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In the instant case, if the disclosure of peace officer residential and familial information violates a specific statute, a criminal penalty may be imposed. *See* R.C. 102.03(B); R.C. 2921.24. Further, liability may result if there is a violation of due process rights or the federal right to privacy. *See Kallstrom v. City of Columbus* (action under 42 U.S.C. §§ 1983 and 1988 against city for violation of right to privacy as guaranteed by the Due Process Clause of the Fourteenth Amendment, claims of violations under R.C. 2921.24 and R.C. 102.03(B), and request for injunction). Other types of actions might also be brought. *See, e.g.,* R.C. 1347.10 (civil liability for causing harm by disclosing personal information in a personal information system in a manner prohibited by law); R.C. 1347.05(G) and R.C. 1347.99 (public official, employee, or other person who maintains personal information system may be guilty of minor misdemeanor for purposely refusing to take reasonable precautions to protect personal information from unauthorized disclosure). Questions of liability are resolved by the courts and cannot be determined by means of an opinion of the Attorney General.

We conclude accordingly, that 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.

Therefore, it is my opinion and you are advised, as follows:

1. R.C. 149.43, as amended by Am. Sub. S.B. 78, 123rd Gen. A. (1999) (eff. Dec. 16, 1999), imposes no duty upon any particular individual or office to notify public offices of a peace officer’s residential and familial information or to update the database.
2. 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.
3. 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).
4. The exception for peace officer 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 general 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 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 residential and familial information.

