



**H.B. 539**

123rd General Assembly  
(As Introduced)

**Reps. Goodman, Corbin, Carey, Van Vyven, Evans, R. Miller, Jolivette, Vesper, Jacobson, Williams, Pringle, Redfern, Flannery, O'Brien, DePiero, Allen, Hartnett**

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**BILL SUMMARY**

- Excludes from inspection and copying under the Public Records Law information pertaining to a minor who seeks to use community recreational facilities.

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**CONTENT AND OPERATION**

The Public Records Law requires that "public records" be promptly prepared and made available for inspection and copying in accordance with specified rules and procedures (see **COMMENT**). The bill 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 a person under the age of 18 (minor) who seeks to use community recreation facilities. The bill defines that information as 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; and any other information that had to be provided in order for the minor to use or obtain admission privileges to a community recreational facility. (Sec. 149.43(A)(1)(r) and (8).)<sup>1</sup>

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<sup>1</sup> As a result of the recent enactment of H.B. 471 of the 123rd General Assembly, a "future" version of section 149.43 of the Revised Code must be added to H.B. 539 and amended in a similar fashion in order to continue H.B. 539's provisions on and after July 1, 2000 (assuming H.B. 539's passage by the General Assembly).

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## COMMENT

1. **"Public record" definition.** Existing law generally defines a "public record" as any record that is kept by any public office, 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 existing Abortion Notification Law or the existing 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 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 DYS pertaining to children in its custody released by DYS to DRC; intellectual property records; donor profile records; child support-related records maintained by the Department of Human 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. This is the exclusion list that the bill expands. (Sec. 149.43(A)(1).)

2. **General right of access to public records.** The Public Records Law imposes the following duties upon entities that exercise governmental functions regarding their records: all covered public records must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours; upon request, *a public office or person responsible for public records* is required to make copies available at cost, within a reasonable period of time; and in order to facilitate broader access to public records, public offices are required to maintain public records in a manner that they can be made available for inspection in accordance with the provisions described above. (Sec. 149.43(B).)

3. **Choice of medium for copy of public record to be provided.** If any person chooses to obtain a copy of a public record, the public office or person responsible for the record must permit that person to choose to have the record duplicated upon paper, upon the same medium upon which the public office or person responsible keeps the record, or upon any other medium upon which the public office or person responsible determines that the record reasonably can be duplicated as an integral part of normal operations. When the person seeking the copy makes a choice under this provision, the public office or person responsible

must provide a copy of the public record in accordance with the choice made by the person seeking the copy. (Sec. 149.43(B)(2).)

4. **Mailing of copy of public record.** Upon request, a public office or person responsible for public records must transmit a copy of a public record to any person by United States mail within a reasonable time after receiving the request for the copy. The public office or person responsible may require the person making the request to pay in advance the cost of postage and other supplies used in the mailing. Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail. (Sec. 149.43(B)(3).)

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## **HISTORY**

| <b>ACTION</b> | <b>DATE</b> | <b>JOURNAL ENTRY</b> |
|---------------|-------------|----------------------|
| Introduced    | 01-11-00    | p. 1494              |

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