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Final Analysis
Legislative Service Commission

Sub. H.B. 539

123rd General Assembly
(As Passed by the General Assembly)

Reps. Goodman, Corbin, Carey, Van Vyven, Evans, R. Miller, Jolivette, Vesper, Jacobson, Williams, Pringle, Redfern, Flannery, O'Brien, DePiero, Allen, Hartnett, A. Core, Ferderber, Buehrer, J. Beatty, Salerno, Verich, Barnes, Roman, Stevens, Winkler, D. Miller, Metelsky, Schuler, Harris, Brading, Clancy, Barrett, Britton, Mottley, Terwilleger, Gooding, Smith, Jones

Sens. Spada, Schafrath, Espy

Effective date: *

ACT SUMMARY

- Excludes from inspection and copying under the Public Records Law information pertaining to the recreational activities of a minor.
- Provides that peace officer residential and familial information "when maintained in a personnel record" of a peace officer is excluded from the definition of a public record, and also excludes from that definition records identifying a person's occupation as a peace officer other than campaign finance statements.
- Expands the definition of a peace officer for purposes of the Public Records Law's peace officer residential and familial information exemption to include the Superintendent and troopers of the State Highway Patrol.
- Declares an emergency.

CONTENT AND OPERATION

Exemption for information pertaining to recreational activities of a minor

The Public Records Law requires that "public records" be promptly prepared and made available for inspection and copying in accordance with specified rules and

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

procedures. The act adds to the list of items that are *excluded* from the definition of a "public record" and, therefore, from that inspection and copying, information pertaining to the recreational activities of a person under the age of 18 (minor). The act defines that information as information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a minor, and that discloses any of the following: the address or telephone number of the minor or the minor's parent, guardian, custodian, or emergency contact person; the minor's Social Security number, birth date, or photograph; any medical record, history, or information pertaining to the minor; or any other information that had to be provided in order for the minor to participate in a recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to a recreational facility owned or operated by a public office. (Sec. 149.43(A)(1)(r) and (8).)

Changes in public records exemption for peace officer residential and familial information

Under continuing law, peace officer residential and familial information is excluded from the definition of a "public record" and, therefore, from inspection or copying under the Public Records Law. The Law formerly defined, and under the act generally continues to define, this type of information as any information that discloses any of the following: (1) the address of the peace officer's personal residence except for the state or political subdivision of the residence, (2) information compiled from referral to or participation in an employee assistance program, (3) the Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, the officer, (4) the name of any beneficiary of employment benefits provided to the officer by the officer's employer, (5) the identity and amount of any charitable or employment benefit deduction made by the employer from the officer's compensation unless the amount of the deduction is required by state or federal law, and (6) the name, the residential address, the name of the employer, the address of the employer, the Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of the officer. (Sec. 149.43(A)(1)(p) and (7).) "Peace officer," as used in the exemption, was formerly defined to mean any of the peace officers subject to the Peace Officer Training Commission Law (sec. 109.71, not in the act), but did not include a county sheriff or a supervisory employee who, in the absence of the sheriff, was authorized to stand in for, exercise the authority of, and perform the duties of the sheriff (sec. 149.43(A)(7)).

The act provides that the information listed above, when maintained in a *personnel record* of a peace officer, is excluded from the definition of a "public record." Also, under the act, *any record* that identifies a person's *occupation as a peace officer*, other than statements required to include the disclosure of occupation under the Campaign

Finance Law, is exempt from the inspection and copying requirements of the Public Records Law as peace officer residential and familial information. (Sec. 149.43(A)(7)(a) and (b).)

The act also expands the definition of a "peace officer" for purposes of the peace officer residential and familial information exemption to include the Superintendent and troopers of the State Highway Patrol (sec. 149.43(A)(7)).

COMMENT

1. "***Public record***" *definition*. Continuing law generally defines a "public record" as any record that is kept by any *public office* (see **COMMENT 2**), including, but not limited to, state, county, city, village, township, and school district units. "Public record" *does not include any of the following*: medical records; records pertaining to probation and parole proceedings; records pertaining to "judicial bypass" proceedings under the Abortion Notification Law or the Abortion Informed Consent Law and to related appeals; records pertaining to adoption proceedings, including the contents of an adoption file maintained by the Department of Health; information in a record contained in the putative father registry; certain other adoption-related records; trial preparation records; confidential law enforcement investigatory records; mediation-related or Ohio Civil Rights Commission-related records containing information that is confidential; DNA records stored in the DNA database; inmate records released by the Department of Rehabilitation and Correction (DRC) to the Department of Youth Services (DYS) or a court of record; records maintained by DHS pertaining to children in its custody released by DHS to DRC; intellectual property records; donor profile records; child support-related records maintained by the Department of Human Services (soon to be the Department of Job and Family Services); *peace officer residential and familial information*; trade secret information of a country hospital; or records the release of which is prohibited by state or federal law. The act expands this list of items excluded from the definition of a "public record" and modifies the exemption for peace officer residential and familial information, both as explained in the body of this analysis. (Sec. 149.43(A)(1).)

2. "***Public office***" *definition*. Continuing law defines a "public office" as any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by Ohio law for the exercise of any governmental function (sec. 149.011(A), not in the act).

HISTORY

ACTION

DATE

JOURNAL ENTRY



Introduced	01-11-00	p.	1494
Reported, H. Ethics & Standards	01-27-00	pp.	1577-1578
Passed House (95-0)	03-15-00	pp.	1646-1648
Reported, S. State & Local Gov't & Veterans Affairs	04-20-00	pp.	1620-1621
Passed Senate (32-0)	05-03-00	pp.	1653-1654
Concurrence (96-0)	05-10-00	pp.	1918-1920

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