

**OPINION NO. 82-081****Syllabus:**

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

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**To: Roger L. Kline, Pickaway County Prosecuting Attorney, Circleville, Ohio**  
**By: William J. Brown, Attorney General, October 26, 1982**

I have before me your request for my opinion as to whether a veterans' relief commission may keep its meetings confidential.

R.C. 121.22(C) states that, "[a]ll meetings of any public body are declared to be public meetings open to the public at all times." The term "public body" as used in R.C. 121.22 is defined to include "any legislative authority or board, commission,

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committee, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution." R.C. 121.22(B)(1).

R.C. 5901.02 mandates the establishment in each county of a "soldiers' relief commission" composed of five persons appointed by a judge of the court of common pleas. The function of such commissions is to administer the laws by which relief payments are made to needy veterans and their dependents. Pursuant to R.C. 5901.11 each soldiers' relief commission must meet on the last Monday in May each year to ascertain the probable amount of relief necessary for the aid and relief of eligible persons. The commission must then certify its determination to the board of county commissioners which must levy a tax, not to exceed five-tenths of a mill, to raise the required relief. R.C. 5901.12 requires each commission to meet at least annually to review the lists of needy veterans or their dependents prepared by township and ward soldiers' relief committees and to consider other persons not included on such lists and, if satisfied that any such persons are in need of and are entitled to assistance, to fix the amount of relief to be paid to such persons.

Since the sole purpose of soldiers' relief commissions is to decide how county tax proceeds for veterans' relief are to be allocated, such commissions are clearly decision-making bodies of the counties and as such are subject to R.C. 121.22. The meetings of such commissions must, therefore, be open to the public as required by R.C. 121.22(C). Moreover, such commissions must establish, by rule, a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of any special meetings. R.C. 121.22(F).

R.C. 121.22(G) does, however, set out certain matters that may be considered by a public body in executive session. It is my understanding that the commission you represent believes it should conduct closed meetings because the information it must consider at such meetings includes a written statement of income and financial resources, which each applicant for relief is required to submit pursuant to R.C. 5901.09. R.C. 121.22(G) does not, however, authorize a public body to hold an executive session merely because the matter to be considered necessitates inquiry into a person's financial condition. Such inquiry may properly be conducted in executive session only if the person's financial statement includes information that is required "to be kept confidential by federal law or rules or state statutes." R.C. 121.22(G)(5).

I am aware of no federal law or rule or state statute that generally requires that information concerning a person's financial condition be kept confidential. To the contrary, while the General Assembly has recognized the need to regulate the use of personal information<sup>1</sup> by state and local agencies by the enactment of R.C. Chapter 1347, it has expressly provided that "[t]he provisions of this chapter shall not be construed to . . . authorize a public body to hold an executive session for the discussion of personal information if the executive session is not authorized under division (G) of section 121.22 of the Revised Code." R.C. 1347.04(B).

There may, however, be specific federal or state confidentiality requirements that may be applicable depending upon the sources of income disclosed in a particular application. Applicants for veterans' relief may, for example, be receiving some other form of federal or state relief or subsidy that is expressly

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<sup>1</sup>Information concerning a person's financial condition falls within the meaning of personal information as used in R.C. Chapter 1347. R.C. 1347.01(E) states:

"Personal information" means any information about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by a name, identifying number, symbol, or other identifier assigned to a person.

required to be kept confidential by law. See, e.g., R.C. 5107.02 (confidentiality requirements relative to aid to dependent children recipients). It is not, however, feasible for me to anticipate for the purposes of this opinion specific statutes or rules that may become applicable with respect to particular applications. Moreover, I note that R.C. 5901.09 empowers each commission to prescribe the form of the financial statement to be used by applicants. Such commissions need not require applicants to disclose the specific sources of his income.

Accordingly, it is my opinion, and you are advised, that a soliders' relief commission established pursuant to R.C. 5901.02 is a public body for the purposes of R.C. 121.22.