



Phil Mullin

## *Bill Analysis*

*Legislative Service Commission*

### **H.B. 413**

124th General Assembly  
(As Introduced)

**Reps. Fessler, Flowers, Faber, Sullivan**

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#### **BILL SUMMARY**

- Exempts from the Public Records Law specified fire fighter residential and familial information.

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#### **CONTENT AND OPERATION**

##### *Existing law*

The Public Records 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. (See **COMMENT.**) Certain types of records and information in records are not included in this definition, such as peace officer residential and familial information, and, thus, generally are not covered by the Public Records Law's requirements. (Sec. 149.43(A)(1).) The Public Records Law generally requires custodians of public records (1) to promptly prepare them and make them available for public inspection at all reasonable times during regular business hours and (2) to make copies of them available at cost, within a reasonable period of time, and in accordance with specified choice of medium and mailing procedures (sec. 149.43(B)).

##### *Changes proposed by the bill*

##### *Fire fighter residential and familial information exception*

The bill provides an additional "information" exception to the types of records and types of information in certain records covered by the Public Records Law. Fire fighter residential and familial information also does not constitute a "public record" under the bill (sec. 149.43(A)(1)(v)). "Fire fighter residential and familial information" includes information that is maintained in a personnel record of a fire department member and that discloses any of the following (sec. 149.43(A)(9)(a)):

(1) The address of the actual personal residence of a fire department member, except for the state or political subdivision in which the member resides;

(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, a fire department member;

(4) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a fire department member by the fire department;

(5) The identity and amount of any charitable or employment benefit deduction made by a fire department from the fire department member's compensation unless the amount of the deduction is required by state or federal law;

(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 a fire department member.

The bill also includes as "fire fighter residential and familial information" any record that identifies a person's occupation as a fire department member, other than statements required to include the disclosure of that fact under the Campaign Finance Law (sec. 149.43(A)(9)(b)).

A fire department member, for purposes of this exception, has the same meaning as in the Public Employees' Collective Bargaining (PECB) Law. Under the PECB Law, "a member of a fire department" (the term actually used in the bill) means a person employed by a municipal corporation or township as a fire cadet, full-time regular fire fighter, or promoted rank as a result of certain types of appointments. (Sec. 149.43(A)(9); sec. 4117.01(P)--not in, but referred to in, the bill.)

### **Journalist caveat**

The bill provides that, upon written request made and signed by a journalist on or after the bill's effective date, a public office, or person responsible for public records, having custody of the records of a fire department employing a specified fire fighter must disclose to that journalist (1) the address of the actual personal

residence of the fire fighter and (2) if the fire fighter's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the spouse, former spouse, or child. Any request by a journalist under this provision is required to include all of the following (sec. 149.43(B)(5)(b)):

- The journalist's name and title;
- The name and address of the journalist's employer;
- A statement that disclosure of the information sought would be in the public interest.

A "journalist" for the purpose of this provision means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public (sec. 149.43(B)(5)(c)).

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## COMMENT

1. Section 149.011 defines several terms for use in Revised Code Chapter 149., including the Public Records Law:

(a) "Public office" includes any "state agency" (see below), public institution, political subdivision, or any other organized body, office, agency, institution, or entity established by Ohio law for the exercise of any function of government.

(b) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the Ohio Constitution or Ohio law for the exercise of any function of state government, including any state-supported institution of higher education, the General Assembly, or any legislative agency, any court or judicial agency, or any political subdivision or agency thereof.

(c) "Records" includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

2. The bill's new exception and journalist caveat are substantially similar to existing law's "peace officer residential and familial information" exception and

journalist caveat in the Public Records Law (sec. 149.43(A)(1)(p) and (7) and (B)(5)(a)).

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	10-23-01	p. 974

h0413-i.124/kl

