
Ohio Attorney General Opinions Interpreting Ohio's Sunshine Laws

The following are summaries of select opinions of the Ohio Attorney General that have addressed or interpreted the Ohio Public Records Act, [R.C. 149.43](#), and the Ohio Open Meetings Act, [R.C. 121.22](#). The validity of any one opinion may have been affected by a subsequent court opinion or statutory change.

The opinion citations (the bolded numbers above each summary) are hyperlinked to the full text of the opinion. These can also be found by searching the Attorney General's Office opinion archives at <https://www.ohioattorneygeneral.gov/About-AG/Service-Divisions/Opinions>.

2024-025

The protection afforded a crime victim under R.C. 2930.07 ("Marsy's Law") against disclosure of identifying information applies and attaches to case documents associated with criminal or delinquent cases but only in limited circumstances in civil matters. A clerk of court's duty to redact a victim's information from all records relating to a civil protection order is triggered only when the order is violated, but the redaction requirement for a violation of a protection order, an offense of violence, or a sexually oriented offense applies automatically when the matter is filed with the clerk of courts and without any request by the victim.

2022-018

Courts of common pleas may set their own costs for making court transcripts under R.C. 2301.24. Courts of common pleas may not, however, set their own costs for *copies* of transcripts that have already been created. Copies of transcripts must be provided "at cost" under R.C. 149.43(B)(1). (This opinion partially overrules 1989 Ohio Atty.Gen.Ops. No. 89-073 and modifies 2002 Ohio Atty.Gen.Ops. No. 014.)

2021-025

Data created by a county office that is merely stored on servers kept and maintained by a county automatic data processing center does not constitute a "record," as defined by R.C. 149.011(G), of the county automatic data processing center. As the data from the county office electronically store on servers kept and maintained by a county automatic data processing center does not constitute a "record" of the county automatic data processing center, the center as no authority to respond to public records requests made pursuant to R.C. 149.43.

2017-042

Fingerprints or photographs of a child obtained or taken under R.C. 2151.313(A)(1) or (2), copies of fingerprints or photographs of that nature, or records of the arrest or custody that was the basis of the taking of fingerprints or photographs of that nature are not "public records," unless: (1) the originals and copies of fingerprints and photographs taken under R.C. 2151.313(A)(2) of a child described in R.C.

2151.313(B)(3), and any records of the arrest or custody that was the basis for the taking of the fingerprints or photographs are transferred by a law enforcement agency pursuant to R.C. 2151.313(B)(3)(b)(ii) to files that are used for the retention of fingerprints and photographs taken of adults who are arrested for, otherwise taken into custody for, or under investigation for the commission of a criminal offense, and (2) the transferred records are not otherwise excluded from the definition of “public record” by any of the exceptions in R.C. 149.43(A)(1).

2014-030

When a county law library resources board deems it necessary, and subject to the approval of the board of county commissioners, a county law library resources board may contract with and pay a vendor to digitize public records of the county recorder and to post those records and the public records of the clerk of court on a third-party website. A county law library resources board may also purchase a public access computer for placement in the county law library.

2014-029

Whether personal email addresses in a public record are themselves public records is a fact-specific inquiry that must be determined on a case-by-case basis. Personal email addresses in an email sent by a township fiscal officer that do not document the organization, functions, policies, decisions, procedures, operations, or other activities of the township do not constitute “records,” as defined in R.C. 149.011(G), and are not required to be disclosed by R.C. 149.43.

To determine whether personal email addresses document the organization, functions, policies, decisions, procedures, operations, or other activities of the township, the township must determine whether disclosure of the email addresses would facilitate the public’s ability to monitor the functions of the township in performing its statutory duties, and whether the township used the email addresses in making decisions or in performing its functions.

2014-021, n. 5

A law enforcement agency’s access to information about a public assistance recipient that is in the records of a county department of job and family services, including by public records request, is limited by the statutes controlling the release of such information.

2014-009

For purposes of R.C. 149.43, a county auditor makes a public record available for inspection when he provides access to the public records online through the county’s website. A county auditor may not charge and collect a fee for making public records available for inspection on a county website.

2014-007

A social security number, driver's license number, name (first, middle, and last), street name, city and state received by the Secretary of State from the Bureau of Motor Vehicles are personal information as defined in 18 U.S.C. § 2725(3) and R.C. 4501.27(F)(3). Other information that the Bureau of Motor Vehicles provides to the Secretary of State is personal information for purposes of 18 U.S.C. § 2725(3) and R.C. 4501.27(F)(3) if the information identifies an individual. The Secretary of State is an authorized recipient of personal information under 18 U.S.C. § 2721(c) and R.C. 4501.27(C) and may disclose personal information for the permissible uses set forth in 18 U.S.C. § 2721(b)(1)-(10) and (13)-(14) and R.C. 4501.27(B)(2)(a)-(k) and (n)-(o).

The Secretary of State may disclose personal information to a member of the General Assembly pursuant to 18 U.S.C. § 2721(b)(1) and R.C. 4501.27(B)(2)(a) if the information is sought for use in carrying out the functions of the General Assembly. The Secretary of State may disclose personal information to a journalist pursuant to 18 U.S.C. § 2721(b)(5) and R.C. 4501.27(B)(2)(f) if the journalist intends to use the information for research activities and does not publish or re-disclose the information or use the information to contact the individuals to whom the information pertains.

2013-006

The term "special taxing district" as used in R.C. 149.412, means a separate and distinct territorial division of government throughout which a tax may be levied to promote or achieve a public purpose. A county veterans service commission and a county board of developmental disabilities are subject to the jurisdiction of a county records commission under R.C. 149.38. The entities subject to the jurisdiction of a special taxing district records commission under R.C. 149.412 include but are not limited to: (1) a county soil and water conservation district; (2) a single county alcohol, drug addiction, and mental health service district; (3) a general health district; and (4) a combined general health district.

2012-036

Pursuant to R.C. 307.862(C), information in a competitive sealed proposal submitted to a county contracting authority pursuant to R.C. 307.862 becomes a public record that must be made available for public inspection and copying under R.C. 149.43 after the contract is awarded, unless the information falls within one of the exceptions to the definition of the term "public record" set forth in R.C. 149.43(A)(1) and is redacted from the proposal by the contracting authority.

Pursuant to R.C. 307.87 and R.C. 307.88, information in a competitive bid submitted to a county contracting authority under R.C. 307.86-92 becomes a public record that must be made available for public inspection and copying under R.C. 149.43 after the bid is opened by the contracting authority, unless the information falls within one of the exceptions to the definition of the term "public record" set forth in R.C. 149.43(A)(1) and is redacted from the bid by the contracting authority.

2012-032

The Ohio Vendors Representative Committee is a public office subject to the requirements of R.C. 149.43. The Committee is responsible for maintaining its own records, and the chairperson of the Committee is responsible for developing a records retention schedule for the Committee under R.C. 149.34.

The Committee is also a public body subject to the requirements of R.C. 121.22. A subcommittee is a public body subject to the requirements of R.C. 121.22 when the subcommittee provides advice and recommendations to the Committee.

2012-028

Pursuant to R.C. 4141.22, information that is (1) maintained by the Ohio Department of Job and Family Services and provided to the Unemployment Compensation Review Commission by the Department and (2) placed in a director's file, review file, or decision of the Commission is not a public record. Information in a director's file, review file, or decision of the Commission that is not subject to the confidentiality provision of R.C. 4141.22 is a public record for purposes of R.C. 149.43, unless the information is not a "record," as defined in R.C. 149.011(G), or the information falls within one of the exceptions to the definition of the term "public record" in R.C. 149.43(A)(1).

2012-022

To hold an executive session pursuant to R.C. 121.22(G)(1), a person must, in the motion and vote to hold that executive session, state which one or more of the approved purposes listed in R.C. 121.22(G)(1) are the purposes for which the executive session is to be held. This requirement is not satisfied if the motion and vote state, without further explanation, that the session is to discuss a "personnel matter."

Any vote or action by a county children's services board officially placing its executive director on administrative leave is a formal action under R.C. 121.22(H) that must occur in a meeting open to the public. Not complying with this requirement renders the vote or action invalid.

2011-038

A meeting is not "open" to the public where members of a public body vote by way of secret ballot. R.C. 121.22 is intended to ensure openness and accountability in government. Voting by secret ballot is inconsistent with the purpose of the Open Meetings Act and denies the people their right to view and evaluate the workings of their government. (1980 Ohio Atty.Gen.Ops. No. 80-083 (syllabus, paragraph 4), overruled).

2011-012

A provisional ballot envelope is subject to state elections laws mandating the seal and preservation of ballots until any possible recount or election contest is completed. R.C. 3501.13(C) prohibits the release of a provisional ballot envelope during the time a board of elections is required to preserve ballots under seal but is a "public record" subject to release once that time has passed. R.C. 3505.181(B)(5)(b) does not

prohibit the release of provisional ballot envelopes. Rather, R.C. 3505.181(B)(5)(b) prohibits the release of specific voter information through the free access system to anyone other than the voter to whom that information pertains. The free access system established pursuant to R.C. 3505.181(B)(5)(b) may be used only by a voter to gain access to information about his or her own provisional ballot.

2010-029

The Ohio Department of Job and Family Services, in support of civil or criminal prosecutions arising out of investigations by the Bureau of Workers' Compensation, may provide certified copies of employer payroll records to the Bureau or the appropriate prosecuting authority and may allow a Department representative to testify regarding those records at trial.

2010-016

R.C. 1347.15 requires every state agency to adopt rules under R.C. Chapter 119 regulating access to its confidential personal information systems, but exempts the courts, any "judicial agency," any state assisted institution of higher education, and any local agency. A judicial agency is part of the judicial branch of government or makes judgments in quasi-judicial proceedings. The Board of Tax Appeals (BTA) makes judgments to resolve justiciable disputes arising under Ohio's tax laws and its proceedings are quasi-judicial in nature. The BTA is therefore not subject to the requirements of R.C. 1347.15.

2009-034

During a declared emergency, R.C. 5502.24(B) provides a limited exception to the Open Meetings Act. A public body may meet at an alternative location and exercise its powers and functions "in the light of the exigencies of the emergency without regard to or compliance with time-consuming procedures and formalities prescribed by law pertaining thereto." (Syllabus, paragraph one, overruled by R.C. 121.221 that allows public bodies to meet by video conference or similar electronic technology).

2008-019

An audio tape recording of a meeting of a board of township trustees that is created by the township fiscal officer for the purpose of taking notes to create an accurate record of the meeting, as required by R.C. 507.04(A), is a public record for purposes of R.C. 149.43. The audio tape recording must be made available for public inspection and copying and retained in accordance with the terms of the township records retention schedule for such a record.

2008-003

Depending on the way it is formed and operated, a non-profit corporation formed under R.C. 183.061 might be subject to R.C. 149.43, R.C. 121.22, or particular contracting controls governing state agencies.

2007-042

A county coroner who performs an autopsy and forensic examination, pursuant to contract with the coroner who has jurisdiction over the case, is not required by R.C. 313.09 to keep the autopsy and examination reports he prepares, but he must keep copies of the reports in conformance with his office's records retention schedule, as filed and approved in accordance with R.C. 149.38.

A county coroner who performs an autopsy and forensic examination, pursuant to contract with the coroner who has jurisdiction over the case, is required by R.C. 149.43 to make available to any person for inspection and copying the copies of the autopsy and forensic examination reports that he prepared for the jurisdictional coroner, unless a report is not a public record under a statutorily defined or constitutionally mandated exception.

A county corner who performs an autopsy and forensic examination, pursuant to contract with the coroner who has jurisdiction over the case, has no duty under R.C. 313.10(D) or (E), or R.C. 149.43, to make available to journalists or insurers copies of any records that his office has retained in connection with performance of the contract if the records are not public records.

2007-034

A piece of physical evidence collected by law enforcement in connection with a criminal investigation and held by a county prosecuting attorney following the conclusion of the trial, appeals, and post-conviction proceedings to which the evidence pertains is not a public record for purposes of R.C. 149.43.

2007-026

Article II, Section 34a of the Ohio Constitution does not render confidential information about a public employee's rate of pay, the number of hours worked by the employee, or the amount of compensation paid to the employee, nor do they otherwise exempt this information from inspection and copying under R.C. 149.43. Therefore, any person, including any co-worker of the public employee, has the right under R.C. 149.43 to inspect and copy information about a public employee's pay rate, hours worked, and amounts paid.

2007-025

The "good cause" standard described in 1991 Ohio Atty.Gen.Ops. No. 91-003, under which the executive director of a public children services agency (PCSA) determines whether to grant access to child abuse or neglect investigation records included as confidential records under R.C. 5153.17, is applicable to all PCSA records described in R.C. 5153.17, including records pertaining to matters other than child abuse or neglect investigations. (1991 Ohio Atty.Gen.Ops. No. 91-003, approved and clarified).

A PCSA is responsible for keeping records described in R.C. 5153.17 confidential and may disclose them only as authorized by statute, in accordance with the "good cause" standard described in 1991 Ohio Atty.Gen.Ops. No. 91-003. If, in conjunction with a criminal proceeding or investigation or a civil proceeding, a PCSA received a subpoena requesting the disclosure of information that is confidential

under R.C. 5153.17, the PCSA, in order to preserve the confidentiality prescribed by statute, may file a motion to quash the subpoena, thereby seeking from the court an in camera review of the PCSA's records and a determination as to whether and to what extent the information may be disclosed.

2007-019

A board of township trustees has authority to enforce its own rules as to how to maintain order at, approve the minutes of, and provide and distribute a written agenda for its regular meetings.

2006-038

Absent a statute to the contrary, foreign individuals and entities domiciled in a foreign country are "persons" who are entitled to inspect and copy public records pursuant to R.C. 149.43.

2006-037

Except as otherwise provided in R.C. 149.43 or R.C. 1724.11, information kept in the records of a community improvement corporation designated as an agency of a county under R.C. 1724.10 is a public record for purposes of R.C. 149.43.

2005-047

Personal information about an individual in a court's civil case file is public record unless otherwise exempt or if the information is not a "record" of the public office under R.C. 149.43(A)(1). Before releasing information from a court's civil case files, the clerk of courts has a duty to redact personal information about an individual that is not otherwise exempt or is not a "record" of the public office under R.C. 149.43(A)(1). (Overruled, in part, by statutory amendment. The analysis regarding social security numbers and financial information is inoperative pursuant to R.C. 149.45, which created exemptions for such information. In addition, R.C. 2930.07 ("Marsy's Law") may apply to prevent disclosure of identifying information of victim information in civil matters. See 2024 Ohio Atty.Gen.Ops. No. 025.)

2005-039

R.C. 3701.741(C)(1)(c) requires a health care provider or a medical records company to provide one free copy of an individual's medical records only to the Ohio Department of Job and Family Services, not to the various county departments of job and family services. A *county* department of job and family services is not included within the language "[t]he department of job and family services, in accordance with [R.C. Chapter 5101] and the rules adopted under those chapters," as used in R.C. 3701.741(C)(1)(c).

2004-050

Because a board of elections has a duty to preserve ballots in sealed containers until any possible recount or election contest is completed, ballots are not "public records" while they remain under seal or where

they are subject to a court order prohibiting their release. Ballots are not subject to inspection under R.C. 3501.13 until the time within which a possible recount or election contest may occur has passed and may be subject to public inspection “under such reasonable regulations as shall be established by the board.” Nonetheless, the board of elections remains under a duty to “carefully preserve” ballots used in an election for the remainder of the preservation period prescribed by R.C. 3505.31.

Upon completion of the canvass of election returns under R.C. 3505.32, poll books used in an election are public records of a board of elections and are subject to public inspection in accordance with any reasonable regulations the custodian board of elections has established under R.C. 3501.13.

2004-045

Personal information about an individual in a court’s criminal case file is public record unless otherwise exempt or if the information is not a “record” of the public office under R.C. 149.43(A)(1). Before releasing information from a court’s criminal case file, the clerk of courts has a duty to redact personal information about an individual that is not otherwise exempt or is not a “record” of the public office under R.C. 149.43(A)(1). Note: The analysis regarding social security numbers and financial information is inoperative pursuant to R.C. 149.45, which created exemptions for such information.

2004-033

A county recorder who makes available in her office a photocopying machine for use by the public may not charge the two-dollar per page fee set forth in R.C. 317.32(I) where the public operates the photocopier without the assistance of the recorder or staff. The recorder is, instead, subject to R.C. 149.43(B), which requires a public office to provide copies of public records “at cost.” (The two-dollar per page base fee has increased per statutory change.)

2004-011

A county recorder may not impose a fee upon a requester to inspect records or make copies using their own equipment. However, the county recorder may impose reasonable rules governing the use and operation of such equipment.

2003-030

R.C. 2303.26 requires the clerk of courts to carry out her duties “under the direction of [her] court.” Once the judges of a court of common pleas have delegated to the judges of a division of that court authority to determine whether to make that division’s records available to the public online, and the judges of that division have ordered that its records are not to be accessible to the public online, the clerk of courts must obey that order, unless a court of competent jurisdiction reverses that order or prohibits its enforcement.

2003-025

Pursuant to R.C. 2953.321, R.C. 2953.54, and R.C. 2151.358, a county sheriff may not disclose to the public information in an investigatory work product report that pertains to a case the records of which have been ordered sealed or expunged pursuant to R.C. 2953.31-61 or R.C. 2151.358. But the sheriff must disclose information in the report that relates to a defendant, suspect, or juvenile offender who has not had this information ordered sealed or expunged, unless one of the exceptions set forth in R.C. 149.43(A) applies to the information. (R.C. 2953.321 and R.C. 2953.54 have been repealed by statute; the operative statutes are R.C. 2953.32, R.C. 2953.33, and R.C. 2953.34.)

2002-040

Except as provided in R.C. 149.43(A)(1) and R.C. 2950.081(B), sex offender registration information submitted to a county sheriff by a sex offender who is required to register with the sheriff under R.C. Chapter 2950 may be made available to the public online through the sheriff's website, provided such access to the public records does not endanger the safety and integrity of the records or interfere with the discharge of the sheriff's duties.

2002-030

Absent facts indicating the names and addresses of a county sewer district's customers fall within one of the exceptions to the definition of "[p]ublic record" contained in R.C. 149.43(A)(1), such names and addresses are public records that are subject to disclosure by the sewer district in accordance with R.C. 149.43. (A partial exemption was later created by R.C. 149.43(A)(1)(aa) for "[u]sage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility".)

2002-014

Transcripts prepared pursuant to R.C. 2301.23 by a court reporter of the court of common pleas are public records under R.C. 149.43, unless the transcripts include or comprise a record that is exempt from the definition of "public record" in R.C. 149.43(A)(1). (1989 Ohio Atty.Gen.Ops. No. 89-073, syllabus, paragraph two, approved and followed.) A party in civil action in the court of common pleas that requests a photocopy of a transcript previously prepared pursuant to R.C. 2301.23 is required to pay the compensation fixed by the judges of the court of common pleas under R.C. 2301.24 to obtain the photocopy of the transcript from the court.

Each party in a civil or criminal trial in the court of common pleas that requests a transcript pursuant to R.C. 2301.23 is required to pay the court reporter who prepares the transcript the compensation fixed by the judges of the court of common pleas in accordance with R.C. 2301.24.

Each time that a party in a civil or criminal trial in the court of common pleas requests a transcript pursuant to R.C. 2301.23, the court reporter of the court of common pleas who prepares the transcript is entitled to the entire compensation fixed by the judges of the court of common pleas in accordance with R.C.

2301.24, unless the party requests at the same time more than one transcript of the same testimony or proceeding. In such a situation, pursuant to R.C. 2301.25, the court reporter is entitled to the entire compensation fixed by the judges of the court of common pleas in accordance with R.C. 2301.24 for the first copy and to one-half the compensation allowed for the first copy for each additional copy.

A prosecuting attorney in a civil or criminal trial in the court of common pleas or the court of appeals may not obtain a photocopy of a transcript previously prepared in the action from the court's file without paying the court reporter of the court of common pleas or the court of appeals, respectively, the compensation fixed by the judges of the court of common pleas in accordance with R.C. 2301.24 or the judges of the court of appeals in accordance with R.C. 2501.17.

2001-041

Information on a run sheet created and maintained by a county emergency medical services (EMS) organization that documents medication or other treatment administered to a patient by an EMS unit, diagnostic procedures performed by an EMS unit, or the vital signs and other indicia of the patient's condition or diagnosis satisfied the "medical records" exception of R.C. 149.43(A)(1)(a), and thus, is not a "public record." (1999 Ohio Atty.Gen.Ops. No. 99-006, approved and followed.)

Information on a run sheet created and maintained by a county emergency medical services organization that documents medication or other treatment administered to a patient by an EMS unit, diagnostic procedures performed by an EMS unit, or the vital signs and other indicia of the patient's condition or diagnosis, and is relied upon by a physician for diagnostic or treatment purposes, is a communication covered by the physician-patient testimonial privilege of R.C. 2317.02(B), and thus, is confidential information, the release of which is prohibited by law for purposes of R.C. 149.43(A)(1)(v). (1996 Ohio Atty.Gen.Ops. No. 96-005 and 1999 Ohio Atty.Gen.Ops. No. 99-006, approved and followed.) If a physician authorizes an emergency medical technician (EMT) to administer a drug or perform other emergency medical services, documentation of the physician's authorization and administration of the treatment or procedure by the EMS unit may also fall within the physician-patient testimonial privilege.

A written protocol, developed pursuant to R.C. 4765.41, without reference to a particular patient, for use by emergency squad personnel in cases where communication with a physician is not possible and the patient's life is in danger, does not establish, for purposes of R.C. 149.43(A)(1)(v), a physician-patient testimonial privilege between the physician who prepared the protocol and a patient who is treated by an EMS unit pursuant to that protocol, where there is no further communication by the EMS unit with the physician about the condition or treatment of the patient.

If an EMS unit administers a controlled substance to a patient, the patient's name and address documented on the run sheet will, pursuant to Ohio Admin. Code 4729-9-14(A)(3) (Supp. 2000-2001), be deemed to meet a portion of the record keeping requirements of R.C. 3719.07, and thus, will be confidential under the terms of R.C. 3719.13, if the run sheet becomes a permanent part of the patient's medical record. However, information on the run sheet that pertains to the administration of a drug that is not a controlled substance is not required by R.C. 3719.07 or other provision of R.C. Chapter 3719, and thus, does not fall within the confidentiality requirements of R.C. 3719.13.

2001-012

Data, photographs, maps, and other information created, collected, prepared, maintained, and published pursuant to R.C. 1504.02(A)(6) by the Ohio Department of Natural Resources' (ODNR) Division of Real Estate and Land Management are public records. If ODNR stores, produces, organizes, or compiles public records in a way that enhances the value of data or information included therein, it may charge for copies an amount that includes the additional costs of copying the information in such enhanced or "value-added" format. R.C. 1501.01, which authorizes the director of ODNR to "publish and sell" data, reports, and information, does not authorize the director to charge an amount more than its actual cost for providing copies of the records created and maintained pursuant to R.C. 1504.02(A)(6).

2000-046

A county recorder may make indexed public records available through the Internet, provided this does not endanger the records or interfere with the recorder's duties. A fee cannot be charged or collected to inspect or copy records from the Internet when a person does not use equipment maintained by the recorder. Internet access cannot be limited to real estate title companies.

2000-036

Governor's Office of Veterans Affairs is prohibited by 32 C.F.R. § 45.3(e)(4) from releasing a copy of a Certificate of Release or Discharge from Active Duty (DD Form 214) without the written consent of the service member who is the subject of the DD Form 214.

2000-035

Public hearings conducted by a township board of zoning appeals to consider the matters described in R.C. 519.14(A)-(C) are not "meetings" for purposes of R.C. 121.22, but rather, are quasi-judicial proceedings. (1985 Ohio Atty.Gen.Ops. No. 85-044 (syllabus, paragraph two, overruled).

2000-021

R.C. 149.43 does not impose a duty on any specific individual or office to notify public offices of a peace officer's residential and familial information or to update the database. For purposes of R.C. 149.43, a child of a peace officer includes a natural or adopted child, a stepchild, and a minor or adult child.

Under the definition in R.C. 149.43(A)(7), peace officer residential and familial information encompasses only records that both contain the information listed in the statute and disclose the relationship of the information to a peace officer or a spouse, former spouse, or child of the peace officer, and those are the only records that come within the statutory exception to mandatory disclosure provided by R.C. 149.43(A)(1)(p). The exception for peace officers' residential and familial information applies only to information contained in a record that presents a reasonable expectation of privacy and does not extend to records kept by a county recorder or other public official for public access. The general provisions of R.C. 149.43 excluding peace officer residential and familial information from mandatory disclosure do not

operate to impose requirements or limitations on systems of public records that have been designed and established for 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 residential and familial information.

R.C. 149.43 provides no liability for disclosing information that comes within an exception to the definition of “public record.” Liability may result, however, from disclosing a record that is made confidential by a provision of law other than R.C. 149.43.

1999-012

When a county office chooses to create customized documents from an existing public record, it may only charge its actual cost, which does not include employee time or computer programming fees.

1999-006

Information on a county EMS run sheet that does not satisfy either the medical records exception or the “catch-all” exception is a public record and must be disclosed pursuant to R.C. 149.43(B). HIV testing information contained in run sheets cannot be disclosed.

1997-038

Information submitted to a county sheriff pursuant to R.C. Chapter 2950 by an individual who has been convicted of or pleaded guilty to a sexually oriented offense is a public record that must be made available for inspection to any person, except to the extent that such information comprises “records the release of which is prohibited by state or federal law.”

1997-010

Information within a workers’ compensation claim file that does not fall within one of the exceptions listed in R.C. 149.43(A)(1) is a public record which must be disclosed to the public pursuant to R.C. 149.43(B) when the Bureau of Workers’ Compensation, a member of the Industrial Commission, the claimant, or the employer authorized the examination of the claim file as required by R.C. 4123.88. (1975 Ohio Atty.Gen.Ops. No. 75-062, syllabus, paragraph one, overruled.)

Information in a workers’ compensation claim file that indicates that an individual has been diagnosed as having AIDS or an AIDS-related condition is not a public record, and the Bureau of Workers’ Compensation cannot disclose it to the public.

1996-046

The health care quality advisory council created by R.C. 4121.442 does not have authority to permit a member who is appointed by the Governor to designate an alternate to vote on such member's behalf at council meetings.

Pursuant to R.C. 121.05, the Administrator of Workers' Compensation may designate his assistant or a deputy to serve in his place as a member and chairman of the health care quality advisory council.

1996-034

A county recorder is not required to remove or obliterate social security numbers from mortgages, mortgage releases, veterans' discharges, and financing statements before recording those instruments.

1996-010

Absent adoption of a rule by a county board of mental retardation and developmental disabilities specifying the day on which its annual organizational meeting is to be held, the board's annual organizational meeting is not one of the regularly scheduled meetings for purposes of the removal provision of R.C. 5126.04.

1996-005

Records collected for trauma system registry or emergency medical services incidence reporting systems that constitute medical records or physician/patient privilege do not constitute public records. The State Board of Emergency Medical Services is not required to disclose such records, and the Board is required to maintain confidentiality of any patient identifying information contained therein.

1995-030

A district advisory council established pursuant to R.C. 3709.03 has inherent authority to call special meetings of the council by acting through the concurrence of a majority of its members with respect to a particular meeting, or by promulgating a procedural rule authorizing specified officers or members of the council to call special meetings. The board of health of a general health district and the state director of health, as expressly provided in R.C. 3709.03, are the only other public authorities with power to call a special meeting of the district advisory council.

1995-001

A PASSPORT administrative agency that is operated by a private non-profit agency pursuant to Ohio Admin. Code 5101:3-31-03(A)(1) is a public office as defined in R.C. 149.011(A) and a public body as defined in R.C. 121.22.

1994-096

A committee of private citizens and various public officers or employees that is established by the board of health of a general health district for the purpose of advising the board on matters pertaining to the administration of a state or federal grant program is a public body; where the establishment of the committee is not required or authorized by the terms of the grant or any action of the general health district board, such committee is not a public body.

1994-089

A clerk of courts may not remove from a court file a pleading that is stricken from the record or an original pleading when a substitute pleading is filed in its place unless removal is permitted by law or by the appropriate records commission.

1994-084

A county human services department may release the address of a current recipient of aid to dependent children, general assistance, or disability assistance to a law enforcement agency that has authority to apprehend an individual under an outstanding felony warrant.

1994-058

A township clerk is authorized to have access to estate tax returns or other records or information made confidential by R.C. 5731.90 in connection with the duties and responsibilities of the clerk. A county treasurer who reports collection of estate tax to a township clerk is permitted to reveal the identity of taxpayer to the township clerk while making the report.

1994-046

All information pertaining to LEADS is not public record subject to disclosure.

1994-014

The panel created by the Erie County Court of Common Pleas in Local Rule 17.08(F) for the purpose of making recommendations to that Court on the reasonableness of requests for attorney fees for the representation of indigent clients is not subject to the open meeting requirements of R.C. 121.22.

1994-006

If a person requesting copies of public records stored by the county recorder on microfiche or film presents a legitimate reason why paper copies are insufficient or impracticable and assumes the expense of making the copies in that medium, the county recorder is required to make available in the same medium a copy of the portions of the microfiche or film containing the public records.

1993-038

When a court orders official records of a case to be sealed but does not require sealing of the pertinent official records of an administrative licensing agency, the agency is not required to seal its records. The agency may seal its records with information prohibited from disclosure pursuant to R.C. 2953.35(A).

1993-033

A member or an employee of a county board of revision who, pursuant to R.C. 5715.07, makes available for public inspection documents concerning the transactions, property, or business of any person, company, firm, corporation, association, or partnership that are in the office of the county auditor or county board of revision or in the official custody or possession of such officer or board, does not violate R.C. 5715.49 or R.C. 5715.50.

Pursuant to R.C. 5715.07, all documents relating to the assessment of real property that are in the office of a county board of revision or in the official custody or possession of the board of revision are required to be open to public inspection.

1993-012

The Industrial Commission is a “public body” as defined in R.C. 121.22(B)(1) and subject to the open meeting requirements. Under R.C. 4121.36, orders, rules, memoranda, and decisions of the Industrial Commission with respect to hearings conducted under R.C. 4121.36 may be adopted either in a meeting of the Commission or “by circulation to individual commissioners,” and thereby establishes an exception to the requirement of R.C. 121.22 that the Industrial Commission adopt all resolutions, rules, or formal actions in an open meeting.

1993-010

Blueprints submitted to a county building inspection department for approval under R.C. 3791.04 are public records while in possession of the department.

1992-078

The board of directors of a county agricultural society is a public body subject to the open meeting requirements of R.C. 121.22.

1992-077

An advisory committee legislatively created by a board of county commissioners to make recommendations to the board on matters relating to a proposed county jail is a public body subject to the provisions of R.C. 121.22.

1992-071

A county board of mental retardation and developmental disabilities may not disclose to a parent organization the names of the board's clients or the names, addresses, and phone numbers of the parents of the board's clients unless proper consent is obtained.

1992-065

A housing advisory board created by a county under R.C. 176.01 is a public body for purposes of R.C. 121.22.

1992-046

Reports and investigations pursuant to R.C. 2151.421 are confidential and dissemination of such information to an agency or organization is permitted only if the agency or organization has rules or policies governing the dissemination of confidential information consistent with Ohio Admin. Code 5101:2-34-38. Ohio Admin. Code 5101:2-34-38(F) permits disclosure of child abuse and neglect investigation information when the dissemination of information is believed to be in the best interest of an alleged child victim, his family, or caretaker, a child residing, or participating in an activity at an out-of-home care setting where alleged abuse or neglect has been reported, or a child who is an alleged perpetrator.

1992-032

A board of township trustees must conduct its open meetings in a public meeting place, as determined in its fair and impartial discretion; board of township trustees may not conduct an executive session from which the public is excluded in order to deliberate about a proposed zoning change, even if the board ultimately votes on that matter in an open meeting, unless the deliberations were solely for the purpose of discussing one or more of the topics listed in R.C. 121.22(G).

1992-005

A copy of a federal income tax Form W-2 prepared and maintained by a township as an employer is subject to inspection as a public record.

1991-053

Federal tax return information filed by an individual pursuant to R.C. 3113.215(B)(5) and a local rule of court is a public record. 26 U.S.C. § 6103, governing the confidentiality of federal income tax returns, is inapplicable to income tax returns submitted to a court of common pleas by a litigant in connection with a child support determination or modification proceeding in that court.

1991-003

A county prosecutor may release a children services agency's child abuse or neglect investigation file only with the written permission of the agency executive secretary. The executive secretary may only grant permission for good cause. Child abuse or neglect investigation records maintained by public children's services agencies are not public records. (Clarified by 2007 Ohio Atty.Gen.Ops. No. 025.)

1990-103

Absent statutory authority, a county recorder does not have authority to delete documents from the records of the county recorder.

1990-102

The Ohio Public Records Act does not make confidential all records filed with Ohio taxation authorities, but specific Revised Code sections make specific information confidential.

1990-101

Records of juvenile offenders are not public records to the extent that a specific exception in R.C. 149.43 or an applicable provision of state or federal law prohibits their release. Sealed or expunged juvenile records are not public records. (Syllabus, paragraph 3, modified and clarified by 2017 Ohio Atty.Gen.Ops. No. 042.)

1990-099

Without proper consent on behalf of the student, public school officials may not release information concerning illegal drug or alcohol use by students to law enforcement agencies where such information is personally identifiable information, other than directory information concerning any student attending a public school.

1990-057

Subject to the provisions of R.C. 149.351(A), a county official may, pursuant to a valid contract, temporarily transfer physical custody of the records of his office to a private contractor to microfilm such records at the facilities of the contractor. A contract must incorporate sufficient safeguards to prevent loss, damage, mutilation, or destruction of the records.

1990-050

Names, addresses, and telephone numbers of employees of a public school district are public records open to inspection by any person. Motive is irrelevant even if for commercial purposes.

1990-028

Unless a statutory or constitutional provision expressly grants a specific officer of a public body the power to make the decision to call a meeting of such body, the power to make the decision is vested in the body itself and not inherently in an individual officer; the decision that a meeting is necessary requires a concurrence of a majority of the body; pursuant to R.C. 5715.09, the secretary of the board of revision has the power to call a meeting of the board as necessary.

1990-007

Unless state or federal law prohibits disclosure to a person who is the subject of information kept by an Ohio public office, R.C. Chapter 1347 permits the person to inspect and copy such information. Chapter 1347 is not a provision of state law prohibiting the release of information under R.C. 149.43.

1989-084

Records that do not constitute “personal information systems” as used in R.C. Chapter 1347 are not subject to the disclosure provision of Chapter 1347. Child abuse and neglect investigatory records maintained by public children services agency constitute “investigatory material compiled for law enforcement purposes” within the meaning of R.C. 1347(A)(1)(e).

1989-073

Shorthand notes taken pursuant to R.C. 2301.20 and transcripts prepared pursuant to R.C. 2301.23 are public records unless they include or comprise a record exempted from the definition of public record.

1989-055

A judicial determination that a particular entity is a public office under R.C. 149.011(A) is not determinative of the question whether that entity is a public office under R.C. 117.01(D) for purposes of audit and regulation by the Auditor of State.

1989-042

Providing that properly approved record retention schedules under R.C. 149.333 permit disposal of paper or other original documents after recording by optical disk process, original documents may be destroyed, and the recorded information stored on optical disks becomes the original of the public record.

1988-103

An application to the County Veterans Service Commission for assistance under R.C. Chapter 5901 is a public record (now exempt from disclosure). (Overruled in part by 1998 Ohio Atty.Gen.Ops. No. 98-029.)

1988-087

A board of township trustees has the authority to adopt reasonable rules for the conduct of its meetings; such rules may not prohibit audio and video recording of township proceedings but may regulate such recording to promote the orderly transaction of business without unreasonably interfering with the rights of those present.

1988-029

The Public Utilities Commission Nominating Council is a public body as defined in R.C. 121.22.

1988-003

“Property,” as used in R.C. 121.22(G)(2), means real and personal property, which includes both tangible and intangible property. The Public Employees Retirement System may discuss in executive session the purchase or sale of tangible or intangible property authorized under R.C. 145.11, including but not limited to, such items as bonds, notes, stocks, shares, securities, commercial paper, and debt or equity interests.

1987-024

A community improvement corporation organized pursuant to R.C. Chapter 1724 is not a “political subdivision” as that term is defined in R.C. 2744.01(F).

1987-010

A public school may not forward personal information regarding the first-time use of drugs or alcohol by a student on school property to local law enforcement agencies without the consent of the student’s parent or guardian, or the student, where appropriate. (Clarified by 1990 Ohio Atty.Gen.Ops. No. 90-099.)

1986-096

Disclosure of the number of people employed by an applicant at the time of application for a loan is prohibited where such information is submitted to the Director of Development, the Controlling Board, or the Minority Development Financing Commission in connection with a loan application.

1986-089

A personnel file maintained by an exempted village school district is a public record except to the extent such file may include records that are exempt from the definition of a public record.

1986-069

A letter requesting an advisory opinion from the Ohio Ethics Commission under R.C. 102.08 and the documents held by the commission concerning such advisory opinion are public records.

1986-033

The Unemployment Compensation Board of Review may, in accordance with the specific terms of the approved retention schedule, destroy or dispose of its hearing records six months after a decision by the Board of Review becomes final. The hearing records shall be destroyed or disposed of within 60 days after the expiration of the six-month retention period, unless, in the opinion of the Board of Review, they pertain to any pending case, claim or action.

1985-087

Appraisal cards that are kept by the office of the county auditor and that have information used in the valuation and assessment of real property for purposes of taxation are subject to public inspection, and disclosure of such documents does not violate either R.C. 5715.49 or R.C. 5715.50.

1985-046

In its development of amendments to the state health plan, the Statewide Health Coordinating Council (SHCC) must, pursuant to R.C. 3702.56(C), follow the procedures set forth in R.C. 119.03(A), (B), (C) and (H), with the exception of requirements imposed pursuant to R.C. 121.24 or 127.18, but need not comply with 119.03(D), (E), (F), (G) and (I). The SHCC must follow the public notice and hearing procedures of R.C. 119.03(A) and (C) and must file proposals with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review under R.C. 119.03(B) and (H); but proposed amendments to the state health plan are not subject to invalidation by the General Assembly pursuant to R.C. 119.03(I).

1985-044

A township board of zoning appeals is a public body for purposes of R.C. 121.22; a township board of zoning appeals may not conduct, in an executive session, deliberations concerning a zoning appeal heard pursuant to R.C. 519.14(A) or (B). (Syllabus, paragraph two, overruled by 2000 Ohio Atty.Gen.Ops. No. 035).

1984-084

Client records held by the Rehabilitation Services Commission in connection with the state vocational rehabilitation services program are not public records and cannot be disclosed without the consent of the person to whom the records relate.

1984-079

Grand jury subpoenas while in possession of the clerk of courts prior to issuance in accordance with R.C. 2939.12 are not public records.

1984-077

Under R.C. 1347.08, a juvenile court must permit a juvenile or a duly authorized attorney who represents the juvenile to inspect court records pertaining to the juvenile unless the records are exempted under R.C. 1347.04(A)(1)(e), R.C. 1347.08(C) or (E)(2). Under Juv. R. 37(B), the records may not be put to any public use except during an appeal or as authorized by court order.

1984-015

The director of the Ohio Department of Mental Retardation and Developmental Disabilities may make available to people approved by the director the medical, psychological, social, and educational records of persons who have been nominated for protective services pursuant to R.C. 5123.58.

1983-100

The Ohio State Board of Psychology does not have the authority to expunge or destroy its official records except as provided by law or pursuant to its records retention schedule. When a court orders that the criminal conviction of an individual who is a licensee of the Ohio State Board of Psychology be sealed, pursuant to R.C. 2953.32(C), the Board is not required to seal any of its official records unless an order sealing the same specifically directs the Board to do so by the court. The Board may seal information or data contained in its official records that are not public records within the meaning of R.C. 149.43(A)(1).

1983-099

Since the examinations administered by the State Board of Examiners of Architects are records under R.C. 149.40 and there is no law prohibiting the destruction of such examinations or requiring the retention of such examinations for a specified period of time, such examinations may be disposed of in accordance with a schedule of records retention or an application for records disposal approved by the State Records Commission pursuant to R.C. 149.32.

1983-071

A county department of welfare is prohibited from disclosing to law enforcement personnel personal information about applicants for or recipients of aid to Families with Dependent Children or poor relief unless such law enforcement personnel are prosecuting public fraud or seeking child support and are directly connected with the enforcement of the Food Stamp Act or regulations, other federal assistance programs or general relief programs, or the applicant or recipient has consented in writing.

1983-003

Materials of all varieties (including, but not limited to, correspondence, memorandums, notes, reports, audio and video recordings, motion picture films, and photographs) that are received by public officials and employees, or created and maintained by them at public expense, are considered records if they serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the public office.

1982-081

A soldiers' relief commission established pursuant to R.C. 5901.02 is a public body for the purposes of R.C. 121.22.

1981-005

Under R.C. 3319.19, the superintendent's offices are to be used by the county board of education when it is in session; because the board's meetings are required by R.C. 121.22 to be open to the public, the duty of the board of county commissioners to provide and equip offices includes the duty to provide some type of conference facility.

1980-083

A county central committee of a political party is a public body and its members are public officials for purposes of R.C. 121.22; convening the committee pursuant to R.C. 305.02 is a meeting as defined by R.C. 121.22(B)(2), even when the number of members present is fewer than the majority of the total membership; the committee may discuss appointment of a person pursuant to its duties under R.C.

305.02 in executive session under R.C. 121.22(G), however, final voting on such appointment must be held in a public meeting; convening the committee for conducting purely internal party affairs unrelated to the committee's duties of making appointments to vacant public offices is not a meeting as defined by R.C. 121.22(B)(2). (Syllabus, paragraph four, overruled by 2011 Ohio Atty.Gen.Ops. No. 038).

1979-110

The Safety Codes Committee, created by resolution of the Industrial Commission for the purpose of reviewing safety code requirements and drafting revisions for consideration by the Industrial Commission, is not a public body for the purposes of R.C. 121.22.

1979-061

The governing board of a community improvement corporation, organized in the manner provided in R.C. 1702.04 and R.C. 1724.01-09, inclusive, does not constitute a public body for the purposes of R.C. 121.22 unless it has been designated an agency of a county, municipal corporation, or any combination thereof, pursuant to R.C. 1724.10.

1978-059

The Internal Security Committee, established by the Industrial Commission and the Bureau of Workers' Compensation pursuant to R.C. 4121.22(D), is a public body for purposes of R.C. 121.22.

1977-075

Pursuant to R.C. 4112.05(B), the Ohio Civil Rights Commission may not reveal the final terms of conciliation, written or unwritten, to members of the public who are not parties to the matters conciliated.
