



Aida S. Montano

*Bill Analysis*  
Legislative Service Commission

## **H.B. 482**

127th General Assembly  
(As Introduced)

**Reps. Fende, Domenick, Evans, Foley, R. Hagan, Letson, Luckie,  
J. McGregor, Sayre, B. Williams, Yuko**

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### **BILL SUMMARY**

- Modifies the Public Records Law by generally authorizing a public office to adopt rules to reasonably limit the number of bulk data requests and to include charges for bulk data requests covering the actual cost for making the bulk data available for inspection and copying.
- Authorizes a public office to also charge for expenses for redacting information the release of which is prohibited by law.

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### **CONTENT AND OPERATION**

#### **Existing law**

The Public Records Law requires that, upon request and subject to a certain provision pertaining to requests by incarcerated persons (see **COMMENT 1**), all "public records" (see **COMMENT 2**) responsive to the request must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to the provision described in **COMMENT 1**, upon request, a "public office" (see **COMMENT 3**) or person responsible for public records must make copies of the requested public record available *at cost and* within a reasonable period of time. (R.C. 149.43(B)(1).)

#### **Operation of the bill**

The bill deletes the italicized phrase in the preceding sentence and adds a separate provision requiring the copies of the requested public records to be provided at cost, except as otherwise provided in the bill (see the following paragraphs) or in any other section of the Revised Code (R.C. 149.43(B)(1)).

Under the bill, except as otherwise provided in the provision pertaining to rules adopted by the Bureau of Motor Vehicles regarding bulk commercial special

extraction requests (see **COMMENT 4**) or in any other section of the Revised Code authorizing a higher cost recovery amount per request, a public office may adopt rules under the Administrative Procedure Act (R.C. Chapter 119.) to reasonably limit the number of "bulk data requests." The rules may include provisions for charges to be made for bulk data requests to cover the "actual cost" to the public office of making the bulk data available for inspection and copying. The public office also may charge for expenses for redacting information, the release of which is prohibited by law. (R.C. 149.43(G)(1).)

The bill defines the following terms for purposes of the above provisions (R.C. 149.43(G)(2)):

"Actual cost" means the cost of depleted supplies, records storage costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services, or actual labor costs paid to cover the time spent by the lowest paid public employee competent to perform the tasks of maintaining, locating, and copying the requested records.

"Bulk data request" means a request for copies of a record that includes 50 or more images or 50 or more separate entries of information.

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## **COMMENT**

1. R.C. 149.43(B)(8) provides that a public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under the Public Records Law and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

2. As used in the Public Records Law, "public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to R.C. 3313.53 (R.C. 149.43(A)(1)). The definition of "public record" excludes specified types of records listed in R.C. 149.43(A)(1)(a) to (y).

3. As used in R.C. Chapter 149. (Documents, Reports, and Records), which includes the Public Records Law, "public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of Ohio for the exercise of any function of government (R.C. 149.011(A)--not in the bill).

4. R.C. 149.43(F)(1) authorizes the Bureau of Motor Vehicles to adopt rules pursuant to the Administrative Procedure Act to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the Bureau, plus special extraction costs, plus 10%. The Bureau may charge for expenses for redacting information, the release of which is prohibited by law.

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## HISTORY

ACTION	DATE
Introduced	02-19-08

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