



Ohio Legislative Service Commission

Bill Analysis

Alyssa Bethel

Sub. H.B. 323*

130th General Assembly

(As Reported by H. State and Local Government)

Reps. Duffey and C. Hagan, Amstutz, Blair, Henne, Landis, Roegner, Schuring, Stinziano, Terhar, Bishoff

BILL SUMMARY

- Establishes an online catalog of public records and public records data sets, data.Ohio.gov, which is to be established and administered and operated by the Auditor of State.

CONTENT AND OPERATION

Online catalog of public records

The bill requires the Auditor of States to establish, administer, and operate a website, data.Ohio.gov, where public records and data sets of public records created by state government and other public offices may be located and accessed by the public online. The website is to function as a portal and catalog of these public records and data sets.

The Auditor of State is required to consult with the State Librarian regarding the collection, aggregation, presentation, and accessibility of data in relation to data.Ohio.gov.

The bill requires the website to offer access to public records or data sets of public records posted online by public offices by providing links to websites of public offices that contain this information. The bill specifies that data.Ohio.gov may not post public records or data sets of public records obtained from public offices directly to the

* This analysis was prepared before the report of the House State and Local Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

website. The website may post original data or data sets that contain original content or summarized content of data sets obtained from public offices.

The bill requires the state to consider participation and affiliation of the website with data.gov, the official federal online data catalog.

The Auditor of State is required to adopt rules under the Administrative Procedure Act that specify policies and procedures for the administration and operation of data.Ohio.gov. The rules must include a requirement that the Auditor may not charge a fee in relation to data.Ohio.gov. The Director must make every effort to ensure the data provided on the website via weblink or posted as original data is open format and machine readable.¹

Definitions

The following definitions apply to the bill:

- A "public record" is a "record" 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 Ohio kept by the nonprofit or for-profit entity operating the alternative school. "Public record" does not include numerous categories of records listed in the Public Records Act, e.g., medical records or trial preparations records, or records excluded elsewhere in the Revised Code.²
- A "record" is a document, device, or item, regardless of physical form or characteristic, including an "electronic record," 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.³

An "electronic record" is a record created, generated, sent, communicated, received, or stored by electronic means.⁴

¹ R.C. 149.65.

² R.C. 149.43(A)(1), not in the bill.

³ R.C. 149.011(A), not in the bill.

⁴ R.C. 1306.01, not in the bill.



HISTORY

ACTION

DATE

Introduced
Reported, H. State & Local Gov't

10-29-13

H0323-RH-corrected-130.docx/ks

