



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 429

130th General Assembly
(As Introduced)

Reps. Bishoff and Henne, Antonio, Barborak, Fedor, Foley, R. Hagan, Lundy, Phillips, Strahorn, Terhar

BILL SUMMARY

- Expands the definition of "public record" in the Public Records Law to include records kept by a private police department.
- Defines "private police department" as any of specified departments of a private organization or entity that enforces criminal laws and has employees who have the statutory power of arrest.
- Excludes from the definition of "public record" private police officer residential and familial information specifying certain information about the officer to the same extent as the residential and familial information of other public officers are excluded under current law.
- Allows journalists to obtain from a public office or person responsible for public records the address of the actual personal residence of a private police officer and the name and address of the employer of such officer's spouse, former spouse, or child if employed by a public office to the same extent as they may obtain that information as it relates to specified public officers under current law.
- Permits a private police officer to request in writing that a public office or person responsible for the public records of a public office, other than a county auditor, redact the address of the officer from any record made available to the general public on the Internet that includes the private police officer residential and familial information, to the same extent as certain public officers may make such a request under current law.
- Expands the qualified civil immunity of a public office or a person responsible for a public office's public records for any harm caused to certain public officers as a

result of the inclusion of the address of the officer on any record made available to the general public on the Internet in violation of the law to apply to any such harm caused to a private police officer.

CONTENT AND OPERATION

Public Records Law

The Public Records Law generally requires that public records responsive to a request be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.¹

Records kept by a private police department included in the definition of public record

The bill expands the definition of public record to include records kept by a "private police department."² As used in the bill, a private police department means a department, division, or unit of a private organization or entity that enforces criminal laws and has employees who have a statutory power of arrest and are any of the following:³

- Employed as campus police officers by a campus police department of a private college or university;
- Employed as police officers by a qualified nonprofit corporation police department;
- Appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit union police officers;
- Appointed and commissioned as railroad police officers;
- Appointed and commissioned as hospital police officers by a proprietary police department or security department employed and maintained by a hospital operated by a public hospital agency or a nonprofit hospital agency;

¹ R.C. 149.43(B).

² R.C. 149.43(A)(1).

³ R.C. 149.43(A)(13).



- Appointed and commissioned as amusement park police officers by a proprietary police department or security department employed and maintained by an amusement park that has an average yearly attendance in excess of 600,000 guests.

Existing law defines public record as 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 Ohio kept by the nonprofit or for-profit entity operating the alternative school pursuant to applicable law. For the purpose of the Public Records Law, a "record" includes any 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.⁴

Exclusion of certain officers' residential and familial information

The Public Records Law lists several types of records that are excluded from the definition of public record. Among the items that do not constitute public records is residential and familial information of peace officers, parole officers, probation officers, bailiffs, prosecuting attorneys, assistant prosecuting attorneys, correctional employees, community-based correctional facility employees, youth services employees, firefighters, EMTs, or investigators of the Bureau of Criminal Identification and Investigation (hereafter "specified public officers"). The bill modifies existing law's definition of the "residential or familial information" of the specified public officers by adding "private police officer" residential and familial information to the list of records excluded from the definition of public record.⁵ A "private police officer" means a police officer employed by a private police department.⁶ Under the bill, private police officer residential and familial information is any information that discloses any of the following about a private police officer:⁷

- The address of the actual personal residence of a private police officer, except for the state or political subdivision in which the officer resides;

⁴ R.C. 149.011(G), not in the bill.

⁵ R.C. 149.43(A)(1)(p).

⁶ R.C. 149.43(A)(14).

⁷ R.C. 149.43(A)(7)(a) to (f).

- Information compiled from referral to or participation in an employee assistance program;
- 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 private police officer;
- The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a private police officer by the officer's employer;
- The identity and amount of any charitable or employment benefit deduction made by the private police officer's employer from the officer's compensation unless the amount of the deduction is required by state or federal law;
- The name, residential address, name of the employer, address of the employer, Social Security number, 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 private police officer.

Journalist exception

The bill expands current law by requiring that upon written request made and signed by a journalist, a public office or person responsible for public records having custody of the records of the agency employing a private police officer must disclose to the journalist the address of the actual personal residence of the officer and, if the officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the officer's spouse, former spouse, or child. The request must include the journalist's name and title and the name and address of the journalist's employer and state that disclosure of the information sought would be in the public interest. The above provisions apply to the specified public officers under current law whose residential and familial information is generally excluded from public disclosure.⁸

For purposes of the Public Records Law, "journalist" 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

⁸ R.C. 149.43(B)(9)(a).

medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.⁹

Redaction of private police officer's address

The bill expands existing law's provisions regarding the redaction of the addresses of certain public officers from records made available on the Internet to also apply to private police officers. It permits a private police officer to request in writing that a public office other than a county auditor or a person responsible for the public records of a public office other than a county auditor redact the address of the person making the request from any record made available to the general public on the Internet that includes private police officer residential and familial information of the person making the request. The request must be made on a form developed by the Attorney General that must include a place to provide any information that identifies the location of the address of the private police officer to be redacted. Upon receiving such a written request for a redaction, that public office or person responsible for the public records must act within five business days in accordance with the request to redact such address from any record made available to the general public on the Internet that includes private police officer residential and familial information of the person making the request, if practicable. If a redaction is not practicable, the public office or person responsible for the public records must verbally or in writing within five business days after receiving the written request explain to the private police officer why the redaction is impracticable.¹⁰

A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm that a private police officer sustains as a result of the inclusion of the address of the officer on any record made available to the general public on the Internet in violation of the above provisions unless the public office or person responsible for the public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner, the employee's acts or omissions were manifestly outside the scope of the employee's employment or official responsibilities, or civil liability is expressly imposed upon the employee by a section of the Revised Code.¹¹

⁹ R.C. 149.43(B)(9)(c).

¹⁰ R.C. 149.45(D)(1), (2), and (4).

¹¹ R.C. 149.45(E)(2).



HISTORY

ACTION

DATE

Introduced

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