

April 22, 2025

The Honorable Michael C. O'Malley  
Cuyahoga County Prosecuting Attorney  
The Justice Center, 9th Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

SYLLABUS:

2025-008

1. For purposes of R.C. 2930.07, a public office or official is charged with knowing a crime victim's identifying information only if the public office or official has duties related to the individual victim beyond a general concern or interest in public safety. Investigative and law enforcement agencies generally would qualify because they must engage with individual victims in the course of their duties. Legislative bodies, however, do not have a legal responsibility to know individual crime victims' information.
2. Under R.C. 2930.07, a public office or official that maintains case documents with a victim's identifying information has discretion, but no obligation, to share the unredacted records with another public office or official that is charged with knowing a crime victim's information.
3. Unredacted case documents with a victim's identifying information must not be shared with a public office or official that lacks any legal

responsibility to know the victim's identifying information.

4. A public office or official that receives unredacted case documents must not disclose a victim's identifying information to an unauthorized person or the public if the victim previously requested to have information redacted or otherwise qualifies to have that information automatically redacted pursuant to R.C. 2930.07(D).



# DAVE YOST

OHIO ATTORNEY GENERAL

Opinions Section  
Office (614) 752-6417  
Fax (614) 466-0013

30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

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OPINION NO. 2025-008

The Honorable Michael C. O'Malley  
Cuyahoga County Prosecuting Attorney  
The Justice Center, 9th Floor  
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Cleveland, Ohio 44113

Dear Prosecutor O'Malley:

You have requested an opinion regarding the crime victim confidentiality provisions in R.C. 2930.07 and how they apply to the disclosure of identifying information to public offices and officials. I have framed your questions as follows:

1. Under R.C. 2930.07(C), what public offices or officials are "charged with the responsibility of knowing the name, address, or other identifying information of a victim or victim's representative?" Do legislative bodies and their members, along with investigative and law enforcement agencies, meet the definition?
2. If a public office or official is charged with knowing a crime victim's identifying

information, can that public office or official require another public office or official to provide them with unredacted records within the other public office's or official's possession, or could the other public office or public official decline to provide unredacted records?

3. If a public office or official is not entitled to case documents that identify a crime victim, can a public office or official that maintains the records exercise discretion in deciding whether to share them?
4. If unredacted records are provided to another public office, what is the obligation of the public office that receives unredacted records to keep the victim's information within the records from public disclosure?

## I

In 2017, Ohio voters adopted a constitutional amendment to expand and protect the rights of crime victims. This amendment is commonly known as Marsy's Law. *See* Ohio Const., art. I, §10a. Marsy's Law provides victims with enumerated rights that are to be "protected in a manner no less vigorous than the rights afforded to the accused." *Id.* This includes the right "to be

treated with fairness and respect for the victim's safety, dignity and *privacy*." *Id.* at (A)(1) (emphasis added). The General Assembly has since revised Ohio's Victim's Rights Law (primarily R.C. Chapter 2930) to further implement Marsy's Law. *See* 2022 Am.Sub.H.B. No. 343 (eff. April 6, 2023) and 2023 Am.Sub.S.B. No. 16 (eff. July 7, 2023). Your request relates to the victim's right to privacy under one of the more recently amended laws – R.C. 2930.07.

You have informed me that local legislators have on occasion asked to see criminal investigatory reports and other records from law enforcement agencies that could contain a victim's name and other identifying information. The county sheriff is concerned about whether disclosing the unredacted records would violate Marsy's Law. You have requested advice on behalf of the county sheriff and other public offices that could be affected.

## II

R.C. 2930.07 permits a crime victim to have the victim's name, address, and other identifying information redacted from case documents. R.C. 2930.07(D); *see also* R.C. 149.43(A)(1)(v) and (rr). Certain public offices and officials retain access to unredacted documents with a victim's identifying information. According to R.C. 2930.07(C), "Any public office or public official that is charged with the responsibility of knowing the

name, address, or other identifying information of a victim or victim's representative as part of the office's or official's duties shall have full and complete access to [that information]."

R.C. 2930.07 begins with the following definition of "case documents" from which a victim's identifying information may be redacted:

"Case document" means a document or information in a document, or audio or video recording of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, regarding a case that is submitted to a court, a law enforcement agency or officer, or a prosecutor or filed with a clerk of court, including, but not limited to, pleadings, motions, exhibits, transcripts, orders, and judgments, or any documentation, including audio or video recordings of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, prepared or created by a court, clerk of court, or law enforcement agency or officer, or a prosecutor regarding a case.

R.C. 2930.07(A)(1)(a).

The term “case document” does not include certain motor vehicle accident reports, materials subject to work product doctrine, materials that by law are subject to privilege or confidentiality, or materials that are otherwise protected or prohibited from disclosure by state or federal law. R.C. 2930.07(A)(1)(b). For example, when a public children-services agency investigates reports of child abuse or neglect, the report, investigation, and disposition are confidential and protected by state law with limited exceptions. *See* R.C. 2151.421(I)(1) and 5101.131; Adm.Code 5180:2-33-21(A); *see also Kyser v. Summit Cty. Children Servs.*, 2024-Ohio-2898, ¶9 to 11. A child victim’s information in such documents would be confidential regardless of whether the victim requests redactions under R.C. 2930.07.

For purposes of R.C. 2930.07, the terms “public office” and “public official” have the same general meaning as in the Public Records Law. *See* R.C. 2930.07(A)(4), citing R.C. 149.011. However, the statute does not define *which* public offices or public officials are “charged with the responsibility of knowing the name, address, or other identifying information of a victim or victim’s representative.” R.C. 2930.07(C). That exact phrase does not appear elsewhere in the Revised Code. In the absence of a statutory definition, we must rely on context, rules of grammar, and the common, everyday meaning of the phrase. *See* R.C. 1.42 (“Words and phrases shall be read in context and construed

according to the rules of grammar and common usage”); *see, e.g., State v. P.J.F.*, 2022-Ohio-4152, ¶9.

A victim or victim’s representative may make a request for redaction “to a law enforcement agency, prosecutor’s office, or court.” R.C. 2930.07(D)(1)(a)(i). It logically follows that a law enforcement agency, prosecutor, or court would possess unredacted case documents, including a crime victim’s identifying information. Otherwise, those entities could not fulfill a victim’s request to remove that information from public records. *See generally* 2024 Ohio Atty.Gen.Ops. No. 2024-007 (explaining the scope of redaction in detail). A law enforcement agency, prosecutor’s office, or court may need a victim’s identifying information to perform its duties during a criminal investigation, prosecution, or related proceedings. R.C. 2930.07(C) states that “[n]othing in this section prevents a public agency from maintaining unredacted records . . . for its own records and use.” Thus, a law enforcement agency, prosecutor, or court would ordinarily qualify to have complete access to case documents containing a victim’s identifying information.

An opinion of the attorney general cannot list every public office or official “charged with the responsibility” of knowing a victim’s identifying information “as part of the office’s or official’s duties.” This could only be determined case-by-case by considering the daily responsibilities and legal duties of the public office or official.



To illustrate this analysis, however, an additional example can be provided.

Certain public offices or officials serve as victim advocates. A “victim advocate” is defined in law as “a person employed or authorized by a public or private entity who provides support and assistance for a victim of a criminal offense or delinquent act in relation to criminal, civil, administrative, and delinquency cases or proceedings and recovery efforts related to the criminal offense or delinquent act.” R.C. 2930.01(X). Directly engaging with individual victims is at the heart of the victim advocate’s role. *See* R.C. 307.62 (describing victim services that county officials may provide). A victim advocate could not provide such services without knowing the victim’s identity. Therefore, a public office or official who serves as a victim advocate would satisfy the definition of being “charged with the responsibility” of knowing a victim’s identity. R.C. 2930.07.

You have further asked whether R.C. 2930.07(C) entitles legislative bodies and their members to access crime victims’ identifying information. The core function of legislative bodies is to enact, alter, and repeal laws. *See Black’s Law Dictionary* (12th Ed. 2024) (defining “legislative power” as “a legislative body’s exclusive authority to make, amend, and repeal laws”). The legislative power of a municipality is vested in its city or village council. R.C. 731.01 and 731.09. A board of county commissioners has legislative and executive

power within the borders of its county. *See generally* R.C. Chapters 305 and 307 (setting forth the general powers and duties of a board of county commissioners); 2018 Ohio Atty.Gen.Ops. No. 2018-024, Slip Op. at 7; 2-219 to 2-220. Cuyahoga County, however, has separated its legislative and executive functions by adopting a charter form of government, as authorized by Article X, Section 3 of the Ohio Constitution. Instead of a board of county commissioners, the county is governed by an elected county council and county executive. The Cuyahoga County Council is “the legislative authority and taxing authority of the County.” *See* Cuyahoga Cty. Charter, art. III, §3.01.

To be sure, legislative bodies have a general interest in, and duty to promote, public safety. In the words of the Ohio Supreme Court, “Legislative concern for public safety is not only a proper police power objective – it is a mandate.” *Arnold v. City of Cleveland*, 67 Ohio St.3d 35, 47 (1993). *See also* Ohio Const., art. XVIII, §3 (granting municipalities authority “to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws”); R.C. 504.04 (granting similar authority to limited home rule townships).

Information about crime victims and incidents may be instructive for legislative bodies. Knowledge of a specific victim’s name, address, or other identifying information, however, would not be essential to

accomplishing the legislator's duties. A member of the Cuyahoga County Council or any other legislative body is not "charged with the responsibility of knowing" individual crime victims' identities. *See* Cuyahoga Cty. Charter, art. III, §3.01 (describing the duties of the county council). Therefore, a legislative body and its members are not entitled to access unredacted case documents that contain a victim's identifying information.

### III

Your second and third questions ask whether a public office that possesses case documents containing a victim's identifying information must share the unredacted records with other public offices or officials, or whether sharing the unredacted record is discretionary.

Initially, R.C. 2930.07(C) states that "a public office or official that is charged with the responsibility of knowing the name, address, or other identifying information of a victim or victim's representative as part of the office's or official's duties shall have *full and complete access* to [that information]." (Emphasis added). Several sentences later and in the same paragraph, the law states that "[n]othing in this section prevents . . . a public office or public official from allowing another public office or public official to access or obtain copies of its unredacted records." These two sentences must

be read together. As the Ohio Supreme Court has recognized, “In reviewing a statute, a court cannot pick out one sentence and disassociate it from the context, but must look to the four corners of the enactment to determine the intent of the enacting body.” *State v. Wilson*, 77 Ohio St.3d 334, 336 (1997).

From the first sentence of R.C. 2930.07(C), we gather that only a public office or official “charged with the responsibility of knowing” the victim’s information is entitled to access unredacted case documents with a victim’s identifying information. The third sentence clarifies that the law does not “prevent” a public office or official from sharing unredacted records with another public office or official. It does not create any obligation to share such records or expand the right to access a victim’s identifying information. Rather, when a victim’s identifying information is subject to redaction under R.C. 2930.07(D), the unredacted records may only be shared with other public offices or officials that are entitled to “full and complete access” due to the office’s or official’s duties. R.C. 2930.07(C).

If a public office or official is not “charged with the responsibility of knowing” a victim’s identifying information, that office or official has no right to receive or otherwise access the unredacted case documents. There are many instances where one public agency cannot share its records with other public officials. For example, law enforcement officers may not

disseminate information contained in LEADS and OHLEG to the county coroner for the sole purpose of identifying a deceased person; consequently, a coroner may not compel dissemination of that information by subpoena. 2022 Ohio Atty.Gen.Ops. No. 2022-015, paragraph two of the syllabus. Similarly, under state and federal law, a county department of job and family services has limited authority to release information about public assistance recipients to other governmental entities. *See* R.C. 5101.27(A); 2014 Ohio Atty.Gen.Ops. No. 2014-021; 2005 Ohio Atty.Gen.Ops. No. 2005-025, 2-265 to 2-273.

Generally, a “public office or person responsible for public records” must not “limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record.” R.C. 149.43(B)(4). However, in the circumstances described in R.C. 2930.07(C) and (D), a victim’s identifying information is not a public record. *See also* R.C. 149.43(A)(1)(v) and (rr). Therefore, the public office in possession of the unredacted records may require the identity of the requestor and the intended use of the victim’s information before sharing the unredacted records. Requiring the requestor to disclose their purpose in this instance could help ensure that unredacted records are released only to other public offices or officials “charged with the responsibility of knowing” the victim’s information. R.C. 2930.07.

## IV

Finally, you ask, “If unredacted records are provided to another public office, what is the obligation of the public office that receives unredacted records to keep the victim’s information within the records from public disclosure?”

The Public Records Act, particularly R.C. 149.43, “mandates access to public records upon request unless the requested records are specifically excepted from disclosure.” *State ex rel. Lucas Cty. Bd. of Comms. v. Ohio Environmental Protection Agency*, 88 Ohio St.3d 166, 170 (2000). However, there is an extensive list of exceptions to the definition of “public record,” including “[r]ecords, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code,” and the catchall provision for “[r]ecords the release of which is prohibited by state or federal law.” R.C. 149.43(A)(1)(rr) and (A)(1)(v). Both of those provisions apply when a public office or official receives unredacted case documents that include a victim’s identifying information. To reiterate, this means that such case documents are exempt from the definition of public records.

Were that not sufficient, other public record exemptions may also apply to a victim’s identifying information. For instance, victims of domestic violence, stalking, trafficking, rape, or sexual battery can

participate in the Secretary of State's address confidentiality program. R.C. 111.42. Upon request, a public office must "use the address designated by the secretary of state as the program participant's address" as a substitute for the person's actual address in any records or correspondence. *See* R.C. 111.43(A). Access to a participant's confidential address is strictly limited, and it is a criminal offense to knowingly disclose the confidential address without legal authority or express authorization to do so. *See* R.C. 111.41(B), 111.43, 111.46, 111.99, and 149.43(A)(1)(ee).

R.C. 2930.07(C) requires the public office or official that is responsible for knowing a victim's identifying information to "take measures to prevent the public disclosure of the name, address, or other identifying information of the victim or victim's representative through the use of redaction." If that information is shared with another public office or official, "[t]he release of unredacted records to a public office or official does not constitute a waiver of any exemption or exception pursuant to section 149.43 of the Revised Code." The public office or official who receives such unredacted records also has a duty not to publicly disclose the victim's name, address, or other identifying information, just as with other confidential records. *See* 1990 Ohio Atty.Gen.Ops. No. 1990-007, at 2-31 ("The purpose of these laws, which restrict the public's otherwise broad right of access, is to protect the individual's right of privacy."); *see also* 1999 Ohio Atty.Gen.Ops.

No. 99-006 (regarding confidential vs. public information on county EMS run sheets); *Savransky v. Mahoning Cty. Prosecutor's Office*, 2023-Ohio-3089, ¶22 (Ct. of Cl.) (changes to Marsy's Law in early 2023 "increase[d] the scope of R.C. 149.43(A)(1)(v)"); R.C. 2930.07(F)(5) (when a defendant includes victim information in filings, that information is not considered a public record if the victim has requested redaction).

Public disclosure of a victim's identifying information, without permission, not only violates R.C. 2930.07 but could also violate the victim's constitutional rights. Marsy's Law affords crime victims the right "to be treated with fairness and respect for the victim's safety, dignity, and privacy." Ohio Const., art. I, §10a. In addition, federal courts have recognized a limited right to informational privacy under the Fourteenth Amendment of the U.S. Constitution. *See Nixon v. Admr. of Gen. Servs.*, 433 U.S. 425, 456 (1977); *Kallstrom v. City of Columbus*, 136 F.3d 1055 (6th Cir. 1998). Particularly relevant here, the U.S. Court of Appeals for the Sixth Circuit has recognized a rape victim's "fundamental right of privacy in preventing government officials from gratuitously and unnecessarily releasing the intimate details of the rape where no penalogical [*sic*] purpose is being served." *Bloch v. Ribar*, 156 F.3d 673, 686 (6th Cir. 1998). In 2020, the Ohio Supreme Court declined to apply the holding of *Bloch* to cases where public records law authorizes the release of a victim's information. *State ex rel. Summers*



*v. Fox*, 2020-Ohio-5585, ¶41. At the time, the Court ruled that Marsy's Law did not provide an exception to the Public Records Act. *Id.* at ¶42. However, the General Assembly has since amended R.C. 149.43 to affirm the victim's right to privacy. *See* R.C. 149.43(A)(1)(rr) and 2930.07. Thus, public officials must take measures to safeguard the victim's identifying information from public disclosure, as required by both statutory and constitutional law. *See* 2024 Ohio Atty.Gen.Ops. No. 2024-007, Slip Op. at 20-23; 2-56 to 2-58.

Public officials should be aware of potential criminal liability for reckless disclosure of a victim's identifying information. According to R.C. 2921.44(E), "No public servant shall recklessly . . . do any act expressly forbidden by law with respect to the public servant's office." A violation of this prohibition is dereliction of duty, a second-degree misdemeanor. R.C. 2921.44(E). R.C. 2930.07(C) expressly forbids "the public release of unredacted case documents" when a victim's identifying information is confidential. Thus, a public official who recklessly releases such documents could be subject to prosecution for dereliction of duty.

In addition, it is a first-degree misdemeanor for any "present or former public official or employee" to "disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory

provisions.” See R.C. 102.03(B) and 102.99(B); see, e.g., *State v. Towns*, 2022-Ohio-3632 (involving unauthorized disclosure of confidential information on a sheriff’s office website). This prohibition could apply to any unlawful disclosure of a crime victim’s identifying information that is subject to redaction and confidentiality under R.C. 2930.07.

### Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

1. For purposes of R.C. 2930.07, a public office or official is charged with knowing a crime victim’s identifying information only if the public office or official has duties related to the individual victim beyond a general concern or interest in public safety. Investigative and law enforcement agencies generally would qualify because they must engage with individual victims in the course of their duties. Legislative bodies, however, do not have a legal responsibility to know individual crime victims’ information.
2. Under R.C. 2930.07, a public office or official that maintains case documents with a victim’s identifying information has discretion, but no obligation, to share the unredacted records with another public office or official that is charged with knowing a crime victim’s information.

3. Unredacted case documents with a victim's identifying information must not be shared with a public office or official that lacks any legal responsibility to know the victim's identifying information.
4. A public office or official that receives unredacted case documents must not disclose a victim's identifying information to an unauthorized person or the public if the victim previously requested to have information redacted or otherwise qualifies to have that information automatically redacted pursuant to R.C. 2930.07(D).

Respectfully,

A handwritten signature in blue ink that reads "Dave Yost". The signature is fluid and cursive, with the first name "Dave" and last name "Yost" clearly legible.

DAVE YOST  
Ohio Attorney General