



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Wendy H. Gridley

Am. Sub. H.B. 8

132nd General Assembly
(As Passed by the General Assembly)

Reps. Hambley and Rezabek, Brenner, Thompson, Koehler, Riedel, Dean, Blessing, Goodman, Anielski, Antonio, Arndt, Barnes, Boccieri, Boyd, Conditt, Dever, Edwards, Faber, Fedor, Galonski, Gavarone, Green, Greenspan, Holmes, Householder, Ingram, Kick, Landis, Leland, Manning, O'Brien, Patmon, Patterson, Patton, Pelanda, Perales, Ramos, Reineke, Rogers, Ryan, Schaffer, Slaby, K. Smith, Stein, Sweeney, West, Young

Sens. Uecker, Hackett, Balderson, Brown, Burke, Huffman, Kunze, Lehner, Manning, Oelslager, Schiavoni, Tavares, Thomas, Yuko

Effective date: September 28, 2018

ACT SUMMARY

- Exempts from the Public Records Law certain personal information concerning a minor in a record related to a school vehicle traffic accident.
- Provides for a journalist exemption to allow access to certain personal information concerning the minor.
- Establishes a process under which the parent or guardian of a minor whose personal information is included in a record related to a school vehicle traffic accident may request a copy of the record.
- Exempts from the Public Records Law "protected health information," as defined in the federal Health Insurance Portability and Accountability Act (HIPAA), when included in a health claim for payment or another document revealing the identity of an individual.

* This version updates the effective date.

CONTENT AND OPERATION

Public Records exemption, minors in school vehicles involved in accidents

The act exempts the name, address, contact information, and other personal information of a person who is under 18 (a minor) from the Public Records Law under certain conditions. A minor's personal information is exempt if it is included in the record of a school vehicle traffic accident and the minor was in the vehicle at the time of the accident.

Under continuing Public Records Law, any person may request to inspect or obtain copies of public records from a public office. When it receives a public records request, and unless part or all of a record is exempt from release, a public office must provide inspection of the requested records promptly and at no cost, or provide copies at cost within a reasonable time. Therefore, under the act, if a person makes a public records request for a record of a school vehicle traffic accident, the public office may withhold or redact the record as the act's exemption requires.¹

Parent or guardian of the minor may request record

The act allows the parent or guardian of a minor who was an occupant of a school vehicle involved in a traffic accident to request a copy of a record of the accident that contains the minor's personal information. The parent or guardian must submit a written request that identifies the minor and also identify the recipient of the record. A public office or person responsible for a record that contains this information must respond to the request, but only as it pertains to the minor on whose behalf the record was requested. The personal information of any other minor who may have been an occupant of the school vehicle involved in the accident must be redacted before the record is provided to the requestor.²

Journalist exemption

The act allows for a journalist exemption to allow access to certain information relating to a minor involved in a school vehicle accident. The exemption does not allow access to a Social Security number, driver's license or state identification number, bank account numbers, credit and debit card numbers, or any other financial or medical account number.³

¹ R.C. 149.43(A)(1)(gg) and (B).

² R.C. 149.436.

³ R.C. 149.43(B)(9)(b)(ii) and 149.45(A)(1), not in the bill.



Public Records exemption for HIPAA-protected health information

The act exempts "protected health information," as defined in the federal Health Insurance Portability and Accountability Act (HIPAA), that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals or could reveal the identity of an individual who is the subject of the data.⁴

HISTORY

ACTION	DATE
Introduced	02-01-17
Reported, H. Gov't Accountability & Oversight	05-01-17
Passed House (95-2)	05-24-17
Reported, S. Local Gov't, Public Safety & Veterans Affairs	10-24-17
Recommitted to S. Local Gov't, Public Safety & Veterans Affairs	05-10-18
Re-reported, S. Local Gov't, Public Safety & Veterans Affairs	05-23-18
Passed Senate (32-0)	05-23-18
House concurred in Senate amendments (88-0)	06-07-18

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⁴ R.C. 149.43(A)(1)(hh).

