

As Re-Referred by the House Rules and Reference Committee

131st General Assembly

Regular Session

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Sub. H. B. No. 130

Representatives Hagan, Duffey

**Cosponsors: Representatives Amstutz, Henne, Perales, Ruhl, Maag, Blessing,
Retherford, Bishoff, Brown, Brenner, Hackett, Leland**

A BILL

To amend section 149.43 and to enact sections 1
117.432, 149.60, 149.62, and 149.65 of the 2
Revised Code to create the DataOhio Board, to 3
specify requirements for posting public records 4
online, to require the Auditor of State to adopt 5
rules regarding a uniform accounting system for 6
public offices, to establish an online catalog 7
of public data at data.Ohio.gov, to establish 8
the Local Government Information Exchange Grant 9
Program, and to make appropriations. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 149.43 be amended and sections 11
117.432, 149.60, 149.62, and 149.65 of the Revised Code be 12
enacted to read as follows: 13

Sec. 117.432. (A) The general assembly recognizes that 14
uniform accounting procedures and charts of accounts improve 15
financial management while maintaining the principle of home 16
rule over local matters. It is the intent of the general 17
assembly to facilitate the ability of the public easily to 18

compare public data generated by the state and other public 19
offices using this common language. 20

(B) Within two years after the effective date of this 21
section, the auditor of state shall establish, by rule adopted 22
under Chapter 119. of the Revised Code, appropriate uniform 23
accounting procedures and charts of accounts that may be used by 24
all public offices. Public offices that maintain their financial 25
records in accordance with the rules established by the auditor 26
of state under this section shall be declared by the auditor of 27
state to have earned a "DataOhio Transparency Award-Uniformity 28
of Accounting." 29

(C) The auditor of state may use existing uniform 30
accounting procedures or charts of accounts to satisfy the 31
requirements of division (B) of this section, or may supplement 32
or amend existing uniform accounting procedures or charts of 33
accounts to satisfy the requirements of division (B) of this 34
section. 35

Sec. 149.43. (A) As used in this section: 36

(1) "Public record" means records kept by any public 37
office, including, but not limited to, state, county, city, 38
village, township, and school district units, and records 39
pertaining to the delivery of educational services by an 40
alternative school in this state kept by the nonprofit or for- 41
profit entity operating the alternative school pursuant to 42
section 3313.533 of the Revised Code. "Public record" does not 43
mean any of the following: 44

(a) Medical records; 45

(b) Records pertaining to probation and parole proceedings 46
or to proceedings related to the imposition of community control 47

sanctions and post-release control sanctions;	48
(c) Records pertaining to actions under section 2151.85	49
and division (C) of section 2919.121 of the Revised Code and to	50
appeals of actions arising under those sections;	51
(d) Records pertaining to adoption proceedings, including	52
the contents of an adoption file maintained by the department of	53
health under sections 3705.12 to 3705.124 of the Revised Code;	54
(e) Information in a record contained in the putative	55
father registry established by section 3107.062 of the Revised	56
Code, regardless of whether the information is held by the	57
department of job and family services or, pursuant to section	58
3111.69 of the Revised Code, the office of child support in the	59
department or a child support enforcement agency;	60
(f) Records specified in division (A) of section 3107.52	61
of the Revised Code;	62
(g) Trial preparation records;	63
(h) Confidential law enforcement investigatory records;	64
(i) Records containing information that is confidential	65
under section 2710.03 or 4112.05 of the Revised Code;	66
(j) DNA records stored in the DNA database pursuant to	67
section 109.573 of the Revised Code;	68
(k) Inmate records released by the department of	69
rehabilitation and correction to the department of youth	70
services or a court of record pursuant to division (E) of	71
section 5120.21 of the Revised Code;	72
(l) Records maintained by the department of youth services	73
pertaining to children in its custody released by the department	74

of youth services to the department of rehabilitation and	75
correction pursuant to section 5139.05 of the Revised Code;	76
(m) Intellectual property records;	77
(n) Donor profile records;	78
(o) Records maintained by the department of job and family	79
services pursuant to section 3121.894 of the Revised Code;	80
(p) Peace officer, parole officer, probation officer,	81
bailiff, prosecuting attorney, assistant prosecuting attorney,	82
correctional employee, community-based correctional facility	83
employee, youth services employee, firefighter, EMT, or	84
investigator of the bureau of criminal identification and	85
investigation residential and familial information;	86
(q) In the case of a county hospital operated pursuant to	87
Chapter 339. of the Revised Code or a municipal hospital	88
operated pursuant to Chapter 749. of the Revised Code,	89
information that constitutes a trade secret, as defined in	90
section 1333.61 of the Revised Code;	91
(r) Information pertaining to the recreational activities	92
of a person under the age of eighteen;	93
(s) Records provided to, statements made by review board	94
members during meetings of, and all work products of a child	95
fatality review board acting under sections 307.621 to 307.629	96
of the Revised Code, and child fatality review data submitted by	97
the child fatality review board to the department of health or a	98
national child death review database, other than the report	99
prepared pursuant to division (A) of section 307.626 of the	100
Revised Code;	101
(t) Records provided to and statements made by the	102

executive director of a public children services agency or a 103
prosecuting attorney acting pursuant to section 5153.171 of the 104
Revised Code other than the information released under that 105
section; 106

(u) Test materials, examinations, or evaluation tools used 107
in an examination for licensure as a nursing home administrator 108
that the board of executives of long-term services and supports 109
administers under section 4751.04 of the Revised Code or 110
contracts under that section with a private or government entity 111
to administer; 112

(v) Records the release of which is prohibited by state or 113
federal law; 114

(w) Proprietary information of or relating to any person 115
that is submitted to or compiled by the Ohio venture capital 116
authority created under section 150.01 of the Revised Code; 117

(x) Financial statements and data any person submits for 118
any purpose to the Ohio housing finance agency or the 119
controlling board in connection with applying for, receiving, or 120
accounting for financial assistance from the agency, and 121
information that identifies any individual who benefits directly 122
or indirectly from financial assistance from the agency; 123

(y) Records listed in section 5101.29 of the Revised Code; 124

(z) Discharges recorded with a county recorder under 125
section 317.24 of the Revised Code, as specified in division (B) 126
(2) of that section; 127

(aa) Usage information including names and addresses of 128
specific residential and commercial customers of a municipally 129
owned or operated public utility; 130

(bb) Records described in division (C) of section 187.04 131
of the Revised Code that are not designated to be made available 132
to the public as provided in that division. 133

(2) "Confidential law enforcement investigatory record" 134
means any record that pertains to a law enforcement matter of a 135
criminal, quasi-criminal, civil, or administrative nature, but 136
only to the extent that the release of the record would create a 137
high probability of disclosure of any of the following: 138

(a) The identity of a suspect who has not been charged 139
with the offense to which the record pertains, or of an 140
information source or witness to whom confidentiality has been 141
reasonably promised; 142

(b) Information provided by an information source or 143
witness to whom confidentiality has been reasonably promised, 144
which information would reasonably tend to disclose the source's 145
or witness's identity; 146

(c) Specific confidential investigatory techniques or 147
procedures or specific investigatory work product; 148

(d) Information that would endanger the life or physical 149
safety of law enforcement personnel, a crime victim, a witness, 150
or a confidential information source. 151

(3) "Medical record" means any document or combination of 152
documents, except births, deaths, and the fact of admission to 153
or discharge from a hospital, that pertains to the medical 154
history, diagnosis, prognosis, or medical condition of a patient 155
and that is generated and maintained in the process of medical 156
treatment. 157

(4) "Trial preparation record" means any record that 158
contains information that is specifically compiled in reasonable 159

anticipation of, or in defense of, a civil or criminal action or 160
proceeding, including the independent thought processes and 161
personal trial preparation of an attorney. 162

(5) "Intellectual property record" means a record, other 163
than a financial or administrative record, that is produced or 164
collected by or for faculty or staff of a state institution of 165
higher learning in the conduct of or as a result of study or 166
research on an educational, commercial, scientific, artistic, 167
technical, or scholarly issue, regardless of whether the study 168
or research was sponsored by the institution alone or in 169
conjunction with a governmental body or private concern, and 170
that has not been publicly released, published, or patented. 171

(6) "Donor profile record" means all records about donors 172
or potential donors to a public institution of higher education 173
except the names and reported addresses of the actual donors and 174
the date, amount, and conditions of the actual donation. 175

(7) "Peace officer, parole officer, probation officer, 176
bailiff, prosecuting attorney, assistant prosecuting attorney, 177
correctional employee, community-based correctional facility 178
employee, youth services employee, firefighter, EMT, or 179
investigator of the bureau of criminal identification and 180
investigation residential and familial information" means any 181
information that discloses any of the following about a peace 182
officer, parole officer, probation officer, bailiff, prosecuting 183
attorney, assistant prosecuting attorney, correctional employee, 184
community-based correctional facility employee, youth services 185
employee, firefighter, EMT, or investigator of the bureau of 186
criminal identification and investigation: 187

(a) The address of the actual personal residence of a 188
peace officer, parole officer, probation officer, bailiff, 189

assistant prosecuting attorney, correctional employee, 190
community-based correctional facility employee, youth services 191
employee, firefighter, EMT, or an investigator of the bureau of 192
criminal identification and investigation, except for the state 193
or political subdivision in which the peace officer, parole 194
officer, probation officer, bailiff, assistant prosecuting 195
attorney, correctional employee, community-based correctional 196
facility employee, youth services employee, firefighter, EMT, or 197
investigator of the bureau of criminal identification and 198
investigation resides; 199

(b) Information compiled from referral to or participation 200
in an employee assistance program; 201

(c) The social security number, the residential telephone 202
number, any bank account, debit card, charge card, or credit 203
card number, or the emergency telephone number of, or any 204
medical information pertaining to, a peace officer, parole 205
officer, probation officer, bailiff, prosecuting attorney, 206
assistant prosecuting attorney, correctional employee, 207
community-based correctional facility employee, youth services 208
employee, firefighter, EMT, or investigator of the bureau of 209
criminal identification and investigation; 210

(d) The name of any beneficiary of employment benefits, 211
including, but not limited to, life insurance benefits, provided 212
to a peace officer, parole officer, probation officer, bailiff, 213
prosecuting attorney, assistant prosecuting attorney, 214
correctional employee, community-based correctional facility 215
employee, youth services employee, firefighter, EMT, or 216
investigator of the bureau of criminal identification and 217
investigation by the peace officer's, parole officer's, 218
probation officer's, bailiff's, prosecuting attorney's, 219

assistant prosecuting attorney's, correctional employee's, 220
community-based correctional facility employee's, youth services 221
employee's, firefighter's, EMT's, or investigator of the bureau 222
of criminal identification and investigation's employer; 223

(e) The identity and amount of any charitable or 224
employment benefit deduction made by the peace officer's, parole 225
officer's, probation officer's, bailiff's, prosecuting 226
attorney's, assistant prosecuting attorney's, correctional 227
employee's, community-based correctional facility employee's, 228
youth services employee's, firefighter's, EMT's, or investigator 229
of the bureau of criminal identification and investigation's 230
employer from the peace officer's, parole officer's, probation 231
officer's, bailiff's, prosecuting attorney's, assistant 232
prosecuting attorney's, correctional employee's, community-based 233
correctional facility employee's, youth services employee's, 234
firefighter's, EMT's, or investigator of the bureau of criminal 235
identification and investigation's compensation unless the 236
amount of the deduction is required by state or federal law; 237

(f) The name, the residential address, the name of the 238
employer, the address of the employer, the social security 239
number, the residential telephone number, any bank account, 240
debit card, charge card, or credit card number, or the emergency 241
telephone number of the spouse, a former spouse, or any child of 242
a peace officer, parole officer, probation officer, bailiff, 243
prosecuting attorney, assistant prosecuting attorney, 244
correctional employee, community-based correctional facility 245
employee, youth services employee, firefighter, EMT, or 246
investigator of the bureau of criminal identification and 247
investigation; 248

(g) A photograph of a peace officer who holds a position 249

or has an assignment that may include undercover or plain 250
clothes positions or assignments as determined by the peace 251
officer's appointing authority. 252

As used in divisions (A) (7) and (B) (9) of this section, 253
"peace officer" has the same meaning as in section 109.71 of the 254
Revised Code and also includes the superintendent and troopers 255
of the state highway patrol; it does not include the sheriff of 256
a county or a supervisory employee who, in the absence of the 257
sheriff, is authorized to stand in for, exercise the authority 258
of, and perform the duties of the sheriff. 259

As used in divisions (A) (7) and (B) (9) of this section, 260
"correctional employee" means any employee of the department of 261
rehabilitation and correction who in the course of performing 262
the employee's job duties has or has had contact with inmates 263
and persons under supervision. 264

As used in divisions (A) (7) and (B) (9) of this section, 265
"youth services employee" means any employee of the department 266
of youth services who in the course of performing the employee's 267
job duties has or has had contact with children committed to the 268
custody of the department of youth services. 269

As used in divisions (A) (7) and (B) (9) of this section, 270
"firefighter" means any regular, paid or volunteer, member of a 271
lawfully constituted fire department of a municipal corporation, 272
township, fire district, or village. 273

As used in divisions (A) (7) and (B) (9) of this section, 274
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 275
emergency medical services for a public emergency medical 276
service organization. "Emergency medical service organization," 277
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 278

in section 4765.01 of the Revised Code. 279

As used in divisions (A) (7) and (B) (9) of this section, 280
"investigator of the bureau of criminal identification and 281
investigation" has the meaning defined in section 2903.11 of the 282
Revised Code. 283

(8) "Information pertaining to the recreational activities 284
of a person under the age of eighteen" means information that is 285
kept in the ordinary course of business by a public office, that 286
pertains to the recreational activities of a person under the 287
age of eighteen years, and that discloses any of the following: 288

(a) The address or telephone number of a person under the 289
age of eighteen or the address or telephone number of that 290
person's parent, guardian, custodian, or emergency contact 291
person; 292

(b) The social security number, birth date, or 293
photographic image of a person under the age of eighteen; 294

(c) Any medical record, history, or information pertaining 295
to a person under the age of eighteen; 296

(d) Any additional information sought or required about a 297
person under the age of eighteen for the purpose of allowing 298
that person to participate in any recreational activity 299
conducted or sponsored by a public office or to use or obtain 300
admission privileges to any recreational facility owned or 301
operated by a public office. 302

(9) "Community control sanction" has the same meaning as 303
in section 2929.01 of the Revised Code. 304

(10) "Post-release control sanction" has the same meaning 305
as in section 2967.01 of the Revised Code. 306

(11) "Redaction" means obscuring or deleting any 307
information that is exempt from the duty to permit public 308
inspection or copying from an item that otherwise meets the 309
definition of a "record" in section 149.011 of the Revised Code. 310

(12) "Designee" and "elected official" have the same 311
meanings as in section 109.43 of the Revised Code. 312

(B) (1) Upon request and subject to division (B) (8) of this 313
section, all public records responsive to the request shall be 314
promptly prepared and made available for inspection to any 315
person at all reasonable times during regular business hours. 316
Subject to division (B) (8) of this section, upon request, a 317
public office or person responsible for public records shall 318
make copies of the requested public record available at cost and 319
within a reasonable period of time. If a public record contains 320
information that is exempt from the duty to permit public 321
inspection or to copy the public record, the public office or 322
the person responsible for the public record shall make 323
available all of the information within the public record that 324
is not exempt. When making that public record available for 325
public inspection or copying that public record, the public 326
office or the person responsible for the public record shall 327
notify the requester of any redaction or make the redaction 328
plainly visible. A redaction shall be deemed a denial of a 329
request to inspect or copy the redacted information, except if 330
federal or state law authorizes or requires a public office to 331
make the redaction. 332

(2) To facilitate broader access to public records, a 333
public office or the person responsible for public records shall 334
organize and maintain public records in a manner that they can 335
be made available for inspection or copying in accordance with 336

division (B) of this section. A public office also shall have 337
available a copy of its current records retention schedule at a 338
location readily available to the public. If a requester makes 339
an ambiguous or overly broad request or has difficulty in making 340
a request for copies or inspection of public records under this 341
section such that the public office or the person responsible 342
for the requested public record cannot reasonably identify what 343
public records are being requested, the public office or the 344
person responsible for the requested public record may deny the 345
request but shall provide the requester with an opportunity to 346
revise the request by informing the requester of the manner in 347
which records are maintained by the public office and accessed 348
in the ordinary course of the public office's or person's 349
duties. 350

(3) If a request is ultimately denied, in part or in 351
whole, the public office or the person responsible for the 352
requested public record shall provide the requester with an 353
explanation, including legal authority, setting forth why the 354
request was denied. If the initial request was provided in 355
writing, the explanation also shall be provided to the requester 356
in writing. The explanation shall not preclude the public office 357
or the person responsible for the requested public record from 358
relying upon additional reasons or legal authority in defending 359
an action commenced under division (C) of this section. 360

(4) Unless specifically required or authorized by state or 361
federal law or in accordance with division (B) of this section, 362
no public office or person responsible for public records may 363
limit or condition the availability of public records by 364
requiring disclosure of the requester's identity or the intended 365
use of the requested public record. Any requirement that the 366
requester disclose the requestor's identity or the intended use 367

of the requested public record constitutes a denial of the 368
request. 369

(5) A public office or person responsible for public 370
records may ask a requester to make the request in writing, may 371
ask for the requester's identity, and may inquire about the 372
intended use of the information requested, but may do so only 373
after disclosing to the requester that a written request is not 374
mandatory and that the requester may decline to reveal the 375
requester's identity or the intended use and when a written 376
request or disclosure of the identity or intended use would 377
benefit the requester by enhancing the ability of the public 378
office or person responsible for public records to identify, 379
locate, or deliver the public records sought by the requester. 380

(6) If any person chooses to obtain a copy of a public 381
record in accordance with division (B) of this section, the 382
public office or person responsible for the public record may 383
require that person to pay in advance the cost involved in 384
providing the copy of the public record in accordance with the 385
choice made by the person seeking the copy under this division. 386
The public office or the person responsible for the public 387
record shall permit that person to choose to have the public 388
record duplicated upon paper, upon the same medium upon which 389
the public office or person responsible for the public record 390
keeps it, or upon any other medium upon which the public office 391
or person responsible for the public record determines that it 392
reasonably can be duplicated as an integral part of the normal 393
operations of the public office or person responsible for the 394
public record. When the person seeking the copy makes a choice 395
under this division, the public office or person responsible for 396
the public record shall provide a copy of it in accordance with 397
the choice made by the person seeking the copy. Nothing in this 398

section requires a public office or person responsible for the 399
public record to allow the person seeking a copy of the public 400
record to make the copies of the public record. 401

(7) Upon a request made in accordance with division (B) of 402
this section and subject to division (B)(6) of this section, a 403
public office or person responsible for public records shall 404
transmit a copy of a public record to any person by United 405
States mail or by any other means of delivery or transmission 406
within a reasonable period of time after receiving the request 407
for the copy. The public office or person responsible for the 408
public record may require the person making the request to pay 409
in advance the cost of postage if the copy is transmitted by 410
United States mail or the cost of delivery if the copy is 411
transmitted other than by United States mail, and to pay in 412
advance the costs incurred for other supplies used in the 413
mailing, delivery, or transmission. 414

Any public office may adopt a policy and procedures that 415
it will follow in transmitting, within a reasonable period of 416
time after receiving a request, copies of public records by 417
United States mail or by any other means of delivery or 418
transmission pursuant to this division. A public office that 419
adopts a policy and procedures under this division shall comply 420
with them in performing its duties under this division. 421

In any policy and procedures adopted under this division, 422
a public office may limit the number of records requested by a 423
person that the office will transmit by United States mail to 424
ten per month, unless the person certifies to the office in 425
writing that the person does not intend to use or forward the 426
requested records, or the information contained in them, for 427
commercial purposes. For purposes of this division, "commercial" 428

shall be narrowly construed and does not include reporting or 429
gathering news, reporting or gathering information to assist 430
citizen oversight or understanding of the operation or 431
activities of government, or nonprofit educational research. 432

(8) A public office or person responsible for public 433
records is not required to permit a person who is incarcerated 434
pursuant to a criminal conviction or a juvenile adjudication to 435
inspect or to obtain a copy of any public record concerning a 436
criminal investigation or prosecution or concerning what would 437
be a criminal investigation or prosecution if the subject of the 438
investigation or prosecution were an adult, unless the request 439
to inspect or to obtain a copy of the record is for the purpose 440
of acquiring information that is subject to release as a public 441
record under this section and the judge who imposed the sentence 442
or made the adjudication with respect to the person, or the 443
judge's successor in office, finds that the information sought 444
in the public record is necessary to support what appears to be 445
a justiciable claim of the person. 446

(9) (a) Upon written request made and signed by a 447
journalist on or after December 16, 1999, a public office, or 448
person responsible for public records, having custody of the 449
records of the agency employing a specified peace officer, 450
parole officer, probation officer, bailiff, prosecuting 451
attorney, assistant prosecuting attorney, correctional employee, 452
community-based correctional facility employee, youth services 453
employee, firefighter, EMT, or investigator of the bureau of 454
criminal identification and investigation shall disclose to the 455
journalist the address of the actual personal residence of the 456
peace officer, parole officer, probation officer, bailiff, 457
prosecuting attorney, assistant prosecuting attorney, 458
correctional employee, community-based correctional facility 459

employee, youth services employee, firefighter, EMT, or 460
investigator of the bureau of criminal identification and 461
investigation and, if the peace officer's, parole officer's, 462
probation officer's, bailiff's, prosecuting attorney's, 463
assistant prosecuting attorney's, correctional employee's, 464
community-based correctional facility employee's, youth services 465
employee's, firefighter's, EMT's, or investigator of the bureau 466
of criminal identification and investigation's spouse, former 467
spouse, or child is employed by a public office, the name and 468
address of the employer of the peace officer's, parole 469
officer's, probation officer's, bailiff's, prosecuting 470
attorney's, assistant prosecuting attorney's, correctional 471
employee's, community-based correctional facility employee's, 472
youth services employee's, firefighter's, EMT's, or investigator 473
of the bureau of criminal identification and investigation's 474
spouse, former spouse, or child. The request shall include the 475
journalist's name and title and the name and address of the 476
journalist's employer and shall state that disclosure of the 477
information sought would be in the public interest. 478

(b) Division (B) (9) (a) of this section also applies to 479
journalist requests for customer information maintained by a 480
municipally owned or operated public utility, other than social 481
security numbers and any private financial information such as 482
credit reports, payment methods, credit card numbers, and bank 483
account information. 484

(c) As used in division (B) (9) of this section, 485
"journalist" means a person engaged in, connected with, or 486
employed by any news medium, including a newspaper, magazine, 487
press association, news agency, or wire service, a radio or 488
television station, or a similar medium, for the purpose of 489
gathering, processing, transmitting, compiling, editing, or 490

disseminating information for the general public. 491

(C) (1) If a person allegedly is aggrieved by the failure 492
of a public office or the person responsible for public records 493
to promptly prepare a public record and to make it available to 494
the person for inspection in accordance with division (B) of 495
this section or by any other failure of a public office or the 496
person responsible for public records to comply with an 497
obligation in accordance with division (B) of this section, the 498
person allegedly aggrieved may commence a mandamus action to 499
obtain a judgment that orders the public office or the person 500
responsible for the public record to comply with division (B) of 501
this section, that awards court costs and reasonable attorney's 502
fees to the person that instituted the mandamus action, and, if 503
applicable, that includes an order fixing statutory damages 504
under division (C) (1) of this section. The mandamus action may 505
be commenced in the court of common pleas of the county in which 506
division (B) of this section allegedly was not complied with, in 507
the supreme court pursuant to its original jurisdiction under 508
Section 2 of Article IV, Ohio Constitution, or in the court of 509
appeals for the appellate district in which division (B) of this 510
section allegedly was not complied with pursuant to its original 511
jurisdiction under Section 3 of Article IV, Ohio Constitution. 512

If a requestor transmits a written request by hand 513
delivery or certified mail to inspect or receive copies of any 514
public record in a manner that fairly describes the public 515
record or class of public records to the public office or person 516
responsible for the requested public records, except as 517
otherwise provided in this section, the requestor shall be 518
entitled to recover the amount of statutory damages set forth in 519
this division if a court determines that the public office or 520
the person responsible for public records failed to comply with 521

an obligation in accordance with division (B) of this section. 522

The amount of statutory damages shall be fixed at one 523
hundred dollars for each business day during which the public 524
office or person responsible for the requested public records 525
failed to comply with an obligation in accordance with division 526
(B) of this section, beginning with the day on which the 527
requester files a mandamus action to recover statutory damages, 528
up to a maximum of one thousand dollars. The award of statutory 529
damages shall not be construed as a penalty, but as compensation 530
for injury arising from lost use of the requested information. 531
The existence of this injury shall be conclusively presumed. The 532
award of statutory damages shall be in addition to all other 533
remedies authorized by this section. 534

The court may reduce an award of statutory damages or not 535
award statutory damages if the court determines both of the 536
following: 537

(a) That, based on the ordinary application of statutory 538
law and case law as it existed at the time of the conduct or 539
threatened conduct of the public office or person responsible 540
for the requested public records that allegedly constitutes a 541
failure to comply with an obligation in accordance with division 542
(B) of this section and that was the basis of the mandamus 543
action, a well-informed public office or person responsible for 544
the requested public records reasonably would believe that the 545
conduct or threatened conduct of the public office or person 546
responsible for the requested public records did not constitute 547
a failure to comply with an obligation in accordance with 548
division (B) of this section; 549

(b) That a well-informed public office or person 550
responsible for the requested public records reasonably would 551

believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(2) (a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C) (1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C) (2) (c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C) (2) (c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not

punitive. Reasonable attorney's fees shall include reasonable 581
fees incurred to produce proof of the reasonableness and amount 582
of the fees and to otherwise litigate entitlement to the fees. 583
The court may reduce an award of attorney's fees to the relator 584
or not award attorney's fees to the relator if the court 585
determines both of the following: 586

(i) That, based on the ordinary application of statutory 587
law and case law as it existed at the time of the conduct or 588
threatened conduct of the public office or person responsible 589
for the requested public records that allegedly constitutes a 590
failure to comply with an obligation in accordance with division 591
(B) of this section and that was the basis of the mandamus 592
action, a well-informed public office or person responsible for 593
the requested public records reasonably would believe that the 594
conduct or threatened conduct of the public office or person 595
responsible for the requested public records did not constitute 596
a failure to comply with an obligation in accordance with 597
division (B) of this section; 598

(ii) That a well-informed public office or person 599
responsible for the requested public records reasonably would 600
believe that the conduct or threatened conduct of the public 601
office or person responsible for the requested public records as 602
described in division (C) (2) (c) (i) of this section would serve 603
the public policy that underlies the authority that is asserted 604
as permitting that conduct or threatened conduct. 605

(D) Chapter 1347. of the Revised Code does not limit the 606
provisions of this section. 607

(E) (1) To ensure that all employees of public offices are 608
appropriately educated about a public office's obligations under 609
division (B) of this section, all elected officials or their 610

appropriate designees shall attend training approved by the 611
attorney general as provided in section 109.43 of the Revised 612
Code. In addition, all public offices shall adopt a public 613
records policy in compliance with this section for responding to 614
public records requests. In adopting a public records policy 615
under this division, a public office may obtain guidance from 616
the model public records policy developed and provided to the 617
public office by the attorney general under section 109.43 of 618
the Revised Code. Except as otherwise provided in this section, 619
the policy may not limit the number of public records that the 620
public office will make available to a single person, may not 621
limit the number of public records that it will make available 622
during a fixed period of time, and may not establish a fixed 623
period of time before it will respond to a request for 624
inspection or copying of public records, unless that period is 625
less than eight hours. 626

(2) The public office shall distribute the public records 627
policy adopted by the public office under division (E) (1) of 628
this section to the employee of the public office who is the 629
records custodian or records manager or otherwise has custody of 630
the records of that office. The public office shall require that 631
employee to acknowledge receipt of the copy of the public 632
records policy. The public office shall create a poster that 633
describes its public records policy and shall post the poster in 634
a conspicuous place in the public office and in all locations 635
where the public office has branch offices. The public office 636
may post its public records policy on the internet web site of 637
the public office if the public office maintains an internet web 638
site. A public office that has established a manual or handbook 639
of its general policies and procedures for all employees of the 640
public office shall include the public records policy of the 641

public office in the manual or handbook. 642

(F) (1) The bureau of motor vehicles may adopt rules 643
pursuant to Chapter 119. of the Revised Code to reasonably limit 644
the number of bulk commercial special extraction requests made 645
by a person for the same records or for updated records during a 646
calendar year. The rules may include provisions for charges to 647
be made for bulk commercial special extraction requests for the 648
actual cost of the bureau, plus special extraction costs, plus 649
ten per cent. The bureau may charge for expenses for redacting 650
information, the release of which is prohibited by law. 651

(2) As used in division (F) (1) of this section: 652

(a) "Actual cost" means the cost of depleted supplies, 653
records storage media costs, actual mailing and alternative 654
delivery costs, or other transmitting costs, and any direct 655
equipment operating and maintenance costs, including actual 656
costs paid to private contractors for copying services. 657

(b) "Bulk commercial special extraction request" means a 658
request for copies of a record for information in a format other 659
than the format already available, or information that cannot be 660
extracted without examination of all items in a records series, 661
class of records, or database by a person who intends to use or 662
forward the copies for surveys, marketing, solicitation, or 663
resale for commercial purposes. "Bulk commercial special 664
extraction request" does not include a request by a person who 665
gives assurance to the bureau that the person making the request 666
does not intend to use or forward the requested copies for 667
surveys, marketing, solicitation, or resale for commercial 668
purposes. 669

(c) "Commercial" means profit-seeking production, buying, 670

or selling of any good, service, or other product. 671

(d) "Special extraction costs" means the cost of the time 672
spent by the lowest paid employee competent to perform the task, 673
the actual amount paid to outside private contractors employed 674
by the bureau, or the actual cost incurred to create computer 675
programs to make the special extraction. "Special extraction 676
costs" include any charges paid to a public agency for computer 677
or records services. 678

(3) For purposes of divisions (F)(1) and (2) of this 679
section, "surveys, marketing, solicitation, or resale for 680
commercial purposes" shall be narrowly construed and does not 681
include reporting or gathering news, reporting or gathering 682
information to assist citizen oversight or understanding of the 683
operation or activities of government, or nonprofit educational 684
research. 685

(G)(1) A public office that posts a public record on its 686
web site, or on a public web site maintained or authorized by 687
the state, shall make its best efforts to post the public record 688
in an open format so that the public record, or the data 689
contained in the public record, is capable of being searched, 690
viewed, and downloaded by the public, and is in a format that is 691
machine readable. 692

(2) A public office that opts in to posting public records 693
online in an open format shall include in the public office's 694
public records policy a statement indicating which public 695
records the public office posts in accordance with the 696
requirements of division (G)(1) of this section, and shall make 697
its best effort to continue to post public records online in an 698
open format in accordance with its public records policy. A 699
public office shall submit to the DataOhio board, not later than 700

thirty days after amending its public records policy regarding 701
public records posted in accordance with the requirements of 702
division (G)(1) of this section, the portion of its public 703
records policy that states which public records are posted. 704

(3) Nothing in this section requires a public office to 705
post public records to a web site or prohibits a public office 706
from opting out of posting public records online after opting 707
in. A public office's decision regarding which public records to 708
post in accordance with the requirements of division (G)(1) of 709
this section, if any, is solely within the discretion of the 710
public office. A public office's decision in this regard is 711
final and may not be modified except by action of the public 712
office. 713

Sec. 149.60. (A) As used in this section: 714

(1) "Metropolitan planning organization" means a 715
metropolitan planning organization designated under 23 U.S.C. 716
134, as amended. 717

(2) "Public record" has the meaning defined in section 718
149.43 of the Revised Code. 719

(B) There is hereby established the local government 720
information exchange grant program. The program shall be 721
administered by the state librarian. The state librarian shall 722
adopt rules under Chapter 119. of the Revised Code as are 723
necessary to administer the program. The rules shall include all 724
of the following: 725

(1) Grant eligibility criteria, which shall include a 726
requirement that a grantee be a county, township, municipal 727
corporation, or public library, or a regional planning 728
commission, metropolitan planning organization, or regional 729

council of governments, which may apply for a grant on behalf of 730
a county, township, municipal corporation, or public library or 731
group thereof, to assist them in meeting the requirements of 732
this section; 733

(2) Specifications for what data sets of public records 734
must be included by a county, township, municipal corporation, 735
or public library in order for the county, township, municipal 736
corporation, or public library to be eligible for a grant; 737

(3) A requirement that data satisfying the grant criteria 738
be posted on the internet by the county, township, municipal 739
corporation, or public library, in an open format that is 740
capable of being searched, viewed, and downloaded by the public; 741

(4) Specifications for consistent formatting and 742
technology standards for data satisfying the grant eligibility 743
criteria; 744

(5) Specifications for accounting standards for data 745
provided by a county, township, municipal corporation, or public 746
library; and 747

(6) A requirement that the data provided by a grantee be 748
provided in a format that is compatible with, and able to be 749
published by the treasurer of state as part of, the Ohio online 750
checkbook or a similar program. 751

Required data may be different for counties, townships, 752
municipal corporations, or public libraries. 753

(C) The state librarian shall disburse a grant of ten 754
thousand dollars to each county, township, municipal 755
corporation, or public library that meets the grant eligibility 756
criteria established by the state librarian, or to a regional 757
planning commission, metropolitan planning organization, or 758

regional council of governments for each county, township, 759
municipal corporation, or public library applied for that meets 760
the grant eligibility criteria established by the state 761
librarian. Grants shall be awarded in the order in which the 762
counties, townships, municipal corporations, or public libraries 763
have met the eligibility criteria. The total amount of grants 764
awarded shall not exceed the amount that can be funded with 765
appropriations made by the general assembly for this purpose. 766

(D) Nothing in this section prohibits a grantee who 767
received a grant under this section from pooling the grant with 768
other grants received under this section by other grantees, to 769
assist them in meeting the requirements of this section or to 770
comply with division (G) of section 149.43 of the Revised Code. 771

Sec. 149.62. (A) As used in this section: 772

(1) "Local government" means bodies corporate and politic 773
responsible for governmental activities only in geographical 774
areas smaller than that of the state. 775

(2) "Open format" has the meaning defined contextually in 776
division (G)(1) of section 149.43 of the Revised Code. 777

(3) "Public record" has the meaning defined in section 778
149.43 of the Revised Code. 779

(B) The general assembly recognizes that public-use data 780
from public offices offers an avenue toward open and transparent 781
government, stimulates business innovation, and can help public 782
offices become more effective. It is the intent of the general 783
assembly to facilitate the ability of the public easily to find, 784
download, and use public records and data sets of public records 785
that are generated and held by public offices. With these goals 786
in mind, the general assembly creates the DataOhio board to do 787

all of the following: 788

(1) Recommend categories of public records that public offices should make available to the public online in an open format; 789
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(2) Recommend technology standards for open data use in the state that reflect the most current standards used nationally and in other states; 792
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(3) Recommend accounting standards for financial data of public offices to facilitate comparison across public offices and services; 795
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(4) Recommend metadata definitional standards for nonfinancial data of public offices to facilitate comparison and use of this data across public offices; and 798
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(5) Consider creation by the state of data.Ohio.gov, an online catalog of public records and data sets of public records made available by state agencies and local governments, as well as collaboration with efforts underway at the federal and state levels. 801
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The board shall deliver a report of its findings and recommendations to the general assembly not later than one year after the effective date of this section, and thereafter shall deliver a report of its findings and recommendations by the thirty-first day of March each year. 806
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(C) The DataOhio board shall consist of the following members or their designees: 811
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(1) The governor; 813

(2) The attorney general; 814

- (3) The auditor of state; 815
- (4) The secretary of state; 816
- (5) The treasurer of state; 817
- (6) The speaker of the house of representatives; 818
- (7) The president of the senate; 819
- (8) One member who represents newspapers, to be appointed 820
by the Ohio newspaper association; 821
- (9) One member who represents businesses that use data 822
sets of public records, to be appointed by the chairperson after 823
the chairperson is selected; 824
- (10) The chancellor of the Ohio board of regents; 825
- (11) The state librarian; 826
- (12) One member who represents data consumers, to be 827
appointed by the chairperson after the chairperson is selected; 828
- (13) One member who is an officer of a municipal 829
corporation, to be appointed by the Ohio municipal league; 830
- (14) One member who is an officer of a township, to be 831
appointed by the Ohio township association; 832
- (15) One member who is an officer of a county, to be 833
appointed by the county commissioners association of Ohio; 834
- (16) One member who represents non-profit think tanks that 835
use data sets of public records, to be appointed by the 836
chairperson after the chairperson is selected; and 837
- (17) One member who represents national organizations that 838
encourage open government records, to be appointed by the 839
chairperson after the chairperson is selected. 840

The board also shall consist of one or more ex officio, 841
nonvoting members or their designees appointed by the 842
chairperson after the chairperson is selected. 843

At its initial meeting, the board shall select a 844
chairperson from among its members. The chairperson shall select 845
a member of the board to serve as the board's secretary. 846

Members of the board shall serve without compensation but 847
shall be reimbursed for their actual and necessary expenses 848
incurred in the performance of their duties. 849

(D) The state library of Ohio shall provide necessary 850
meeting facilities to the board. 851

The initial meeting of the board shall be held at the call 852
of the state librarian and not later than thirty days after the 853
effective date of this section. The board shall meet at least 854
ten times per year at the call of the chairperson and shall 855
provide reasonable notice to the public before each meeting. At 856
each meeting, the board shall designate a portion to be devoted 857
to inviting suggestions from the public regarding the provision 858
of data sets by state agencies and local governments. 859

(E) The presence of a majority of the members of the board 860
constitutes a quorum for the conduct of its business. The 861
concurrence of at least a majority of the members of the board 862
is necessary for any action to be taken by the board. 863

Sec. 149.65. (A) As used in this section, "public record" 864
has the meaning defined in section 149.43 of the Revised Code. 865

(B) (1) The auditor of state shall establish, administer, 866
and operate a web site to function as a portal and catalog where 867
public records and data sets of public records created by public 868
offices can be located and accessed by the public online. The 869

web site shall be registered as data.Ohio.gov. The web site 870
shall offer access to public records or data sets of public 871
records posted online by public offices by providing web links 872
to web sites of public offices that contain such information. 873
The web site may post original data or data sets that contain 874
original content or summarized content of data sets obtained 875
from public offices. 876

(2) The auditor of state shall consult with the state 877
librarian regarding the collection, aggregation, presentation, 878
and accessibility of data in relation to the web site. 879

(C) The DataOhio board shall consider participation and 880
affiliation of data.Ohio.gov with data.gov, the official online 881
data catalog of the United States government. 882

(D) The auditor of state shall adopt rules under Chapter 883
119. of the Revised Code that specify policies and procedures 884
for the administration and operation of data.Ohio.gov. The rules 885
shall include a requirement that the auditor of state may not 886
charge a fee in relation to data.Ohio.gov. The auditor of state 887
shall make every effort to ensure that data provided online at 888
data.Ohio.gov via web link or posted as original data is open 889
format and machine readable. 890

Section 2. That existing section 149.43 of the Revised 891
Code is hereby repealed. 892

Section 3. All items in this section are hereby 893
appropriated as designated out of any moneys in the state 894
treasury to the credit of the General Revenue Fund. For all 895
appropriations made in this act, those in the first column are 896
for fiscal year 2016 and those in the second column are for 897
fiscal year 2017. The appropriations made in this act are in 898

addition to any other appropriations made for the FY 2016-FY 2017 biennium. 899
 900

AUD AUDITOR OF STATE 901

GRF 070321 Operating Expenses \$0 \$350,000 902

Total GRF General Revenue Fund \$0 \$350,000 903

TOTAL ALL BUDGET FUND GROUPS \$0 \$350,000 904

DATAOHIO CHART OF ACCOUNTS 905

Of the foregoing appropriation item 070321, Operating Expenses, up to \$350,000 in fiscal year 2017 shall be used to develop a uniform charts of accounts, establish uniform accounting procedures, and adopt rules for their implementation by all public offices. 906
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LIB STATE LIBRARY BOARD 911

GRF 350507 Local Government \$12,500,000 \$12,500,000 912

Information 913

Exchange Grants 914

Total GRF General Revenue Fund \$12,500,000 \$12,500,000 915

TOTAL ALL BUDGET FUND GROUPS \$12,500,000 \$12,500,000 916

LOCAL GOVERNMENT INFORMATION EXCHANGE GRANTS 917

Of the foregoing appropriation item 350507, Local Government Information Exchange Grants, up to \$250,000 in each fiscal year shall be used by the State Librarian for administration and maintenance of the Local Government Information Exchange Grant Program and for administration of Local Government Information Exchange Grants. The remainder of the foregoing appropriation item 350507, Local Government 918
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Information Exchange Grants, shall be used by the State 925
Librarian to disburse grant awards to eligible counties, 926
townships, and municipal corporations, and to regional planning 927
commissions, metropolitan planning organizations, and regional 928
councils of governments, under section 149.60 of the Revised 929
Code. 930

Within the limits set forth in this act, the Director of 931
Budget and Management shall establish accounts indicating the 932
source and amount of funds for each appropriation made in this 933
act, and shall determine the form and manner in which 934
appropriation accounts shall be maintained. Expenditures from 935
the appropriations contained in this act shall be accounted for 936
as though made in the main operating appropriations act of the 937
131st General Assembly. The appropriations made in this act are 938
subject to all provisions of the main operating appropriations 939
act of the 131st General Assembly that are generally applicable 940
to such appropriations. 941