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H.B. 265
135th General Assembly

Bill Analysis

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Version: Passed by the House

Primary Sponsors: Reps. Wiggam and Hall

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SUMMARY

- Exempts the records, of the work schedules of designated public service workers, from disclosure under Public Records Law.
- Exempts redaction request forms from disclosure under Public Records Law.
- Exempts an affidavit submitted to a county auditor, by a designated public service worker, a qualifying former designated public service worker, or the spouse of either, requesting the county auditor to remove the name of the individual from certain publicly available documents, from disclosure under Public Records Law.
- Allows a qualifying former designated public service worker to request that a public office redact the former worker's address from any record made available to the general public on the internet, and to request that a county auditor remove the name of the individual from certain publicly available documents.

DETAILED ANALYSIS

Public record exemptions

The bill exempts certain records from the definition of a "public record" that may be obtainable under Ohio's Public Records Law. Continuing law requires that, upon request by any person, all public records responsive to the request must be promptly prepared and made available for inspection and copying. If a public record contains information that is exempt from this duty, the public office must make available all of the information within the public record that is not exempt. If a document is a public record and is not exempt from the definition of a public record, the public office generally must permit its inspection or copying.¹

¹ R.C. 149.43(B).

The bill exempts the following records from disclosure under Public Records Law:

1. Records of the past, current, and future work schedule of a designated public service worker;²
2. A request form or a confirmation letter submitted to a public office by an individual asking the office to redact personal information of that individual from any record made available to the general public on the internet;³
3. An affidavit or a confirmation letter submitted to a county auditor, by a designated public service worker, a qualifying former designated public service worker, or the spouse of either, requesting the county auditor to remove the name of the individual filing the affidavit from any record 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, and to instead insert the individual's initials on the record;⁴
4. A request form or confirmation letter submitted to a public office (other than a county auditor) by a current or former designated public service worker asking the office to redact the designated public service worker's address from any record made available to the general public on the internet.⁵ (See "**Current and former designated public service worker**," below.)

Journalist access to exempted records

The bill adds the work schedules, request forms, and affidavits, which are exempt from release as a public record, to the list of records that may be obtained by a journalist. Under a process outlined in current law, a journalist may obtain certain records that are otherwise exempt from release as a public record. For example, the residential address of a designated public service worker, which is exempt from release as a public record, may be obtained by a journalist upon a written request to the public office. The request must include the journalist's name and title and the name and address of the journalist's employer and must state that disclosure of the information sought would be in the public interest.⁶

Work schedule

As indicated above, the bill specifies that certain work schedules are exempt from disclosure under Public Records Law. The bill also specifies that "work schedule" does not include the docket of cases of a court, judge, or magistrate. Under current law, with certain exceptions, a record that is exempt from public records law, if retained, becomes a public

² R.C. 149.43(A)(1)(tt).

³ R.C. 149.43(A)(1)(uu) and 149.45(C) and (F).

⁴ R.C. 149.43(A)(1)(vv) and 319.28(B) and (C).

⁵ R.C. 149.43(A)(1)(uu) and 149.45(D) and (F).

⁶ R.C. 149.43(B).

record on the day that is 75 years after it was created. Under the bill, work schedules that are retained will become a public record three years after the date of creation.⁷

Current and former designated public service worker

The bill expands, to qualifying former designated public service workers, the ability to do both of the following:

- Request that a public office, other than a county auditor, redact the designated public service worker’s address from any record made available to the general public on the internet.
- Submit an affidavit to the county auditor requesting that the county auditor remove the name of the individual filing the affidavit from any record 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, and to instead insert the individual’s initials on the record.

Under current law, only acting designated public service workers may submit such a request to a public office, and only acting designated public service workers or the worker’s spouse may submit an affidavit to the county auditor. A redaction request must be in writing and on a form developed by the Attorney General. The bill specifies that a qualifying former designated public service worker must provide, with the form or affidavit, a confirmation letter from each employer at which the worker accumulated service confirming the years of service and that the worker departed service in good standing. A qualifying former designated public service worker, who was an elected official, must provide, with the form, a certificate of oath or a certificate of election, for the last term of office served, or a notarized affidavit attesting to the required service.⁸

Definitions

The bill defines “qualifying former designated public service worker” as a former designated public service worker with a minimum of five years of qualifying service who was an employee in good standing at the completion of such service, or a former designated public service worker who was an elected official, regardless of length of service.⁹

The following current law definitions are unchanged by, but relevant to, the bill:

“Designated public service worker” means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio National Guard member, protective services worker, youth services employee,

⁷ R.C. 149.45(A)(1)(tt) and last paragraph of R.C. 149.43(A)(1).

⁸ R.C. 149.45 and 319.28.

⁹ R.C. 149.45(A)(3) and 319.28(A).

firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.¹⁰

“Personal information” means any of the following: (a) an individual’s social security number, (b) an individual’s state or federal tax identification number, (c) an individual’s driver’s license number or state identification number, (d) an individual’s checking account number, savings account number, credit card number, or debit card number, (e) an individual’s demand deposit account number, money market account number, mutual fund account number, or any other financial or medical account number.¹¹

HISTORY

Action	Date
Introduced	09-12-23
Reported, H. Civil Justice	04-10-24
Passed House (89-0)	05-08-24

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¹⁰ R.C. 149.43(A)(7).

¹¹ R.C. 149.45(A).