



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 8 of the 132nd G.A.

**Status:** As Enacted

**Sponsor:** Reps. Hambley and Rezabek

**Local Impact Statement Procedure Required:** No

**Subject:** Public Records Law exemption for minors in school vehicles involved in an accident

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### State Fiscal Highlights

- The Department of Public Safety will incur one or both of the following costs: (1) a one-time expense of up to \$100,000 or more to reprogram a database that receives electronically filed crash reports, and (2) an ongoing operating expense of up to \$100,000 or more for staff to manually review certain crash reports.

### Local Fiscal Highlights

- Local law enforcement will incur a likely no more than minimal annual cost to ensure that certain information involving a school vehicle traffic accident is redacted and not released as part of a paper or electronic public record.

### Detailed Fiscal Analysis

The bill exempts from the Public Records Law certain personal information, e.g., name, address, and contact information, concerning a minor in a record related to a school vehicle accident. The public office having custody of the record must release a copy, upon written request made by the parent or guardian of the minor who is the subject of that record, to the recipient identified in the request. When a written request is received, any personal information of a minor who is not the subject of the request is required to be redacted before the record is transmitted. Currently, a student's personal information is protected on school property with the exception of school vehicles in transit.

The practical impact of exempting this information is that some records related to these accidents will require redaction that would otherwise not have been the case under current law. Based on Department of Public Safety crash data for the four-year period covering calendar years 2012 through 2015, the number of traffic accidents in which a school bus was directly or indirectly involved totaled, on average, 1,550 annually. The total number of traffic accidents averaged 285,201; of that total, a school bus was directly or indirectly involved in 0.5%.

The bill will affect: (1) the Department of Public Safety which receives crash reports of certain accidents, and (2) local law enforcement agencies in responding to public records requests and/or posting crash reports online.

### **Department of Public Safety**

The Department of Public Safety will incur one or both of the following costs: (1) a one-time expense to reprogram a database that receives electronically filed crash reports, and (2) an ongoing administrative expense for staff to manually review certain crash reports. Under current law, every crash in which damages exceed \$400, or in which an injury or death occurs, is reported to the Department of Public Safety, which then posts the reports online. Law enforcement agencies either utilize the state-provided Crash Module of the Law Enforcement Officer's Toolkit to submit crash reports electronically, or submit hard copies to the Department.

To comply with the bill's records exemption, all crash reports involving a school vehicle submitted to the Department, including those submitted electronically, will have to be searched to see if any minors were involved in the crash. If so, the corresponding personal information will have to be redacted prior to being posted online.

For hard copies received from agencies that do not utilize the Crash Module, Department staff will have to search each document and redact certain personal information. According to Department staff, this added step will delay the online posting of accident reports and could also require the hiring of an additional staff person. The associated ongoing annual operating cost could be up to \$100,000 or more.

For those documents received electronically from agencies that utilize the Crash Module, the Department will need to rewrite the computer program software to ensure that the exempted information is redacted. The one-time cost to develop and implement the necessary fix is indeterminate, but could be up to \$100,000 or more.

### **Local law enforcement agencies**

The bill will increase, to some degree, the cost that a local law enforcement agency incurs to ensure that exempted information is not disclosed. Presumably, staff responsible for complying with public records requests will require additional training related to the disclosure exemption. The expectation is that the cost to adjust existing public records training and public records policy is not likely to exceed minimal.

Local law enforcement agencies will also incur costs associated with redacting exempted information prior to releasing a record of a school vehicle traffic accident, including, potentially, a one-time cost to adjust their records management system. Subsequent to this adjustment, redaction would occur electronically; however, additional time and effort may be required in cases that involve manual redaction. It appears that agencies will be able to handle redaction activities with no more than a minimal annual increase in staff time and related operating costs.

Local law enforcement agencies have indicated that posting crash reports online has been beneficial in that it allows insurance companies, attorneys, and other parties who need the information to access it without having to ask for it, thus expediting the process and saving the law enforcement agency time. Law enforcement agencies that choose, subsequent to the bill's enactment, to post crash reports online will incur additional costs to redact the personal information of minors in a small number of records. However, as the posting of these reports is not mandatory under current law, the law enforcement agency could stop posting the reports online.