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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 4
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 4's Bill Analysis](#)

Version: As Reported by Senate Judiciary

Primary Sponsor: Sen. Roegner

Local Impact Statement Procedure Required: No

Jessica Murphy, Budget Analyst

Highlights

- The bill may increase the annual costs that state and local public offices incur: (1) to train staff in public records policy, and (2) for staff to expend additional time and effort to ensure that exempted information is not disclosed. It appears that such public offices generally can absorb these costs utilizing existing staffing levels and appropriated funds.
- The number of additional civil and criminal actions that may occur subsequent to the bill's enactment, as well as any related state and local fiscal effects, is indeterminate.

Detailed Analysis

Designated public service workers

The bill includes emergency service telecommunicators (commonly known as 9-1-1 operators) and certain Ohio National Guard members within the definition of "designated public service worker." As a result, the existing exemption from disclosure under the Public Records Law that applies to the residential and familial information of designated public workers also extends to members of these additional professions. The bill will not modify the personal information that is exempted, instead granting the identical protections that are currently available to designated public service workers.

According to the U.S. Bureau of Labor Statistics, as of May 2019, an estimated 4,530 individuals were employed in Ohio as public safety telecommunicators. This occupation is defined as a person who operates telephone, radio, or other communication systems to receive and communicate requests for emergency assistance at 9-1-1 public safety answering points and emergency operations centers. The number of Ohio National Guard members that the Adjutant General would determine to be a "designated public service worker" is indeterminate.

With this designation, such an individual may request that their address be redacted from any record of a public office that is publicly available on the internet in which their residential and familial information appears, except for the records of the county auditor. As it applies to publicly available records stored by the county auditor,¹ such an individual or their spouse may request that their name be removed and replaced with initials. Under continuing law, in both circumstances, the public office must comply with the request within five business days if practicable.

The effect on a given public office depends on: (1) the number and type of records maintained that contain protected information that would need to be redacted, and (2) the frequency of public records requests and individual requests for redaction or removal. However, because state and local public offices currently have procedures in place for the removal or redaction of residential and familial information of designated public service workers, any increase in administrative costs to expand these protections to encompass additional individuals is likely to be absorbed into normal operations without necessitating additional resources.

Personal information access and disclosure violations

Current law contains the below-described civil and criminal remedies for violations of prohibitions against internet access to personal information and wrongful disclosure of personal information. The number of additional civil and criminal actions that may occur subsequent to the bill's enactment, as well as any related state and local fiscal effects, is indeterminate. However, it is presumed that few, if any, violations of the Public Records Law will occur annually, as it relates to improper disclosure by local and state governmental entities.

Internet access to personal information violations

Current law provides a qualified immunity to a public office or person responsible for a public office's public records for any harm resulting from the inclusion of that individual's personal information on any record made available to the general public on the internet. This includes violation of a designated public service worker's request that their address be redacted from available online records, which the bill applies to emergency service telecommunicators and designated Ohio National Guard members.

Public Information Systems Law violations

Wrongful disclosure

Under the state's existing Personal Information Systems Law (R.C. Chapter 1347):

- A person who is harmed by the use of their personal information maintained in a personal information system may recover damages in civil action from any person who directly and proximately caused the harm by engaging in certain "intentional" conduct.
- Any person who, or any state or local agency that, violates or proposes to violate any provision of this chapter may be enjoined by any court of competent jurisdiction, the court may issue an order or enter a judgment that is necessary to ensure compliance or to prevent the use of any practice that violates this chapter, and an action for an

¹ Applies to records made available to the general public on the internet or a publicly accessible database and from the general tax list and duplicate of real and public utility property.

injunction may be prosecuted by the person who is the subject of the violation, by the Attorney General, or by any prosecuting attorney.

Access rules for confidential information

Under current law, state agencies are subject to requirements concerning the release of confidential personal information they possess in written or electronic form. This includes Social Security numbers, federal tax identification numbers, financial information, and such, as well as any information that is not a public record under the Public Records Law. Each state agency is to adopt rules regulating access to the confidential personal information the agency keeps, whether electronically or on paper. State agency does not include the courts or any judicial agency, any state-assisted institution of higher education, or any local agency.

A person who is harmed by a violation of a rule of a state agency may bring an action in the Court of Claims against any person who directly and proximately caused the harm. A person “knowingly” accessing, using, or disclosing confidential information is guilty of a misdemeanor of the first degree, the penalty for which is a jail term of up to 180 days, a fine up to a \$1,000, or both.