

## APPENDIX A: EXCEPTIONS FROM THE PUBLIC RECORDS ACT

### JOURNALIST REQUESTS

Journalists have special rights. Reproduced from [Ohio Sunshine Laws: An Open Government Resource Manual](#). iv Ohio Sunshine Laws: An Open Government Resource Manual, page 22-23. Yost, Dave. 2023.

Type Of Request	Legal Reference	Requester May:
Actual personal residential address of a “designated public service worker,” which includes: <sup>244</sup> • A peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multi county corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the Bureau of Criminal Identification and Investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.	149.43(B)(9)(a)	Inspect or copy the record(s)

<p>Employer name and address, if the employer is a public office, of a spouse, former spouse, or child of a “designated public service worker,” which includes:245 • A peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multi-county corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the Bureau of Criminal Identification and Investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.</p>	149.43(B)(9)(a)	Inspect or copy the record(s)
<p>Customer information maintained by a municipally owned or</p>		Inspect or copy
<p>operated public utility, other than:</p> <ul style="list-style-type: none"> <li>• Social security numbers</li> <li>• Private financial information such as credit reports, payment methods, credit card numbers, and bank account information</li> </ul>	149.43(B)(9)(b)(i)	the record(s)
<p>Information about minors involved in a school vehicle accident, other than personal information as defined in R.C. 149.45.</p>	149.43(B)(9)(b)(ii)	Inspect or copy the record(s)

<p>Coroner Records, including:</p> <ul style="list-style-type: none"> <li>• Preliminary autopsy and investigative notes, but not records of a deceased individual that are, “confidential law enforcement investigatory records” as defined in R.C. 149.43; 246</li> <li>• Suicide notes; and</li> <li>• Photographs of the decedent made by the coroner or those directed or supervised by the coroner</li> </ul>	313.10(D)	Inspect the record(s) only, but may not copy them or take notes
<p>Workers’ Compensation Initial Filings, including:</p> <ul style="list-style-type: none"> <li>• Addresses and telephone numbers of claimants, regardless of whether their claims are active or closed, and the dependents of those claimants</li> </ul>	4123.88(D)(1)	Inspect or copy the record(s)
<p>Actual confidential personal residential address of a:</p> <ul style="list-style-type: none"> <li>• Public children services agency employee</li> <li>• Private child placing agency employee</li> <li>• Juvenile court employee</li> <li>• Law enforcement agency employee</li> </ul> <p>Note: The journalist must adequately identify the person whose address is being sought and must make the request to the agency by which the individual is employed or to the agency that has custody of the records</p>	2151.142(D)	Inspect or copy the record(s)

This is a partial list – see Rules 44 through 47 of the Rules of Superintendence for all provisions. In addition, unlike the Public Records Act, the “Rules of Superintendence do not authorize statutory damages under any circumstances. v Ohio Sunshine Laws: An Open Government Resource Manuel, page 89. Yost, Dave. 2023. Anyone requesting court records should be directed to the department where the records originate, as these departments are self-managed.

## APPENDIX B: EXEMPTIONS

Not all records are public records. The following records may not be released. Reproduced from [Ohio Sunshine Laws: An Open Government Resource Manual](#). vi Ohio Sunshine Laws: An Open Government Resource Manual, page 32-40. Yost, Dave. 2023.

<b>Medical records</b>	(a)	Medical records are defined as any document or combination of documents that: 1) pertain to a patient's medical history, diagnosis, prognosis, or medical condition; and 2) were generated and maintained in the process of medical treatment. Records meeting this definition need not be disclosed. Birth, death, and hospital admission or discharge records are not considered medical records for purposes of Ohio's public records law and should be disclosed. Reports generated for reasons other than medical diagnosis or treatment, such as for employment or litigation purposes, are not "medical records" exempt from disclosure under the Public Records Act. However, other statutes or federal constitutional rights may prohibit disclosure, in which case the records or information are not public records under the "catch-all exemption," R.C. 149.43(A)(1)(v).
<b>Probation/parole/ post-release control</b>	(b)	Records pertaining to probation and parole proceedings or proceedings related to the imposition of community control sanctions, post-release control sanctions, or to proceedings related to determinations under R.C. 2967.271 regarding the release or continued incarceration of an offender to whom that section applies. Examples of records covered by this exemption include: <ul style="list-style-type: none"><li>•Pre-sentence investigation reports</li><li>•Records relied on to compile a pre-sentence investigation report</li><li>•Documents reviewed by the Parole Board in preparation for a parole hearing</li><li>•Records of parole proceedings.</li></ul>
<b>Juvenile abortion proceedings</b>	(c)	All records associated with the statutory process through which unmarried and unemancipated minors may obtain judicial approval for abortion procedures in lieu of parental consent. This exemption includes records from both trial- and appellate-level proceedings.

<b>Adoption proceedings</b>	<p>These three exemptions all relate to the confidentiality of adoption proceedings. Documents removed from the definition of “public record” include:</p> <ul style="list-style-type: none"> <li>•Records pertaining to adoption proceedings.</li> <li>•Contents of an adoption file maintained by the Department of Health.</li> <li>•A putative father registry.</li> <li>•An original birth record after a new birth record has been issued.</li> <li>•In limited circumstances, release of adoption records and proceedings may be appropriate. For example:           <ul style="list-style-type: none"> <li>•The Department of Job and Family Services may release a putative father’s registration forms to the mother of the minor or to the agency or attorney who is attempting to arrange the minor’s adoption.</li> <li>•Forms pertaining to the social and medical histories of biological parents may be inspected by an adopted person who has reached majority or to the adoptive parents of a minor.</li> <li>•An adopted person at least 18 years old may be entitled to the release of identifying information or access to their adoption file.</li> </ul> </li> </ul>
<b>Trial Preparation</b>	<p>“Trial preparation record” is defined as “any record that contains information</p>
<b>Confidential law enforcement investigatory records (CLEIRs)</b>	<p>CLEIRs are defined as records that (1) pertain to a law enforcement matter, and (2) have a high probability of disclosing any of the following:</p> <ul style="list-style-type: none"> <li>•The identity of an uncharged suspect.</li> <li>•The identity of an information source or witness to whom confidentiality has been reasonably promised, as well as any information provided by that source or witness that would tend to reveal the identity of the source or witness.</li> <li>•Specific confidential investigatory techniques or procedures or specific investigatory work product;</li> <li>•Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source. (See also Chapter Six: A. “CLEIRs: Confidential Law Enforcement Investigatory Records Exemption.”)</li> </ul>

<b>Designated public service workers</b>	(p)	<p>Residential and familial information of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multi-county corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, EMS medical director or member of a cooperating physician advisory board, board of pharmacy employee, BCI investigator, emergency service telecommunicator, forensic mental health or mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer. (See also Chapter Six: C. “Residential and Familial Information of Covered Professions that are not Public Records.”)</p>
<b>Hospital trade secrets</b>	(q)	<p>Trade secrets of certain county and municipal hospitals. “Trade secrets” are defined at R.C. 1333.61(D), the definitional section of Ohio’s Uniform Trade Secrets Act.</p>
<b>Recreational activities of minors</b>	(r)	<p>Information pertaining to the recreational activities of a person under the age of 18. This includes any information that would reveal the person’s:</p> <ul style="list-style-type: none"> <li>•Address or telephone number, or that of the person’s guardian, custodian, or emergency contact person.</li> <li>•Social security number, birth date, or photographic image.</li> <li>•Medical records, history, or information.</li> <li>•Information sought or required for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or obtain admission privileges to any recreational facility owned or operated by a public office.</li> </ul>
<b>Child fatality review board</b>	(s)	<p>Listed records of a child fatality review board (except for the annual reports the boards are required by statute to submit to the Ohio Department of Health). The listed records are also prohibited from unauthorized release by R.C. 307.629.</p>
<b>Death of minor</b>	(t)	<p>Records and information provided to the executive director of a public children services agency or prosecutor regarding the death of a minor from possible abuse, neglect, or other criminal conduct. Some of these records</p>

		are prohibited from release to the public. Others may become public depending on the circumstances.
<b>Nursing home administrator licensing</b>	(u)	Nursing home administrator licensing test materials, examinations, or evaluation tools.
<b>Catch-all exemption</b>	(v)	Records the release of which is prohibited by state or federal law; this is often called the “catch-all” exemption. Although state and federal statutes can create both mandatory and discretionary exemptions by themselves, this provision also incorporates any statutes or administrative codes that prohibit the release of specific records. Under this provision, a state or federal agency rule designating particular records as confidential that is properly promulgated by the agency will constitute a valid exemption because such rules have the effect of law. But, if the rule was promulgated outside the authority statutorily granted to the agency, the rule is not valid and will not constitute an exemption to disclosure.
<b>Ohio Venture Capital Authority</b>	(w)	Proprietary information of or relating to any person that is submitted to or compiled by the Ohio Venture Capital Authority.
<b>Ohio Housing Finance Agency</b>	(x)	Financial statements and data any person submits for any purpose to the Ohio Housing Finance Agency or the Controlling Board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency.
<b>Foster care / childcare centers</b>	(y)	Records and information relating to foster care givers and children housed in foster care, as well as children enrolled in licensed, certified, or registered childcare centers. This exemption applies only to records held by county agencies or the Ohio Department of Job and Family Services. <sup>323</sup> (See also Chapter Three: F. 2. c. “County Children Services Agency Records”).

<b>Military discharges</b>	(z)	Military discharges are recorded with a county recorder.
<b>Public utility usage information</b>	(aa)	Use information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility.
<b>JobsOhio</b>	(bb)	Records described in R.C. 187.04(C) (relating to JobsOhio) that are not designated to be made available to the public as provided in that division.
<b>Lethal injection</b>	(cc)	Information and records concerning drugs used for lethal injections that are made confidential, privileged, and not subject to disclosure under R.C. 2949.221(B) and (C).
<b>Personal information</b>	(dd)	<ul style="list-style-type: none"> <li>• Bank account numbers (R.C. 149.43(A)(1)(dd); R.C. 149.45)</li> <li>• Employee assistance program records (R.C. 124.88(B))</li> <li>• The “residential and familial information” of peace officers, parole officers, probation officers, bailiffs, prosecuting attorneys, assistant prosecuting attorneys, correctional employees, county or multi-county corrections officers, community-based correctional facility employees, designated Ohio national guard members, protective services workers, youth services employees, firefighters, emergency medical technicians (EMTs), medical directors or members of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employees, investigators of the Bureau of Criminal Identification and Investigation, emergency service telecommunicators, forensic mental health providers, mental health evaluation providers, regional psychiatric hospital employees, judges, magistrates, or federal law enforcement officers is exempted from mandatory disclosure under the Public Records Act.</li> </ul> <p>In addition, the exemption for peace officer residential and familial information applies only to information contained in a record that presents a reasonable expectation of privacy. It does not extend to records kept by a county recorder or other public official for general public access where there is no reasonable basis for asserting a privacy interest and no expectation that the information will be identifiable as peace officer</p>

		<p>residential and familial information.</p> <ul style="list-style-type: none"> <li>• The name of any beneficiary of employment benefits of a covered employee, including, but not limited to, life insurance benefits</li> <li>• The identity and amount of any charitable or employment benefit deduction of a covered employee.</li> <li>• A photograph of a peace officer who holds a position that may include undercover or plain clothes positions or assignments.</li> </ul>
<b>Secretary of State's address confidentiality program</b>	(ee)	The confidential name, address, and other personally identifiable information of a program participant in the Secretary of State's Address Confidentiality Program established under R.C. 111.41 to R.C. 111.47, including records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state.
<b>Military orders</b>	(ff)	Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order.
<b>Minors involved in school vehicle accidents</b>	(gg)	“The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident.”
<b>Claims for payment for health care</b>	(hh)	“Protected health information,” as defined in 45 C.F.R. 160.103, the HIPAA Privacy Rule, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual’s identity.

<b>Depictions of victims</b>	(ii)	<p>Depictions by photograph, film, videotape, or printed or digital image of either “a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim’s expectation of bodily privacy and integrity” or “captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.”</p>
<b>Restricted portions of dashboard camera and body camera</b>		<p>Portions of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:</p> <ul style="list-style-type: none"> <li>• The image or identity of a child or information that could lead to the identification of a child who is the primary subject of the recording;</li> <li>• The death of a person or deceased person’s body, unless the death was caused by a correctional employee, youth services employee, or peace officer or under certain other circumstances;</li> <li>• The death of a correctional employee, youth services employee, peace officer or first responder that occurs when the decedent was performing official duties;</li> <li>• Grievous bodily harm unless the injury was effected by a correctional employee, youth services employee, or a peace officer;</li> <li>• An act of severe violence against a person that results in serious physical harm unless the injury was effected by a correctional employee, youth services employee, or peace officer;</li> <li>• Grievous bodily harm to, or an act of severe violence resulting in serious physical harm, against a correctional employee, youth services employee, or peace officer or first responder while the injured person was performing official duties.</li> </ul>
		<ul style="list-style-type: none"> <li>• A person’s nude body;</li> <li>• Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the</li> </ul>

**Restricted portions of dashboard camera and body camera**

(jj)

- subject of a law enforcement encounter;
- Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;
- Information that does not qualify as a confidential law enforcement investigatory record that could identify a confidential source if disclosure of the source or the information provided could reasonably be expected to threaten or endanger a person's safety or property;
- A person's personal information who is not arrested, charged, or issued a written warning;
- Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;
- Personal conversations between peace officers unrelated to work;
- Conversations between peace officers and members of the public that do not concern law enforcement activities.
- The interior of a residence unless it is the location of an adversarial encounter with, or use of force by, a peace officer
- The interior of a private business not open to the public unless it is the location of an adversarial encounter with, or use of force by, a peace officer.
- Restricted portions of camera recordings depicting death, grievous bodily harm, acts of severe violence resulting in serious physical harm, and nudity may be released with the consent of the injured person, the decedent's executor or administrator or the person/person's guardian if the recording will not be used in connection with any probable or pending criminal proceeding or the recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings. If a person has been denied access to a restricted portion of a body worn camera or dashboard camera recording, that person may file a mandamus action or a complaint with the clerk of the Court of Claims, seeking an order to release the recording. The court shall order the release of the recording if it determines that the public interest in the recording substantially outweighs privacy and other interests asserted to deny release.

<b>Fetal-infant mortality review board</b>	(kk)	Records and information submitted to a fetal-mortality review board, as well as the board's statements and work product.
<b>Pregnancy-associated mortality review board</b>	(ll)	Records and information submitted to a pregnancy-associated mortality review board, as well as the board's statements and work product.
<b>Crime victim telephone numbers</b>	(mm )	Telephone numbers of victims and witnesses to a crime listed on a law enforcement record or report.
<b>Preened funeral contracts</b>	(nn)	Information and records contained in a report submitted to the board of embalmers and funeral directors.
		Telephone numbers of parties to a motor vehicle accident listed on a law enforcement record or report within 30 days of the accident.
<b>Motor vehicle accident telephone numbers</b>	(oo)	
<b>Ohio school safety and crisis center records</b>	(pp)	Records of individuals who have completed training offered by the Ohio school safety and crisis center.
<b>Domestic violence fatality review board</b>	TBD	Records presented to a domestic violence fatality review board, as well as the board's statements and work product.

<b>Special improvement districts</b>	TBD	Certain records of nonprofit corporations that create a special improvement district under Chapter 1710 of the Revised Code.
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For other exemptions, see the Ohio Attorney General's list of [Statutory Provisions](#) exempting records from the Ohio Public Records Act or declaring records confidential. Please note that some are qualified exemptions.

#### APPENDIX C: LEGAL OPINIONS

The Ohio Attorney General's list of [Opinions Interpreting Ohio's Public Records Act](#) for more information about how the law has been interpreted.