.C. 1322.061(A), (B), and (D) |
| Financial Institution Records: Information obtained by the Superintendent of Financial Institutions regarding insurance premium finance company licensees. | R.C. 1321.76(C) |
| Financial Institution Records: Information obtained from a financial institution pursuant to an account information access agreement. | R.C. 3121.76 |

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| Financial Institution Records: Reports and information regarding investigations of transmitters of money businesses by the Superintendent of Financial Institutions. | R.C. 1315.06(D) |
| Financial Institution Records: Reports filed with the Superintendent of Financial Institutions by small loans licensees. | R.C. 1321.09(A) |
| Fire Marshall Records: Information the Fire Marshal and certain other officials receive from an insurance company that has investigated or is investigating a fire loss of real or personal property, until a specified time. | R.C. 3737.16(E) |
| Fire Marshall Records: Testimony given in an investigation into a fire is not a matter of public record in the Fire Marshal's record of Ohio fires determined by investigations. | R.C. 3737.23 |
| Forfeiture Records: Until property is seized, the recording and transcript of certain hearings or proceedings in relation to "participating in a criminal gang" forfeitures. | R.C. 2923.44(D)(4) and 2923.45(C)(2) |
| Forfeiture Records: Until property is seized, the recording and transcript of certain proceedings in relation to "felony drug abuse offense" forfeitures. | R.C. 2925.42(D)(4) and 2925.43(C)(2) |
| Geological Records: 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). | R.C. 1505.03 |
| Health Care Records: Proceedings and records of a peer review committee of a health care entity. | R.C. 2305.252 |
| Health Records: An original birth record and documentary evidence supporting a new registration of birth (following fatherhood presumption, finding, declaration, or acknowledgement). | R.C. 3705.09(G) |
| Health Records: Certain information concerning a case of malignant disease furnished to a cancer registry or the Department of Health and information concerning individual cancer patients obtained by the Department for the Ohio Cancer Incidence Surveillance System. | R.C. 3701.263(A) and (B) |
| Health Records: Contents or particulars of maternity hospital or home-related records (the Department of Health, boards of health, and hospital/home keepers). | R.C. 3711.11 |
| Health Records: Copies of the American College of Surgeons' report of a consultative or reverification visit and the plan and timetable for obtaining verification or reverification that are provided to the Director of Health by an adult or pediatric trauma center operating under provisional status. | R.C. 3727.101(E)(2) |
| Health Records: Healthcare facilities and coroners must keep confidential information concerning possible exposure to a contagious or infectious disease when the information is communicated by measures other than the statutory procedures for notification of emergency medical services workers and funeral services workers of that possible exposure. | R.C. 3701.248(D) |
| Health Records: Identifying information about any patient in certain Director of Health investigations under the Certificates of Need Law. | R.C. 3702.531 |
| Health Records: Identifying patient information the Department of Health obtains in a Health Care Practitioner Balance Billing Law alleged violation investigation. | R.C. 4769.07 |
| Health Records: Information concerning AIDS cases, AIDS-related conditions, or confirmed positive HIV tests reported to the Department of Health that identifies an individual; information obtained or maintained under the associated partner notification system; certain information concerning an individual's HIV test and the identity of an individual diagnosed as having AIDS or an AIDS-related condition; and the identity of an individual against whom a probate court action has been brought to compel HIV testing. | R.C. 3701.24(D), 3701.241(A), 3701.243(A), and 3701.247(A) |
| Health Records: Information contained in the "Information for Medical and Health Use Only" section of a birth record (Department of Health's Office of Vital Statistics and local registrars). | R.C. 3705.23(A)(4)(b) |
| Health Records: Information filed under the Hospital Care Assurance Program that includes patient-identifying material. | R.C. 5112.21 |

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| Health Records: Information obtained during an ongoing investigation or inquiry by the Director of Health (cause of disease or illness related) that is not in summary, statistical or aggregate form and that identifies a person. | R.C. 3701.14(B) and (D) |
| Health Records: Information of a poison prevention and treatment center about individuals to whom treatment or services are provided. | R.C. 3701.20(E) |
| Health Records: Information provided to the Department of Health through the toll-free patient safety telephone line. | R.C. 3701.91 |
| Health Records: Information that is a medical record and that is required to be reported under Public Health Council lead abatement project and lead poisoning record-keeping and reporting rules. | R.C. 3742.03(E)(3) |
| Health Records: Information that is reported to or obtained by the Director of Health, the Department of Health, or a board of health of a city or general health district that describes an individual's past, present, or future physical or mental health status or condition, receipt of treatment or care, or purchase of health products, and that reveals the identity of the individual or could be used to reveal the identity of the individual. | R.C. 3701.17(A) and (B) |
| Health Records: Information that the Public Health Council requires radon testers and mitigation specialists to report to the Director of Health, and the name of a complainant to the Director concerning a radon tester, mitigation specialist or contractor, or operator of a radon laboratory or a training course. | R.C. 3723.09(H) and 3723.10 |
| Health Records: Names and Social Security numbers of patients and physicians not to be included in data required to be reported by hospitals to the Department of Health; Department reports not to include information violative of patient or physician confidentiality. | R.C. 3727.14 and 3727.15 |
| Health Records: Original birth records and certain documents after a new record has been issued or obtained after an adoption. | R.C. 3705.12 and 3705.29(D) |
| Health Records: Original birth records and index references after a new record is issued due to an unregistered birth, lost or destroyed birth record, or correction of the original birth record. | R.C. 3705.15(D)(1) |
| Health Records: Patient-identifying information contained in newborn hearing screening reports submitted by hospitals and freestanding birthing centers to the Department of Health. | R.C. 3701.509(E) |
| Health Records: Prescriptions, orders, and records required by the Controlled Substances Law. | R.C. 3719.13 |
| Health Records: Quality-of-care data, or records copied in an investigation of a violation of the Department of Health's rules, that identify specific patients; or safety reports concerning specific adverse events, bodily injuries, or complaints that are reported to the Department. | R.C. 3702.18 |
| Health Records: Radon-related information collected by the Department of Health concerning a private residence or the real property upon which it is located, under certain circumstances. | R.C. 3723.12(A) |
| Health Records: Records received and information assembled by the Birth Defects Information System. | R.C. 3705.32(A) |
| Health Records: Technical assistance reports of the Department of Health's technical assistance unit for nursing facilities. | R.C. 3721.026(B) |
| Health Records: The identity of a person who makes, and the contents of, a report alleging a violation of the Community Alternative Homes Law (Director of Health). | R.C. 3724.11 |
| Health Records: Under certain circumstances, a foundling report for a child of unknown parentage. | R.C. 3705.11 |
| Health Records: The name of a person who files a complaint with the Director of Health concerning a lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, clearance technician, clinical laboratory, environmental lead analytical laboratory, or training course. | R.C. 3742.15 |

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| Homeless Person Records: Last known residential address and county of residence of a homeless person that is possessed by a homeless shelter. | R.C. 2151.422(D) |
| Inspector General Records: Reports of an investigation conducted and designated confidential by the Inspector General or a deputy inspector general. | R.C. 121.44(A) |
| Juvenile Arrest Records: Originals and copies of fingerprints and photographs of a child and the child's related records of arrest or custody. | R.C. 2151.313(C) |
| Juvenile Records: Reports and records of a juvenile court's probation department. | R.C. 2151.14(B) |
| Legislative Records: Certain files of former House and Senate ethics committees. | R.C. 101.34(F)(1) |
| Legislative Records: Legislative documents arising out of confidential General Assembly member/staff and legislative staff relationship. | R.C. 101.30(B) |
| Library Records: Library records and patron information. | R.C. 149.432(B) |
| Lottery Commission Records: State Lottery Commission meeting records, unless prior notification of the Director and a showing of good cause. | R.C. 3770.02(B) |
| Major League Records: Certain records of a corporation that owns tax-exempt "public recreational facility" property used by a major league professional team. | R.C. 5709.081(D) |
| Marriage License Applications: In connection with marriage license applications, under specified circumstances, a record containing applicant Social Security numbers. | R.C. 3101.05(A) and 3101.051 |
| Medical Board Records: Information the State Medical Board receives in an investigation of an alleged violation of the Physician Assistants Law, the Physicians Law, the Anesthesiologist Assistants Law, or the Acupuncturists Law; and summaries, reports, and records the Board receives and maintains regarding formal disciplinary actions taken with respect to physician assistants, physicians, anesthesiologist assistants, or acupuncturists by a health care facility, their alleged violations of the applicable law, their professional membership revocation or suspension for certain reasons, or their professional liability insurance claim final dispositions. | R.C. 4730.26(E), 4730.32(F), 4731.22(F)(5), 4731.224(F), 4760.14(E), 4760.16(F), 4762.14(E), and 4762.16(F) |
| Medical Records: Records of a person's identity, diagnosis, prognosis, or treatment under the Employee Assistance Program. | R.C. 3701.041(B) |
| Medical Records: Specified records of the program for medically handicapped children and of programs funded by the federal Maternal and Child Health Block Grant. | R.C. 3701.028(A) |
| Motor Vehicle Salvage Records: Applications for licenses as a motor vehicle salvage dealer. Licensee-related information obtained in investigations under the Occupational Therapist, Physical Therapist, and Athletic Trainers Law; and other information obtained by the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board Records: Therapy, and Athletic Trainers Board regarding applicable violations of the Law. | R.C. 4738.14 R.C. 4755.04 and 4755.61(A)(7) |
| Nursing Board Records: Information received by the Board of Nursing in an investigation of an alleged violation of the Nurses Law; records of the Board for the purpose of the practice intervention and improvement program; and all records of a participant in the Board's chemical dependency monitoring program. | R.C. 4723.28(I), 4723.282(D), and 4723.35(E) |
| Nursing Home Records: Certain identifying information relative to reports alleging a violation of the Adult Care Facility Law (Director of Health). | R.C. 3722.17(A) |
| Nursing Home Records: Certain records and information concerning reports of long-term care facility or residential care facility resident abuse or neglect or misappropriation of resident property. | R.C. 3721.25(A), (B), and (C) |
| Nursing Home Records: Information that identifies a patient or resident of a nursing home, a residential care facility, a home for the aging, or an Ohio Veterans' Home, or an individual who files a complaint or provides confidential information about a home or facility (Department of Health). | R.C. 3721.031 |

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| Nursing Home Records: Personal and/or medical records of the residents or patients of nursing homes, residential care facilities, homes for the aging, an Ohio Veterans' Home, adult care facilities, community alternative homes, and certain other homes. | R.C. 3721.13(A)(10), 3722.12(B)(19), and 3724.07(B)(5) |
| Ohio Air Quality Development Authority Records: 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. | R.C. 1551.35(C) and 1555.17 |
| Ohio Family and Children First Cabinet Council Records: Certain records of meetings of the Ohio Family and Children First Cabinet Council. | R.C. 121.37(A)(2)(c) |
| Ohio Rail Development Commission Records: Confidential data or information obtained from a railroad by the Ohio Rail Development Commission, and trade secrets and proprietary information the Commission receives. | R.C. 4981.03(D) and 4981.29(A)(7) |
| Ombudsman Records: Information that the Migrant Agricultural Ombudsman's Office receives as a result of reports of certain violations of law filed with it. | R.C. 3733.471(D) |
| Ombudsperson Records: Certain investigative and other files and information contained in the State Long-Term Care Ombudsperson Program's or regional program's office. | R.C. 173.22(A) |
| Optometry Board Records: Information the State Board of Optometry receives regarding the final disposition of a claim or malpractice action against an optometrist; and information the Board receives in an investigation of an alleged violation of the Optometrists Law. | R.C. 4725.22(C) and 4725.23(C) |
| Patient Records: Certain information identifying a patient or client or a patient's or client's diagnosis, prognosis, or medical or other specified treatment. | R.C. 149.431(A)(1) |
| Peace Officer Training Records: Ohio Peace Officer Training Commission certification examinations, either before or after completion. | R.C. 109.75(L) |
| Physician Records: Information, data, reports, or records furnished by a physician to a quality assurance or utilization committee. | R.C. 2305.24 |
| Port Authority Records: Certain trade secret and other financial and proprietary information submitted by an employer to a port authority or specified nonprofit corporation; other information so submitted until specified time. | R.C. 4582.091(A) and 4582.58(B) |
| Presentence Investigative Reports: Certain or all information in presentence investigation reports (contents and summaries) and those reports, psychiatric reports, and other investigative reports in an appellate court record to be reviewed. | R.C. 2947.06, 2951.03, and 2953.08(F)(1) |
| Protective Orders: Under specified circumstances, certain records of a law enforcement agency or prosecuting attorney regarding abused, neglected, or dependent child complaints (protective orders). | R.C. 2151.141(B)(2) |
| Public Defender Records: Information obtained by a public defender when determining if a person is indigent and communications between a defendant and public defender. | R.C. 120.38(A) and (B) |
| Public Utilities Commission Records: Certain information acquired by a Public Utilities Commission (PUCO) employee or agent concerning a public utility. | R.C. 4901.16 |
| Public Utilities Commission Records: Confidential information provided to the PUCO regarding competitive retail electric service. | R.C. 4928.06(F) |
| Public Utilities Commission Records: Financial statements, financial data, and trade secrets the Director of Development receives under the Energy Efficiency Revolving Loan Program. | R.C. 4928.62(C) |
| Public Utilities Commission Records: Information concerning competitive retail natural gas service provided by retail natural gas suppliers or governmental aggregators to the PUCO. | R.C. 4929.23(A) |
| Public Utilities Commission Records: Information concerning corporate structure and personnel on a uniform permit application, or for a background investigation for an application for a uniform permit as a carrier of hazardous wastes, submitted to the PUCO. | R.C. 4905.82(B) and (C) |

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| Real Estate Appraisers Records: Information obtained in investigations of alleged violations of the Real Estate Appraisers Law (the Superintendent of Real Estate and Professional Licensing, Department of Commerce). | R.C. 4763.03(D) |
| Real Estate Broker Records: Information obtained in investigations and audits concerning alleged violations of the Real Estate Brokers and Salespersons Law, and associated reports, documents, and work products (Department of Commerce, Superintendent of Real Estate and Professional Licensing). | R.C. 4735.05(D) |
| Rehabilitation Services Records: Lists of names or information in the Rehabilitation Services Commission's records pertaining to applicants for or recipients of Commission services. | R.C. 3304.21 |
| Residential Addresses: Home address of any peace officer who is a witness or arresting officer in a pending criminal case (law enforcement agency, court, or court clerk's office cannot disclose in absence of court order). | R.C. 2921.24(A) |
| Residential addresses: 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). | R.C. 2151.142(C) |
| Respiratory Care Board Records: Confidential information obtained by, and the identity of complainants to, the Ohio Respiratory Care Board during investigations of alleged violations of the Respiratory Care Law. | R.C. 4761.03(E) |
| Retirement System Records: Certain information and records of the Public Employees Retirement Board, State Teachers Retirement Board, and School Employees Retirement Board. | R.C. 145.27(A), (B), and (D)(4), 3307.20(A)(1), (B), (C), and (E)(4), and 3309.22(A), (B), and (D)(4) |
| Search Warrant Records: Until search warrant is returned, the recording and transcript of proceeding concerning a request for a waiver of the statutory precondition for nonconsensual entry. | R.C. 2933.231(E) |
| Securities Records: Investigation information, confidential law enforcement investigatory records, and trial preparation records of the Department of Commerce's Division of Securities. | R.C. 1707.12(B) and (C) |
| Securities Records: Records of ownership, registration, transfer, and exchange of securities. | R.C. 9.96(C) |
| Security and Infrastructure Records: Public office's security records and infrastructure records: "security record" being (1) any record that contains information directly used for protecting or maintaining the security of a public office against attack, interference, or sabotage, or (2) any record assembled, prepared, or maintained by a public office or public body to prevent, mitigate, or respond to acts of terrorism; and "infrastructure record" being any record that discloses the configuration of a public office's critical systems, including communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office is located, but not including a simple floor plan that discloses only the spatial relationship of components of a public office or the building in which a public office is located. | R.C. 149.433(B) |
| Sentencing Statements: Written statement before sentencing of a victim, defendant, or alleged juvenile offender. | R.C. 2930.14(A) |
| Sex Offender Registration Records: BCII'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. | R.C. 2950.13(A)(13) |
| Sex Offender Registration Records: Certain statements, information, photographs, and fingerprints required under the Sex Offender Registration Law. | R.C. 2950.08 and 2950.10(A)(4) |
| Special Improvement District Records: Records of organizations contracting with a special improvement district. | R.C. 1710.02(C) |
| State Highway Patrol Records: 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. | R.C. 5502.12 |

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| State Highway Patrol Records: State Highway Patrol Retirement Board records containing a personal history record or monthly allowance or benefit information; the identity of recipients of public assistance. | R.C. 5505.04(C) and (D)(4) |
| Superintendent of Financial Institutions Records: Information arising from, obtained by, or contained in the Superintendent of Financial Institutions' investigation of a pawnbroker or of another person the Superintendent reasonably suspects has violated or is violating the Pawnbroker Law. | R.C. 4727.18(A) and (B) |
| Superintendent of Insurance Records: A memorandum 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. | R.C. 3903.72(B)(3)(g) |
| Superintendent of Insurance Records: Any document or information pertaining to a complaint or response that contains a medical record, that is provided to the Superintendent of Insurance and the Director of Health for inspection by a health insuring corporation. | R.C. 1751.19(C) |
| Superintendent of Insurance Records: Certain conferences and administrative proceedings, and associated documents, regarding a credit union share guaranty corporation. | R.C. 1761.21(A) |
| Superintendent of Insurance Records: Certain financial statements and analyses furnished to a credit union share guaranty corporation. | R.C. 1761.08(A) |
| Superintendent of Insurance Records: Certain records concerning an audit of an insurance company or health insuring company; and the work papers of the Superintendent of Insurance from specified insurer examinations and from performance regulation examinations. | R.C. 3901.48(A), (B), and (C) |
| Superintendent of Insurance Records: 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). | R.C. 3956.12(A)(4), (C), and (E) |
| Superintendent of Insurance Records: Certain records pertaining to delinquency proceedings against an insurer and judicial reviews of those proceedings. | R.C. 3903.11 |
| Superintendent of Insurance Records: 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; and documents and evidence obtained by the Superintendent in an investigation of a suspected or actual fraudulent viatical settlement act. | R.C. 3916.11(D) and 3916.18(E)(1) |
| Superintendent of Insurance Records: Data or information concerning an enrollee's or applicant's diagnosis, treatment, or health obtained by a health insuring corporation from specified sources. | R.C. 1751.52(B) |
| Superintendent of Insurance Records: Documents, reports, and evidence in the possession of the Superintendent of Insurance pertaining to an insurance fraud investigation. | R.C. 3901.44(B) |
| Superintendent of Insurance Records: Health insuring corporation's clinical review rationale when made available to government agency. | R.C. 1751.80(A) |
| Superintendent of Insurance Records: Information a law enforcement or prosecuting agency receives from an insurance company investigating a claim involving motor vehicle or vessel insurance, until a specified time. | R.C. 3937.42(F) |
| Superintendent of Insurance Records: Information and documents obtained by the Superintendent of Insurance in an examination or investigation of an insurer's financial condition or legality of conduct. | R.C. 3901.36 |
| Superintendent of Insurance Records: Information or documentation provided to an agent or to the Superintendent of Insurance by an insurer regarding termination of an independent insurance agency contract. | R.C. 3905.50(H) |
| Superintendent of Insurance Records: Information submitted for an examination of policies, etc. by an insurance rating bureau. | R.C. 3935.06 |
| Superintendent of Insurance Records: Ohio Insurance Guaranty Association's recommendations regarding the status of certain member insurers. | R.C. 3955.14(A)(2) |

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| Superintendent of Insurance Records: Record containing the medical history, diagnosis, prognosis; or medical condition of an enrollee of a health insuring corporation, insured of an insurer, or plan member of a public employee benefit plan, which is provided to Superintendent of Insurance under law. | R.C. 3901.83 |
| Superintendent of Insurance Records: 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. | R.C. 3930.10 |
| Superintendent of Insurance Records: 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. | R.C. 3929.68 |
| Superintendent of Insurance Records: Reports obtained by or disclosed to Superintendent of Insurance relative to insurer material transactions. | R.C. 3901.70(A) |
| Superintendent of Insurance Records: Statements and reports submitted by a financial institution regarding trust account (IOTA) interest used to fund legal aid programs. | R.C. 3953.231(E) |
| Superintendent of Insurance Records: The risk-based capital (RBC) plans, reports, information, and orders maintained by the Superintendent of Insurance. | R.C. 1753.38(C)(1) and 3903.88 |
| Superintendent of Insurance Records: 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. | R.C. 3905.24 |
| Superintendent of Insurance Records: Written notice of impairment sent by an insurer to the Superintendent of Insurance. | R.C. 3999.36(C) |
| Tax Records: 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 Commissioner obtains for the purpose of adopting or modifying the method of determining true value; and preliminary, amended, and final assessment certificates concerning certain taxpayers. | R.C. 5711.10, 5711.101, 5711.11, 5711.18, 5711.25, and 5711.26 |
| Tax Records: 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. | R.C. 5733.03, 5733.056(B)(4), and 5733.42(E) |
| Tax Records: For purposes of the Motor Vehicle Fuel Tax Law, information the Tax Commissioner acquires by examination of records, books, and papers, and information acquired by Department of Taxation employees in an investigation. | R.C. 5735.19 and 5735.33 |
| Tax Records: 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 officer, or Attorney General possesses. | R.C. 5731.90(A)(1) |
| Tax Records: Information about the business, property, or transactions of any public utility obtained by the Tax Commissioner in adopting or modifying the utility's composite annual allowance. | R.C. 5727.11(f) |
| Tax Records: Information acquired by a Department of Taxation agent as to any person's transactions, property, or business; and certain opinions the Tax Commissioner prepares for a taxpayer and identifying information in the opinions. | R.C. 5703.21(A) and 5703.53(f) |
| Tax Records: 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. | R.C. 5739.35, 5741.24, 5743.45, and 5747.60 |
| Tax Records: Information from a return, investigation, hearing, or verification associated with the Personal Income Tax Law. | R.C. 5747.18 |

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| Tax Records: Information furnished by the Tax Commissioner to certain officials as part of the procedure to determine overpayment of public assistance. | R.C. 5101.182 |
| Tax Records: Tax forms or schedules submitted to the Director of Job and Family Services to determine eligibility for medical assistance. | R.C. 5111.011(D) |
| Tax Records: 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. | R.C. 5715.49 and 5715.50 |
| Telephone Solicitor Records: Social Security number and other specified information submitted in an application for a certificate of registration or registration renewal as a telephone solicitor. | R.C. 4719.02(E) |
| Test Records: Individual proficiency test scores and proficiency field test questions. | R.C. 3301.0711(I) and (N)(3) |
| Test Records: Individual student test scores and reports used in the Value-Added Progress Dimension. | R.C. 3302.021(A)(2) |
| Test Records: Test materials, examinations, or evaluation tools used in any Department of Health examination or evaluation, specifically including competency evaluation programs and training and competency evaluation programs relative to long-term care facilities. | R.C. 3701.044 and 3721.31(F) |
| Trade Secret Records: Trade secrets contained in a record of the Ohio's Best Rx Program Council; certain other information related to the Program's purposes. | R.C. 5110.50, 5110.51, and 5110.56 |
| Trade Secrets: Trade secrets and other information required to be furnished to or procured by a licensor of retail food establishments or of food service operations. | R.C. 3717.28 and 3717.48 |
| Unclaimed Funds Records: Audited records of holders of unclaimed funds. | R.C. 169.03(F)(4) |
| Veterans Assistance Records: Certain documents and information relative to applications for financial assistance to a county veterans service commission and, generally, commission documents that the Director of the Governor's Office of Veterans Affairs obtains which identify applicants for or recipients of financial assistance. | R.C. 5901.09(A), (B), and (C) and 5902.04(B) and (C)(2) |
| Voter Registration Records: Designated agencies under the Voter Registration Law generally must keep certain agency-related information confidential. | R.C. 3503.10(E)(4) |
| Voter Registration Records: Information relating to an applicant's decision to decline to register to vote or update the applicant's voter registration (Registrar of Motor Vehicles and deputy registrars). | R.C. 3503.11 |
| Voter Registration Records: Records relating to the declination of a person to register to vote and the identity of the voter registration agency through which a particular person registered to vote (directors and deputy directors of elections and board of elections employees). | R.C. 3599.161(B) |
| Welfare Records: Information regarding recipients of public assistance (procedure for determination of overpayments and other purposes). | R.C. 5101.181(B) and 5101.27 |
| Welfare Records: Written agreement between a multiple employer welfare arrangement operating a group self-insurance program and a third party administrator. | R.C. 1739.16(E) |
| Workers' Compensation Records: 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. | R.C. 4141.162(E), 4141.21, and 4141.22 |
| Workers' Compensation Records: Certain vendor and other information associated with the Bureau of Workers' Compensation qualified health plan system, health partnership program, and health care data program. | R.C. 4121.44(D)(1) and (H)(3) |
| Workers' Compensation Records: Information concerning a claim or appeal filed with the Bureau of Workers' Compensation or the Industrial Commission. | R.C. 4123.88 |
| Workers' Compensation Records: Information contained in employer annual statements filed with the Bureau of Workers' Compensation. | R.C. 4123.27 |

Public Record Request Response Form

(FORM PR-1)

Thank you _____ (Name of Requester) for your recent public record request. The _____ (public office) will respond in accordance to the applicable provisions of the Ohio Public Records Act.

On _____ (Date), you requested the following records/ information:

- | | |
|---|---|
| <u>The record/ information requested:</u> | Legal Authority Cited (if applicable) |
| <input type="checkbox"/> Is not maintained by this office <i>(office will attempt to direct requester to correct office)</i> | |
| <input type="checkbox"/> Is overly ambiguous <i>(despite efforts to clarify).</i> | ORC 149.43 (B)(2) |
| <input type="checkbox"/> Does not exist and/or no obligation to create. | ORC 149.40 |
| <input type="checkbox"/> Has been disposed pursuant to One Time Records Disposal or pursuant to Retention Schedule. | RC-2 |
| <input type="checkbox"/> Is not subject to release in its entirety | (Office needs to cite leg. auth) |
| <input type="checkbox"/> Is subject to release, however the following redactions have been made to protect exempted information | (149.43 (B)(1)-(3)): |

| | |
|------------------|------------------------------|
| <u>Redaction</u> | <u>Legal Authority Cited</u> |
|------------------|------------------------------|

Ex. A 149.43(A)(7)(a) Peace Officer Info

Prepared by: _____

Date: _____

If applicable, Legal Review by: _____

Date: _____

Gallia County Public Records Policy

Gallia County acknowledges that it maintains many records that are used in the administration and operation of the County. The records maintained by County and the ability to access them are a means to provide trust between the public and the County. Gallia County maintains its records in a manner which allows the County to provide the general public prompt inspection of the County's public records, and copies of these records within a reasonable amount of time during its regular business hours from 8:00 am to 4:00 pm, Monday thru Friday (except Holidays).

Gallia County has a public records policy and a Schedule of Records Retention (RC-2). If you cannot find either of these documents, please consult with one of our employees and they will provide you with a copy.

This document can be found at http://www.gallianet.net/images/Commissioners/Public_Records_Policy.pdf

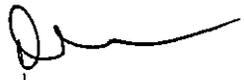
ADOPTION RESOLUTION

WHEREAS, HB 9 requires each county to adopt a public records policy.

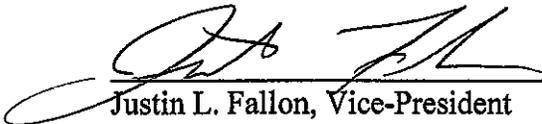
NOW, THEREFORE, THE BOARD OF GALLIA COUNTY COMMISSIONERS, HEREBY RESOLVES to adopt the foregoing as our county public records policy.

This resolution shall take effect this 4th day of October, 2007.

Gallia County Commissioners



David K. Smith, President 10/4/07

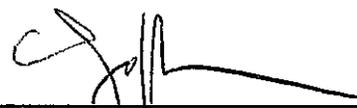


Justin L. Fallon, Vice-President 10/4/07



Howard Joe Foster, Commission Member 10/4/07

Approved as to legal form and content:



C. Jeffrey Adkins, Gallia County Prosecuting Attorney 10/3/07
Date