

As Reported by the Senate Financial Institutions Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 317

Representative Maag

Cosponsors: Representatives Anielski, Antonio, Arndt, Ashford, Baker, Barnes, Becker, Bishoff, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Burkley, Cera, Conditt, Craig, Cupp, DeVitis, Derickson, Dever, Dovilla, Driehaus, Duffey, Fedor, Ginter, Green, Grossman, Hackett, Hagan, Hall, Hambley, Hayes, Henne, Hill, Hood, Howse, Johnson, T., Kunze, Landis, Lepore-Hagan, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Phillips, Ramos, Reece, Reineke, Retherford, Rezabek, Roegner, Rogers, Ruhl, Ryan, Schaffer, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith, K., Smith, R., Terhar, Thompson, Vitale, Young, Zeltwanger

Senators Bacon, Obhof, Eklund, Gentile

A BILL

To amend sections 149.43, 149.45, and 1349.52 and 1
to enact section 1349.521 of the Revised Code to 2
enable the parents or guardian of a protected 3
consumer to freeze that consumer's credit to 4
protect the consumer from identity theft. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 149.43, 149.45, and 1349.52 be 6
amended and section 1349.521 of the Revised Code be enacted to 7
read as follows: 8

Sec. 149.43. (A) As used in this section: 9

(1) "Public record" means records kept by any public 10
office, including, but not limited to, state, county, city, 11

village, township, and school district units, and records 12
pertaining to the delivery of educational services by an 13
alternative school in this state kept by the nonprofit or for- 14
profit entity operating the alternative school pursuant to 15
section 3313.533 of the Revised Code. "Public record" does not 16
mean any of the following: 17

(a) Medical records; 18

(b) Records pertaining to probation and parole proceedings 19
or to proceedings related to the imposition of community control 20
sanctions and post-release control sanctions; 21

(c) Records pertaining to actions under section 2151.85 22
and division (C) of section 2919.121 of the Revised Code and to 23
appeals of actions arising under those sections; 24

(d) Records pertaining to adoption proceedings, including 25
the contents of an adoption file maintained by the department of 26
health under sections 3705.12 to 3705.124 of the Revised Code; 27

(e) Information in a record contained in the putative 28
father registry established by section 3107.062 of the Revised 29
Code, regardless of whether the information is held by the 30
department of job and family services or, pursuant to section 31
3111.69 of the Revised Code, the office of child support in the 32
department or a child support enforcement agency; 33

(f) Records specified in division (A) of section 3107.52 34
of the Revised Code; 35

(g) Trial preparation records; 36

(h) Confidential law enforcement investigatory records; 37

(i) Records containing information that is confidential 38
under section 2710.03 or 4112.05 of the Revised Code; 39

(j) DNA records stored in the DNA database pursuant to	40
section 109.573 of the Revised Code;	41
(k) Inmate records released by the department of	42
rehabilitation and correction to the department of youth	43
services or a court of record pursuant to division (E) of	44
section 5120.21 of the Revised Code;	45
(l) Records maintained by the department of youth services	46
pertaining to children in its custody released by the department	47
of youth services to the department of rehabilitation and	48
correction pursuant to section 5139.05 of the Revised Code;	49
(m) Intellectual property records;	50
(n) Donor profile records;	51
(o) Records maintained by the department of job and family	52
services pursuant to section 3121.894 of the Revised Code;	53
(p) Peace officer, parole officer, probation officer,	54
bailiff, prosecuting attorney, assistant prosecuting attorney,	55
correctional employee, community-based correctional facility	56
employee, youth services employee, firefighter, EMT, or	57
investigator of the bureau of criminal identification and	58
investigation residential and familial information;	59
(q) In the case of a county hospital operated pursuant to	60
Chapter 339. of the Revised Code or a municipal hospital	61
operated pursuant to Chapter 749. of the Revised Code,	62
information that constitutes a trade secret, as defined in	63
section 1333.61 of the Revised Code;	64
(r) Information pertaining to the recreational activities	65
of a person under the age of eighteen;	66
(s) In the case of a child fatality review board acting	67

under sections 307.621 to 307.629 of the Revised Code or a 68
review conducted pursuant to guidelines established by the 69
director of health under section 3701.70 of the Revised Code, 70
records provided to the board or director, statements made by 71
board members during meetings of the board or by persons 72
participating in the director's review, and all work products of 73
the board or director, and in the case of a child fatality 74
review board, child fatality review data submitted by the board 75
to the department of health or a national child death review 76
database, other than the report prepared pursuant to division 77
(A) of section 307.626 of the Revised Code; 78

(t) Records provided to and statements made by the 79
executive director of a public children services agency or a 80
prosecuting attorney acting pursuant to section 5153.171 of the 81
Revised Code other than the information released under that 82
section; 83

(u) Test materials, examinations, or evaluation tools used 84
in an examination for licensure as a nursing home administrator 85
that the board of executives of long-term services and supports 86
administers under section 4751.04 of the Revised Code or 87
contracts under that section with a private or government entity 88
to administer; 89

(v) Records the release of which is prohibited by state or 90
federal law; 91

(w) Proprietary information of or relating to any person 92
that is submitted to or compiled by the Ohio venture capital 93
authority created under section 150.01 of the Revised Code; 94

(x) Financial statements and data any person submits for 95
any purpose to the Ohio housing finance agency or the 96

controlling board in connection with applying for, receiving, or	97
accounting for financial assistance from the agency, and	98
information that identifies any individual who benefits directly	99
or indirectly from financial assistance from the agency;	100
(y) Records listed in section 5101.29 of the Revised Code;	101
(z) Discharges recorded with a county recorder under	102
section 317.24 of the Revised Code, as specified in division (B)	103
(2) of that section;	104
(aa) Usage information including names and addresses of	105
specific residential and commercial customers of a municipally	106
owned or operated public utility;	107
(bb) Records described in division (C) of section 187.04	108
of the Revised Code that are not designated to be made available	109
to the public as provided in that division;	110
(cc) Information and records that are made confidential,	111
privileged, and not subject to disclosure under divisions (B)	112
and (C) of section 2949.221 of the Revised Code.	113
<u>(dd) Personal information, as defined in section 149.45 of</u>	114
<u>the Revised Code.</u>	115
(2) "Confidential law enforcement investigatory record"	116
means any record that pertains to a law enforcement matter of a	117
criminal, quasi-criminal, civil, or administrative nature, but	118
only to the extent that the release of the record would create a	119
high probability of disclosure of any of the following:	120
(a) The identity of a suspect who has not been charged	121
with the offense to which the record pertains, or of an	122
information source or witness to whom confidentiality has been	123
reasonably promised;	124

(b) Information provided by an information source or	125
witness to whom confidentiality has been reasonably promised,	126
which information would reasonably tend to disclose the source's	127
or witness's identity;	128
(c) Specific confidential investigatory techniques or	129
procedures or specific investigatory work product;	130
(d) Information that would endanger the life or physical	131
safety of law enforcement personnel, a crime victim, a witness,	132
or a confidential information source.	133
(3) "Medical record" means any document or combination of	134
documents, except births, deaths, and the fact of admission to	135
or discharge from a hospital, that pertains to the medical	136
history, diagnosis, prognosis, or medical condition of a patient	137
and that is generated and maintained in the process of medical	138
treatment.	139
(4) "Trial preparation record" means any record that	140
contains information that is specifically compiled in reasonable	141
anticipation of, or in defense of, a civil or criminal action or	142
proceeding, including the independent thought processes and	143
personal trial preparation of an attorney.	144
(5) "Intellectual property record" means a record, other	145
than a financial or administrative record, that is produced or	146
collected by or for faculty or staff of a state institution of	147
higher learning in the conduct of or as a result of study or	148
research on an educational, commercial, scientific, artistic,	149
technical, or scholarly issue, regardless of whether the study	150
or research was sponsored by the institution alone or in	151
conjunction with a governmental body or private concern, and	152
that has not been publicly released, published, or patented.	153

(6) "Donor profile record" means all records about donors 154
or potential donors to a public institution of higher education 155
except the names and reported addresses of the actual donors and 156
the date, amount, and conditions of the actual donation. 157

(7) "Peace officer, parole officer, probation officer, 158
bailiff, prosecuting attorney, assistant prosecuting attorney, 159
correctional employee, community-based correctional facility 160
employee, youth services employee, firefighter, EMT, or 161
investigator of the bureau of criminal identification and 162
investigation residential and familial information" means any 163
information that discloses any of the following about a peace 164
officer, parole officer, probation officer, bailiff, prosecuting 165
attorney, assistant prosecuting attorney, correctional employee, 166
community-based correctional facility employee, youth services 167
employee, firefighter, EMT, or investigator of the bureau of 168
criminal identification and investigation: 169

(a) The address of the actual personal residence of a 170
peace officer, parole officer, probation officer, bailiff, 171
assistant prosecuting attorney, correctional employee, 172
community-based correctional facility employee, youth services 173
employee, firefighter, EMT, or an investigator of the bureau of 174
criminal identification and investigation, except for the state 175
or political subdivision in which the peace officer, parole 176
officer, probation officer, bailiff, assistant prosecuting 177
attorney, correctional employee, community-based correctional 178
facility employee, youth services employee, firefighter, EMT, or 179
investigator of the bureau of criminal identification and 180
investigation resides; 181

(b) Information compiled from referral to or participation 182
in an employee assistance program; 183

(c) The social security number, the residential telephone 184
number, any bank account, debit card, charge card, or credit 185
card number, or the emergency telephone number of, or any 186
medical information pertaining to, a peace officer, parole 187
officer, probation officer, bailiff, prosecuting attorney, 188
assistant prosecuting attorney, correctional employee, 189
community-based correctional facility employee, youth services 190
employee, firefighter, EMT, or investigator of the bureau of 191
criminal identification and investigation; 192

(d) The name of any beneficiary of employment benefits, 193
including, but not limited to, life insurance benefits, provided 194
to a peace officer, parole officer, probation officer, bailiff, 195
prosecuting attorney, assistant prosecuting attorney, 196
correctional employee, community-based correctional facility 197
employee, youth services employee, firefighter, EMT, or 198
investigator of the bureau of criminal identification and 199
investigation by the peace officer's, parole officer's, 200
probation officer's, bailiff's, prosecuting attorney's, 201
assistant prosecuting attorney's, correctional employee's, 202
community-based correctional facility employee's, youth services 203
employee's, firefighter's, EMT's, or investigator of the bureau 204
of criminal identification and investigation's employer; 205

(e) The identity and amount of any charitable or 206
employment benefit deduction made by the peace officer's, parole 207
officer's, probation officer's, bailiff's, prosecuting 208
attorney's, assistant prosecuting attorney's, correctional 209
employee's, community-based correctional facility employee's, 210
youth services employee's, firefighter's, EMT's, or investigator 211
of the bureau of criminal identification and investigation's 212
employer from the peace officer's, parole officer's, probation 213
officer's, bailiff's, prosecuting attorney's, assistant 214

prosecuting attorney's, correctional employee's, community-based 215
correctional facility employee's, youth services employee's, 216
firefighter's, EMT's, or investigator of the bureau of criminal 217
identification and investigation's compensation unless the 218
amount of the deduction is required by state or federal law; 219

(f) The name, the residential address, the name of the 220
employer, the address of the employer, the social security 221
number, the residential telephone number, any bank account, 222
debit card, charge card, or credit card number, or the emergency 223
telephone number of the spouse, a former spouse, or any child of 224
a peace officer, parole officer, probation officer, bailiff, 225
prosecuting attorney, assistant prosecuting attorney, 226
correctional employee, community-based correctional facility 227
employee, youth services employee, firefighter, EMT, or 228
investigator of the bureau of criminal identification and 229
investigation; 230

(g) A photograph of a peace officer who holds a position 231
or has an assignment that may include undercover or plain 232
clothes positions or assignments as determined by the peace 233
officer's appointing authority. 234

As used in divisions (A) (7) and (B) (9) of this section, 235
"peace officer" has the same meaning as in section 109.71 of the 236
Revised Code and also includes the superintendent and troopers 237
of the state highway patrol; it does not include the sheriff of 238
a county or a supervisory employee who, in the absence of the 239
sheriff, is authorized to stand in for, exercise the authority 240
of, and perform the duties of the sheriff. 241

As used in divisions (A) (7) and (B) (9) of this section, 242
"correctional employee" means any employee of the department of 243
rehabilitation and correction who in the course of performing 244

the employee's job duties has or has had contact with inmates 245
and persons under supervision. 246

As used in divisions (A) (7) and (B) (9) of this section, 247
"youth services employee" means any employee of the department 248
of youth services who in the course of performing the employee's 249
job duties has or has had contact with children committed to the 250
custody of the department of youth services. 251

As used in divisions (A) (7) and (B) (9) of this section, 252
"firefighter" means any regular, paid or volunteer, member of a 253
lawfully constituted fire department of a municipal corporation, 254
township, fire district, or village. 255

As used in divisions (A) (7) and (B) (9) of this section, 256
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 257
emergency medical services for a public emergency medical 258
service organization. "Emergency medical service organization," 259
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 260
in section 4765.01 of the Revised Code. 261

As used in divisions (A) (7) and (B) (9) of this section, 262
"investigator of the bureau of criminal identification and 263
investigation" has the meaning defined in section 2903.11 of the 264
Revised Code. 265

(8) "Information pertaining to the recreational activities 266
of a person under the age of eighteen" means information that is 267
kept in the ordinary course of business by a public office, that 268
pertains to the recreational activities of a person under the 269
age of eighteen years, and that discloses any of the following: 270

(a) The address or telephone number of a person under the 271
age of eighteen or the address or telephone number of that 272
person's parent, guardian, custodian, or emergency contact 273

person;	274
(b) The social security number, birth date, or	275
photographic image of a person under the age of eighteen;	276
(c) Any medical record, history, or information pertaining	277
to a person under the age of eighteen;	278
(d) Any additional information sought or required about a	279
person under the age of eighteen for the purpose of allowing	280
that person to participate in any recreational activity	281
conducted or sponsored by a public office or to use or obtain	282
admission privileges to any recreational facility owned or	283
operated by a public office.	284
(9) "Community control sanction" has the same meaning as	285
in section 2929.01 of the Revised Code.	286
(10) "Post-release control sanction" has the same meaning	287
as in section 2967.01 of the Revised Code.	288
(11) "Redaction" means obscuring or deleting any	289
information that is exempt from the duty to permit public	290
inspection or copying from an item that otherwise meets the	291
definition of a "record" in section 149.011 of the Revised Code.	292
(12) "Designee" and "elected official" have the same	293
meanings as in section 109.43 of the Revised Code.	294
(B) (1) Upon request and subject to division (B) (8) of this	295
section, all public records responsive to the request shall be	296
promptly prepared and made available for inspection to any	297
person at all reasonable times during regular business hours.	298
Subject to division (B) (8) of this section, upon request, a	299
public office or person responsible for public records shall	300
make copies of the requested public record available at cost and	301

within a reasonable period of time. If a public record contains 302
information that is exempt from the duty to permit public 303
inspection or to copy the public record, the public office or 304
the person responsible for the public record shall make 305
available all of the information within the public record that 306
is not exempt. When making that public record available for 307
public inspection or copying that public record, the public 308
office or the person responsible for the public record shall 309
notify the requester of any redaction or make the redaction 310
plainly visible. A redaction shall be deemed a denial of a 311
request to inspect or copy the redacted information, except if 312
federal or state law authorizes or requires a public office to 313
make the redaction. 314

(2) To facilitate broader access to public records, a 315
public office or the person responsible for public records shall 316
organize and maintain public records in a manner that they can 317
be made available for inspection or copying in accordance with 318
division (B) of this section. A public office also shall have 319
available a copy of its current records retention schedule at a 320
location readily available to the public. If a requester makes 321
an ambiguous or overly broad request or has difficulty in making 322
a request for copies or inspection of public records under this 323
section such that the public office or the person responsible 324
for the requested public record cannot reasonably identify what 325
public records are being requested, the public office or the 326
person responsible for the requested public record may deny the 327
request but shall provide the requester with an opportunity to 328
revise the request by informing the requester of the manner in 329
which records are maintained by the public office and accessed 330
in the ordinary course of the public office's or person's 331
duties. 332

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may 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. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is

transmitted other than by United States mail, and to pay in 394
advance the costs incurred for other supplies used in the 395
mailing, delivery, or transmission. 396

Any public office may adopt a policy and procedures that 397
it will follow in transmitting, within a reasonable period of 398
time after receiving a request, copies of public records by 399
United States mail or by any other means of delivery or 400
transmission pursuant to this division. A public office that 401
adopts a policy and procedures under this division shall comply 402
with them in performing its duties under this division. 403

In any policy and procedures adopted under this division, 404
a public office may limit the number of records requested by a 405
person that the office will transmit by United States mail to 406
ten per month, unless the person certifies to the office in 407
writing that the person does not intend to use or forward the 408
requested records, or the information contained in them, for 409
commercial purposes. For purposes of this division, "commercial" 410
shall be narrowly construed and does not include reporting or 411
gathering news, reporting or gathering information to assist 412
citizen oversight or understanding of the operation or 413
activities of government, or nonprofit educational research. 414

(8) A public office or person responsible for public 415
records is not required to permit a person who is incarcerated 416
pursuant to a criminal conviction or a juvenile adjudication to 417
inspect or to obtain a copy of any public record concerning a 418
criminal investigation or prosecution or concerning what would 419
be a criminal investigation or prosecution if the subject of the 420
investigation or prosecution were an adult, unless the request 421
to inspect or to obtain a copy of the record is for the purpose 422
of acquiring information that is subject to release as a public 423

record under this section and the judge who imposed the sentence 424
or made the adjudication with respect to the person, or the 425
judge's successor in office, finds that the information sought 426
in the public record is necessary to support what appears to be 427
a justiciable claim of the person. 428

(9) (a) Upon written request made and signed by a 429
journalist on or after December 16, 1999, a public office, or 430
person responsible for public records, having custody of the 431
records of the agency employing a specified peace officer, 432
parole officer, probation officer, bailiff, prosecuting 433
attorney, assistant prosecuting attorney, correctional employee, 434
community-based correctional facility employee, youth services 435
employee, firefighter, EMT, or investigator of the bureau of 436
criminal identification and investigation shall disclose to the 437
journalist the address of the actual personal residence of the 438
peace officer, parole officer, probation officer, bailiff, 439
prosecuting attorney, assistant prosecuting attorney, 440
correctional employee, community-based correctional facility 441
employee, youth services employee, firefighter, EMT, or 442
investigator of the bureau of criminal identification and 443
investigation and, if the peace officer's, parole officer's, 444
probation officer's, bailiff's, prosecuting attorney's, 445
assistant prosecuting attorney's, correctional employee's, 446
community-based correctional facility employee's, youth services 447
employee's, firefighter's, EMT's, or investigator of the bureau 448
of criminal identification and investigation's spouse, former 449
spouse, or child is employed by a public office, the name and 450
address of the employer of the peace officer's, parole 451
officer's, probation officer's, bailiff's, prosecuting 452
attorney's, assistant prosecuting attorney's, correctional 453
employee's, community-based correctional facility employee's, 454

youth services employee's, firefighter's, EMT's, or investigator 455
of the bureau of criminal identification and investigation's 456
spouse, former spouse, or child. The request shall include the 457
journalist's name and title and the name and address of the 458
journalist's employer and shall state that disclosure of the 459
information sought would be in the public interest. 460

(b) Division (B) (9) (a) of this section also applies to 461
journalist requests for customer information maintained by a 462
municipally owned or operated public utility, other than social 463
security numbers and any private financial information such as 464
credit reports, payment methods, credit card numbers, and bank 465
account information. 466

(c) As used in division (B) (9) of this section, 467
"journalist" means a person engaged in, connected with, or 468
employed by any news medium, including a newspaper, magazine, 469
press association, news agency, or wire service, a radio or 470
television station, or a similar medium, for the purpose of 471
gathering, processing, transmitting, compiling, editing, or 472
disseminating information for the general public. 473

(C) (1) If a person allegedly is aggrieved by the failure 474
of a public office or the person responsible for public records 475
to promptly prepare a public record and to make it available to 476
the person for inspection in accordance with division (B) of 477
this section or by any other failure of a public office or the 478
person responsible for public records to comply with an 479
obligation in accordance with division (B) of this section, the 480
person allegedly aggrieved may commence a mandamus action to 481
obtain a judgment that orders the public office or the person 482
responsible for the public record to comply with division (B) of 483
this section, that awards court costs and reasonable attorney's 484

fees to the person that instituted the mandamus action, and, if 485
applicable, that includes an order fixing statutory damages 486
under division (C) (1) of this section. The mandamus action may 487
be commenced in the court of common pleas of the county in which 488
division (B) of this section allegedly was not complied with, in 489
the supreme court pursuant to its original jurisdiction under 490
Section 2 of Article IV, Ohio Constitution, or in the court of 491
appeals for the appellate district in which division (B) of this 492
section allegedly was not complied with pursuant to its original 493
jurisdiction under Section 3 of Article IV, Ohio Constitution. 494

If a requestor transmits a written request by hand 495
delivery or certified mail to inspect or receive copies of any 496
public record in a manner that fairly describes the public 497
record or class of public records to the public office or person 498
responsible for the requested public records, except as 499
otherwise provided in this section, the requestor shall be 500
entitled to recover the amount of statutory damages set forth in 501
this division if a court determines that the public office or 502
the person responsible for public records failed to comply with 503
an obligation in accordance with division (B) of this section. 504

The amount of statutory damages shall be fixed at one 505
hundred dollars for each business day during which the public 506
office or person responsible for the requested public records 507
failed to comply with an obligation in accordance with division 508
(B) of this section, beginning with the day on which the 509
requester files a mandamus action to recover statutory damages, 510
up to a maximum of one thousand dollars. The award of statutory 511
damages shall not be construed as a penalty, but as compensation 512
for injury arising from lost use of the requested information. 513
The existence of this injury shall be conclusively presumed. The 514
award of statutory damages shall be in addition to all other 515

remedies authorized by this section. 516

The court may reduce an award of statutory damages or not 517
award statutory damages if the court determines both of the 518
following: 519

(a) That, based on the ordinary application of statutory 520
law and case law as it existed at the time of the conduct or 521
threatened conduct of the public office or person responsible 522
for the requested public records that allegedly constitutes a 523
failure to comply with an obligation in accordance with division 524
(B) of this section and that was the basis of the mandamus 525
action, a well-informed public office or person responsible for 526
the requested public records reasonably would believe that the 527
conduct or threatened conduct of the public office or person 528
responsible for the requested public records did not constitute 529
a failure to comply with an obligation in accordance with 530
division (B) of this section; 531

(b) That a well-informed public office or person 532
responsible for the requested public records reasonably would 533
believe that the conduct or threatened conduct of the public 534
office or person responsible for the requested public records 535
would serve the public policy that underlies the authority that 536
is asserted as permitting that conduct or threatened conduct. 537

(2) (a) If the court issues a writ of mandamus that orders 538
the public office or the person responsible for the public 539
record to comply with division (B) of this section and 540
determines that the circumstances described in division (C) (1) 541
of this section exist, the court shall determine and award to 542
the relator all court costs. 543

(b) If the court renders a judgment that orders the public 544

office or the person responsible for the public record to comply 545
with division (B) of this section, the court may award 546
reasonable attorney's fees subject to reduction as described in 547
division (C) (2) (c) of this section. The court shall award 548
reasonable attorney's fees, subject to reduction as described in 549
division (C) (2) (c) of this section when either of the following 550
applies: 551

(i) The public office or the person responsible for the 552
public records failed to respond affirmatively or negatively to 553
the public records request in accordance with the time allowed 554
under division (B) of this section. 555

(ii) The public office or the person responsible for the 556
public records promised to permit the relator to inspect or 557
receive copies of the public records requested within a 558
specified period of time but failed to fulfill that promise 559
within that specified period of time. 560

(c) Court costs and reasonable attorney's fees awarded 561
under this section shall be construed as remedial and not 562
punitive. Reasonable attorney's fees shall include reasonable 563
fees incurred to produce proof of the reasonableness and amount 564
of the fees and to otherwise litigate entitlement to the fees. 565
The court may reduce an award of attorney's fees to the relator 566
or not award attorney's fees to the relator if the court 567
determines both of the following: 568

(i) That, based on the ordinary application of statutory 569
law and case law as it existed at the time of the conduct or 570
threatened conduct of the public office or person responsible 571
for the requested public records that allegedly constitutes a 572
failure to comply with an obligation in accordance with division 573
(B) of this section and that was the basis of the mandamus 574

action, a well-informed public office or person responsible for 575
the requested public records reasonably would believe that the 576
conduct or threatened conduct of the public office or person 577
responsible for the requested public records did not constitute 578
a failure to comply with an obligation in accordance with 579
division (B) of this section; 580

(ii) That a well-informed public office or person 581
responsible for the requested public records reasonably would 582
believe that the conduct or threatened conduct of the public 583
office or person responsible for the requested public records as 584
described in division (C) (2) (c) (i) of this section would serve 585
the public policy that underlies the authority that is asserted 586
as permitting that conduct or threatened conduct. 587

(D) Chapter 1347. of the Revised Code does not limit the 588
provisions of this section. 589

(E) (1) To ensure that all employees of public offices are 590
appropriately educated about a public office's obligations under 591
division (B) of this section, all elected officials or their 592
appropriate designees shall attend training approved by the 593
attorney general as provided in section 109.43 of the Revised 594
Code. In addition, all public offices shall adopt a public 595
records policy in compliance with this section for responding to 596
public records requests. In adopting a public records policy 597
under this division, a public office may obtain guidance from 598
the model public records policy developed and provided to the 599
public office by the attorney general under section 109.43 of 600
the Revised Code. Except as otherwise provided in this section, 601
the policy may not limit the number of public records that the 602
public office will make available to a single person, may not 603
limit the number of public records that it will make available 604

during a fixed period of time, and may not establish a fixed 605
period of time before it will respond to a request for 606
inspection or copying of public records, unless that period is 607
less than eight hours. 608

(2) The public office shall distribute the public records 609
policy adopted by the public office under division (E)(1) of 610
this section to the employee of the public office who is the 611
records custodian or records manager or otherwise has custody of 612
the records of that office. The public office shall require that 613
employee to acknowledge receipt of the copy of the public 614
records policy. The public office shall create a poster that 615
describes its public records policy and shall post the poster in 616
a conspicuous place in the public office and in all locations 617
where the public office has branch offices. The public office 618
may post its public records policy on the internet web site of 619
the public office if the public office maintains an internet web 620
site. A public office that has established a manual or handbook 621
of its general policies and procedures for all employees of the 622
public office shall include the public records policy of the 623
public office in the manual or handbook. 624

(F)(1) The bureau of motor vehicles may adopt rules 625
pursuant to Chapter 119. of the Revised Code to reasonably limit 626
the number of bulk commercial special extraction requests made 627
by a person for the same records or for updated records during a 628
calendar year. The rules may include provisions for charges to 629
be made for bulk commercial special extraction requests for the 630
actual cost of the bureau, plus special extraction costs, plus 631
ten per cent. The bureau may charge for expenses for redacting 632
information, the release of which is prohibited by law. 633

(2) As used in division (F)(1) of this section: 634

(a) "Actual cost" means the cost of depleted supplies, 635
records storage media costs, actual mailing and alternative 636
delivery costs, or other transmitting costs, and any direct 637
equipment operating and maintenance costs, including actual 638
costs paid to private contractors for copying services. 639

(b) "Bulk commercial special extraction request" means a 640
request for copies of a record for information in a format other 641
than the format already available, or information that cannot be 642
extracted without examination of all items in a records series, 643
class of records, or database by a person who intends to use or 644
forward the copies for surveys, marketing, solicitation, or 645
resale for commercial purposes. "Bulk commercial special 646
extraction request" does not include a request by a person who 647
gives assurance to the bureau that the person making the request 648
does not intend to use or forward the requested copies for 649
surveys, marketing, solicitation, or resale for commercial 650
purposes. 651

(c) "Commercial" means profit-seeking production, buying, 652
or selling of any good, service, or other product. 653

(d) "Special extraction costs" means the cost of the time 654
spent by the lowest paid employee competent to perform the task, 655
the actual amount paid to outside private contractors employed 656
by the bureau, or the actual cost incurred to create computer 657
programs to make the special extraction. "Special extraction 658
costs" include any charges paid to a public agency for computer 659
or records services. 660

(3) For purposes of divisions (F) (1) and (2) of this 661
section, "surveys, marketing, solicitation, or resale for 662
commercial purposes" shall be narrowly construed and does not 663
include reporting or gathering news, reporting or gathering 664

information to assist citizen oversight or understanding of the 665
operation or activities of government, or nonprofit educational 666
research. 667

Sec. 149.45. (A) As used in this section: 668

(1) "Personal information" means any of the following: 669

(a) An individual's social security number; 670

(b) An individual's state or federal tax identification 671
number; 672

(c) An individual's driver's license number or state 673
identification number; 674

(d) An individual's checking account number, savings 675
account number, ~~or~~ credit card number, or debit card number; 676

(e) An individual's demand deposit account number, money 677
market account number, mutual fund account number, or any other 678
financial or medical account number. 679

(2) "Public record" and "peace officer, parole officer, 680
probation officer, bailiff, prosecuting attorney, assistant 681
prosecuting attorney, correctional employee, youth services 682
employee, firefighter, EMT, or investigator of the bureau of 683
criminal identification and investigation residential and 684
familial information" have the same meanings as in section 685
149.43 of the Revised Code. 686

(3) "Truncate" means to redact all but the last four 687
digits of an individual's social security number. 688

(B) (1) No public office or person responsible for a public 689
office's public records shall make available to the general 690
public on the internet any document that contains an 691

individual's social security number without otherwise redacting, 692
encrypting, or truncating the social security number. 693

(2) A public office or person responsible for a public 694
office's public records that prior to ~~the effective date of this~~ 695
~~section~~ October 17, 2011, made available to the general public 696
on the internet any document that contains an individual's 697
social security number shall redact, encrypt, or truncate the 698
social security number from that document. 699

(3) Divisions (B) (1) and (2) of this section do not apply 700
to documents that are only accessible through the internet with 701
a password. 702

(C) (1) An individual may request that a public office or a 703
person responsible for a public office's public records redact 704
personal information of that individual from any record made 705
available to the general public on the internet. An individual 706
who makes a request for redaction pursuant to this division 707
shall make the request in writing on a form developed by the 708
attorney general and shall specify the personal information to 709
be redacted and provide any information that identifies the 710
location of that personal information within a document that 711
contains that personal information. 712

(2) Upon receiving a request for a redaction pursuant to 713
division (C) (1) of this section, a public office or a person 714
responsible for a public office's public records shall act 715
within five business days in accordance with the request to 716
redact the personal information of the individual from any 717
record made available to the general public on the internet, if 718
practicable. If a redaction is not practicable, the public 719
office or person responsible for the public office's public 720
records shall verbally or in writing within five business days 721

after receiving the written request explain to the individual 722
why the redaction is impracticable. 723

(3) The attorney general shall develop a form to be used 724
by an individual to request a redaction pursuant to division (C) 725
(1) of this section. The form shall include a place to provide 726
any information that identifies the location of the personal 727
information to be redacted. 728

(D)(1) A peace officer, parole officer, probation officer, 729
bailiff, prosecuting attorney, assistant prosecuting attorney, 730
correctional employee, youth services employee, firefighter, 731
EMT, or investigator of the bureau of criminal identification 732
and investigation may request that a public office other than a 733
county auditor or a person responsible for the public records of 734
a public office other than a county auditor redact the address 735
of the person making the request from any record made available 736
to the general public on the internet that includes peace 737
officer, parole officer, probation officer, bailiff, prosecuting 738
attorney, assistant prosecuting attorney, correctional employee, 739
youth services employee, firefighter, EMT, or investigator of 740
the bureau of criminal identification and investigation 741
residential and familial information of the person making the 742
request. A person who makes a request for a redaction pursuant 743
to this division shall make the request in writing and on a form 744
developed by the attorney general. 745

(2) Upon receiving a written request for a redaction 746
pursuant to division (D)(1) of this section, a public office 747
other than a county auditor or a person responsible for the 748
public records of a public office other than a county auditor 749
shall act within five business days in accordance with the 750
request to redact the address of the peace officer, parole 751

officer, probation officer, bailiff, prosecuting attorney, 752
assistant prosecuting attorney, correctional employee, youth 753
services employee, firefighter, EMT, or investigator of the 754
bureau of criminal identification and investigation making the 755
request from any record made available to the general public on 756
the internet that includes peace officer, parole officer, 757
probation officer, bailiff, prosecuting attorney, assistant 758
prosecuting attorney, correctional employee, youth services 759
employee, firefighter, EMT, or investigator of the bureau of 760
criminal identification and investigation residential and 761
familial information of the person making the request, if 762
practicable. If a redaction is not practicable, the public 763
office or person responsible for the public office's public 764
records shall verbally or in writing within five business days 765
after receiving the written request explain to the peace 766
officer, parole officer, probation officer, bailiff, prosecuting 767
attorney, assistant prosecuting attorney, correctional employee, 768
youth services employee, firefighter, EMT, or investigator of 769
the bureau of criminal identification and investigation why the 770
redaction is impracticable. 771

(3) Except as provided in this section and section 319.28 772
of the Revised Code, a public office other than an employer of a 773
peace officer, parole officer, probation officer, bailiff, 774
prosecuting attorney, assistant prosecuting attorney, 775
correctional employee, youth services employee, firefighter, 776
EMT, or investigator of the bureau of criminal identification 777
and investigation or a person responsible for the public records 778
of the employer is not required to redact the residential and 779
familial information of the peace officer, parole officer, 780
probation officer, bailiff, prosecuting attorney, assistant 781
prosecuting attorney, correctional employee, youth services 782

employee, firefighter, EMT, or investigator of the bureau of 783
criminal identification and investigation from other records 784
maintained by the public office. 785

(4) The attorney general shall develop a form to be used 786
by a peace officer, parole officer, probation officer, bailiff, 787
prosecuting attorney, assistant prosecuting attorney, 788
correctional employee, youth services employee, firefighter, 789
EMT, or investigator of the bureau of criminal identification 790
and investigation to request a redaction pursuant to division 791
(D) (1) of this section. The form shall include a place to 792
provide any information that identifies the location of the 793
address of a peace officer, parole officer, probation officer, 794
bailiff, prosecuting attorney, assistant prosecuting attorney, 795
correctional employee, youth services employee, firefighter, 796
EMT, or investigator of the bureau of criminal identification 797
and investigation to be redacted. 798

(E) (1) If a public office or a person responsible for a 799
public office's public records becomes aware that an electronic 800
record of that public office that is made available to the 801
general public on the internet contains an individual's social 802
security number that was mistakenly not redacted, encrypted, or 803
truncated as required by division (B) (1) or (2) of this section, 804
the public office or person responsible for the public office's 805
public records shall redact, encrypt, or truncate the 806
individual's social security number within a reasonable period 807
of time. 808

(2) A public office or a person responsible for a public 809
office's public records is not liable in damages in a civil 810
action for any harm an individual allegedly sustains as a result 811
of the inclusion of that individual's personal information on 812

any record made available to the general public on the internet 813
or any harm a peace officer, parole officer, probation officer, 814
bailiff, prosecuting attorney, assistant prosecuting attorney, 815
correctional employee, youth services employee, firefighter, 816
EMT, or investigator of the bureau of criminal identification 817
and investigation sustains as a result of the inclusion of the 818
address of the peace officer, parole officer, probation officer, 819
bailiff, prosecuting attorney, assistant prosecuting attorney, 820
correctional employee, youth services employee, firefighter, 821
EMT, or investigator of the bureau of criminal identification 822
and investigation on any record made available to the general 823
public on the internet in violation of this section unless the 824
public office or person responsible for the public office's 825
public records acted with malicious purpose, in bad faith, or in 826
a wanton or reckless manner or division (A) (6) (a) or (c) of 827
section 2744.03 of the Revised Code applies. 828

Sec. 1349.52. (A) As used in this section and in section 829
1349.521 of the Revised Code: 830

(1) "Adult protected consumer" means a protected consumer 831
who is not a minor protected consumer. 832

(2) "Consumer credit reporting agency" means any person 833
that, for monetary fees, dues, or on a cooperative nonprofit 834
basis, regularly engages in whole or in part in the practice of 835
maintaining consumers' credit information for the purpose of 836
furnishing credit reports to third parties. 837

~~(2)~~ (3) "Credit report" means any written, oral, or other 838
communication of any credit information by a consumer credit 839
reporting agency that operates or maintains a database of 840
consumer credit information bearing on a consumer's credit 841
worthiness, credit standing, or credit capacity. "Credit report" 842

includes a credit record created for the purposes of complying 843
with section 1349.521 of the Revised Code. 844

~~(3)~~(4) "Credit record" means a compilation of information 845
that meets both of the following: 846

(a) Identifies a protected consumer; 847

(b) Is created by a consumer reporting agency for the sole 848
purpose of complying with section 1349.521 of the Revised Code. 849

(5) "Minor protected consumer" means an individual who is 850
under sixteen years of age. 851

(6) "Protected consumer" means an individual, at the time 852
a request for the placement of a security freeze is made, who 853
meets either of the following: 854

(a) Is a minor protected consumer; 855

(b) Is a person for whom a guardian of the estate or 856
conservator has been appointed. 857

(7) "Representative" means any person who provides 858
sufficient proof of authority to a consumer credit reporting 859
agency to act on the behalf of a protected consumer. 860

"Representative" includes a parent, guardian, or conservator. 861

(8) "Security freeze" means a restriction placed in a 862
consumer's or protected consumer's credit report at the request 863

of the consumer or the protected consumer's representative that 864
prohibits a consumer credit reporting agency from releasing all 865

or any part of the consumer's or protected consumer's credit 866
report or any information derived from the consumer's or 867

protected consumer's credit report relating to the extension of 868
credit without the express authorization of the consumer or 869

protected consumer's representative. 870

~~(4)~~ (9) "Sufficient proof of authority" means 871
documentation that shows a representative has authority to act 872
on behalf of a protected consumer. "Sufficient proof of 873
authority" includes any of the following: 874

(a) An order issued by a court of competent jurisdiction; 875

(b) A lawfully executed and valid power of attorney; 876

(c) A birth certificate, naming the representative as a 877
parent of the protected consumer, in the case of a minor 878
protected consumer; 879

(d) A written, notarized statement signed by the 880
representative that expressly describes the authority of the 881
representative to act on behalf of the protected consumer. 882

(10) "Sufficient proof of identity" means information or 883
documentation that identifies a protected consumer or a 884
representative of a protected consumer. "Sufficient proof of 885
identity" includes any of the following: 886

(a) A social security number or a copy of a social 887
security card issued by the social security administration; 888

(b) A certified or official copy of a birth certificate 889
issued by an entity authorized to issue the birth certificate; 890

(c) A copy of a driver's license, a state identification 891
card, or any other government-issued identification; 892

(d) A copy of a bill, including a bill for telephone, 893
sewer, septic tank, water, electric, oil, or natural gas 894
services, that shows a name and home address. 895

(11) "Other comparable service" means a service for which 896
a receipt of delivery is provided. 897

~~(B)–A–(1) Except as provided in division (B) (2) of this~~ 898
section, a consumer may elect to place a security freeze on the 899
consumer's credit report by making a request to a consumer 900
credit reporting agency in writing by certified mail or other 901
comparable service or by any secured electronic method 902
authorized by the consumer credit reporting agency. 903

(2) Security freezes for protected consumers shall be 904
governed by section 1349.521 of the Revised Code. 905

(C) A consumer credit reporting agency shall place a 906
security freeze on a credit report not later than three business 907
days after receiving a request pursuant to division (B) of this 908
section. The consumer credit reporting agency shall send a 909
written confirmation of the security freeze to the consumer 910
within five business days of placing the security freeze and, at 911
the same time, shall provide the consumer with a unique personal 912
identification number or password. The number or password shall 913
not be the consumer's social security number. 914

(D) A consumer may allow the consumer's credit report to 915
be accessed for a specific party or period of time while a 916
security freeze is in place by contacting the consumer credit 917
reporting agency by certified mail or other comparable service, 918
secure electronic method selected by the consumer credit 919
reporting agency, or telephone and requesting that the security 920
freeze be temporarily lifted, and providing all of the 921
following: 922

(1) Information generally considered sufficient to 923
identify the consumer; 924

(2) The unique personal identification number or password 925
provided by the consumer credit reporting agency pursuant to 926

division (C) of this section; 927

(3) The proper information regarding the third party who 928
is to receive the consumer credit report or the time period for 929
which the consumer credit report shall be available to users of 930
the credit report. 931

(E) (1) A consumer credit reporting agency that receives a 932
request in writing by certified mail or other comparable service 933
from a consumer to temporarily lift a security freeze on a 934
credit report pursuant to division (D) of this section shall 935
comply with the request not later than three business days after 936
receiving the request. 937

(2) Except as otherwise provided in this section, a 938
consumer credit reporting agency that receives a request by 939
secure electronic method selected by the consumer credit 940
reporting agency, telephone, or another means authorized by the 941
consumer credit reporting agency from a consumer to temporarily 942
lift a security freeze on a credit report pursuant to division 943
(D) of this section shall comply with the request not later than 944
fifteen minutes after receiving the request unless any of the 945
following applies: 946

(a) The consumer fails to meet the requirements of 947
division (D) of this section. 948

(b) The consumer credit reporting agency's ability to 949
temporarily lift the security freeze within fifteen minutes is 950
prevented by an act of God, including fire, earthquakes, 951
hurricanes, storms, or similar natural disaster or phenomena; 952
unauthorized or illegal acts by a third party, including 953
terrorism, sabotage, riot, vandalism, labor strikes or disputes 954
disrupting operations, or similar occurrence; operational 955

interruption, including electrical failure, unanticipated delay 956
in equipment or replacement part delivery, computer hardware or 957
software failures inhibiting response time, or similar 958
disruption; governmental action, including emergency orders or 959
regulations, judicial or law enforcement action, or similar 960
directives; regularly scheduled maintenance, during other than 961
normal business hours of, or updates to, the consumer credit 962
reporting agency's systems; or commercially reasonable 963
maintenance of, or repair to, the consumer credit reporting 964
agency's systems that is unexpected or unscheduled. 965

(3) A consumer credit reporting agency shall remove or 966
temporarily lift a security freeze placed on a credit report 967
only in the following cases: 968

(a) Upon consumer request pursuant to division (D) of this 969
section; 970

(b) If the credit report was frozen due to a material 971
misrepresentation of fact by the consumer. If a consumer credit 972
reporting agency intends to remove a security freeze upon a 973
credit report pursuant to division (E) (3) (b) of this section, 974
the consumer credit reporting agency shall notify the consumer 975
in writing at least five business days prior to removing the 976
security freeze on the credit report. 977

(F) A consumer credit reporting agency, when required by 978
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 979
1681g(c), to provide a summary of rights, or when receiving a 980
request from a consumer for information about a security freeze, 981
shall provide the following written notice: 982

"Ohio Consumers Have the Right to Obtain a Security 983
Freeze: 984

You may obtain a security freeze on your credit report to 985
protect your privacy and ensure that credit is not granted in 986
your name without your knowledge. You have a right to place a 987
"security freeze" on your credit report pursuant to Ohio law. 988
The security freeze will prohibit a consumer credit reporting 989
agency from releasing any information in your credit report 990
without your express authorization or approval. The security 991
freeze is designed to prevent credit, loans, and services from 992
being approved in your name without your consent. When you place 993
a security freeze on your credit report, within five business 994
days you will be provided a personal identification number or 995
password to use if you choose to remove the security freeze on 996
your credit report or to temporarily authorize the release of 997
your credit report for a specific party or parties or for a 998
specific period of time after the security freeze is in place. 999
To provide that authorization, you must contact the consumer 1000
credit reporting agency and provide all of the following: 1001

(a) Information generally considered sufficient to 1002
identify the consumer; 1003

(b) The unique personal identification number or password 1004
provided by the consumer credit reporting agency; 1005

(c) The proper information regarding the third party who 1006
is to receive the consumer credit report or the time period for 1007
which the credit report shall be available to users of the 1008
credit report. 1009

A consumer credit reporting agency that receives a request 1010
from a consumer to temporarily lift a security freeze on a 1011
credit report shall comply with the request not later than 1012
fifteen minutes after receiving the request. 1013

A security freeze does not apply to circumstances in which 1014
you have an existing account relationship and a copy of your 1015
report is requested by your existing creditor or its agents or 1016
affiliates for certain types of account review, collection, 1017
fraud control, or similar activities. 1018

If you are actively seeking credit, you should understand 1019
that the procedures involved in lifting a security freeze may 1020
slow your own applications for credit. You should plan ahead and 1021
lift a freeze, either completely if you are shopping around, or 1022
specifically for a certain creditor, a few days before actually 1023
applying for new credit. 1024

(G) Except as otherwise provided in division (E) of this 1025
section, a consumer credit reporting agency shall keep a 1026
security freeze in place until the consumer requests that the 1027
security freeze be removed. A consumer credit reporting agency 1028
shall remove a security freeze within three business days of 1029
receiving a request by telephone or by any other means 1030
authorized by the consumer credit reporting agency for removal 1031
from the consumer when the consumer provides the following: 1032

(1) Information generally considered sufficient to 1033
identify the consumer; 1034

(2) The unique personal identification number or password 1035
provided by the consumer credit reporting agency pursuant to 1036
division (C) of this section. 1037

(H) A consumer credit reporting agency may release a 1038
credit report on which a security freeze has been placed to the 1039
following: 1040

(1) A person, or subsidiary, affiliate, or agent of that 1041
person, or an assignee of a financial obligation owing by the 1042

consumer to that person, or a prospective assignee of a 1043
financial obligation owing by the consumer to that person in 1044
conjunction with the proposed purchase of the financial 1045
obligation, with which the consumer has or had prior to 1046
assignment an account or contract, including a demand deposit 1047
account, or to whom the consumer issued a negotiable instrument, 1048
for the purposes of reviewing the account or collecting the 1049
financial obligation owing for the account, contract, or 1050
negotiable instrument. For purposes of this paragraph, 1051
"reviewing the account" includes activities related to account 1052
maintenance, monitoring, credit line increases, and account 1053
upgrades and enhancements. 1054

(2) A subsidiary, affiliate, agent, assignee, or 1055
prospective assignee of a person to whom access has been granted 1056
under division (D) of this section, for purposes of facilitating 1057
the extension of credit or other permissible use; 1058

(3) Any state or local law enforcement agency, trial 1059
court, or private collection agency acting pursuant to a court 1060
order, warrant, or subpoena; 1061

(4) Any federal, state, or local governmental entity, 1062
agency, or instrumentality that is acting within the entity's, 1063
agency's, or instrumentality's authority; 1064

(5) A state or local child support enforcement agency; 1065

(6) A person seeking to use the information contained in 1066
the consumer's credit report for the purpose of prescreening 1067
pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128 1068
(1970), 15 U.S.C. 1681 et seq.; 1069

(7) Any person or entity administering a credit file 1070
monitoring subscription service to which the consumer has 1071

subscribed; 1072

(8) Any person or entity providing a consumer with a copy 1073
of the consumer's credit report upon the consumer's request; 1074

(9) Any person or entity for use in setting or adjusting a 1075
rate, adjusting a claim, or underwriting for insurance purposes; 1076

(10) Any person or entity acting to investigate fraud or 1077
acting to investigate or collect delinquent taxes or unpaid 1078
court orders provided those responsibilities are consistent with 1079
section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 1080
et seq. 1081

(I)(1) A consumer credit reporting agency may charge a 1082
consumer a reasonable fee not to exceed five dollars for placing 1083
a security freeze on that consumer's credit report. If the 1084
consumer is a victim of a violation of section 2913.49 of the 1085
Revised Code, the consumer credit reporting agency shall not 1086
charge a fee to place a security freeze on that consumer's 1087
credit report, but that consumer shall send a copy of the police 1088
report related to the violation of section 2913.49 of the 1089
Revised Code to the consumer credit reporting agency. 1090

(2) A consumer credit reporting agency may charge a 1091
consumer a reasonable fee not to exceed five dollars for 1092
removing or temporarily lifting a security freeze on that 1093
consumer's credit report if the consumer elects to remove or 1094
temporarily lift the security freeze on the consumer's credit 1095
report for a specific creditor and may charge a consumer a 1096
reasonable fee not to exceed five dollars if the consumer elects 1097
to temporarily lift the security freeze for a specified period 1098
of time. 1099

(3) A consumer credit reporting agency may charge a 1100

reasonable fee not to exceed five dollars to a consumer who 1101
fails to retain the original personal identification number 1102
provided by the consumer credit reporting agency and must be 1103
reissued the same or a new personal identification number. 1104

(J) If a security freeze is in place, a consumer credit 1105
reporting agency shall not change any of the following official 1106
information in a credit report without sending a written 1107
confirmation of the change to the consumer within thirty days of 1108
the change being posted to the consumer's file: name; date of 1109
birth; social security number; or address. Written confirmation 1110
is not required for technical modifications of a consumer's 1111
official information, including name and street abbreviations, 1112
complete spellings, or transposition of numbers or letters. In 1113
the case of an address change, the written confirmation shall be 1114
sent to both the new address and to the former address. 1115

(K) The provisions of this section do not apply to a 1116
consumer credit reporting agency that acts only as a reseller of 1117
credit information by assembling and merging information 1118
contained in the database of another consumer credit reporting 1119
agency or multiple consumer credit reporting agencies and does 1120
not maintain a permanent database of credit information from 1121
which new credit reports are produced, except that the reseller 1122
of credit information shall honor any security freeze placed on 1123
a credit report by another consumer credit reporting agency. 1124

(L) The following entities are not required to place a 1125
security freeze in a credit report: 1126

(1) A check services company or fraud prevention services 1127
company that issues reports on incidents of fraud or 1128
authorizations for the purpose of approving or processing 1129
negotiable instruments, electronic funds transfers, or similar 1130

methods of payments; 1131

(2) A demand deposit account information service company 1132
that issues reports, regarding account closures due to fraud, 1133
substantial overdrafts, automated teller machine abuse, or 1134
similar negative information regarding a consumer, to inquiring 1135
banks or other financial institutions for use only in reviewing 1136
a consumer request for a demand deposit account at the inquiring 1137
bank or financial institution. 1138

(3) A consumer reporting agency with regard to a database 1139
or file that is not a credit report or credit record and that 1140
consists entirely of consumer information concerning, and used 1141
solely for, one or more of the following: 1142

(a) Criminal record information; 1143

(b) Personal loss history information; 1144

(c) Fraud prevention or detection; 1145

(d) Employment screening; 1146

(e) Tenant screening. 1147

(M) (1) The attorney general may conduct an investigation 1148
if the attorney general, based on complaints or the attorney 1149
general's own inquiries, has reason to believe that a consumer 1150
credit reporting agency has failed or is failing to comply with 1151
this section. 1152

(2) In any investigation conducted pursuant to this 1153
section, the attorney general may administer oaths, subpoena 1154
witnesses, adduce evidence, and subpoena the production of any 1155
book, document, record, or other relevant matter. 1156

(3) If the attorney general under division (M) (2) of this 1157

section subpoenas the production of any relevant matter that is 1158
located outside this state, the attorney general may designate a 1159
representative, including an official of the state in which that 1160
relevant matter is located, to inspect the relevant matter on 1161
the attorney general's behalf. The attorney general may carry 1162
out similar requests received from officials of other states. 1163

(4) Any person who is subpoenaed to produce relevant 1164
matter pursuant to division (M) (2) of this section shall make 1165
that relevant matter available at a convenient location within 1166
this state or the state of the representative designated under 1167
division (M) (3) of this section. 1168

(5) Any person who is subpoenaed as a witness or to 1169
produce relevant matter pursuant to division (M) (2) of this 1170
section may file in the court of common pleas of Franklin 1171
county, the county in this state in which the person resides, or 1172
the county in this state in which the person's principal place 1173
of business is located a petition to extend for good cause shown 1174
the date on which the subpoena is to be returned or to modify or 1175
quash for good cause shown that subpoena. The person may file 1176
the petition at any time prior to the date specified for the 1177
return of the subpoena or within twenty days after the service 1178
of the subpoena, whichever is earlier. 1179

(6) Any person who is subpoenaed as a witness or to 1180
produce relevant matter pursuant to division (M) (2) of this 1181
section shall comply with the terms of the subpoena unless the 1182
court orders otherwise prior to the date specified for the 1183
return of the subpoena or, if applicable, that date as extended. 1184
If a person fails without lawful excuse to obey a subpoena, the 1185
attorney general may apply to the court of common pleas for an 1186
order that does one or more of the following: 1187

(a) Compels the requested discovery;	1188
(b) Adjudges the person in contempt of court;	1189
(c) Grants injunctive relief to restrain the person from failing to comply with section 1347.12 or 1349.19 of the Revised Code, whichever is applicable;	1190 1191 1192
(d) Grants injunctive relief to preserve or restore the status quo;	1193 1194
(e) Grants other relief that may be required until the person obeys the subpoena.	1195 1196
(N) (1) The attorney general has the authority to bring a civil action in a court of common pleas for appropriate relief under this section, including a temporary restraining order, preliminary or permanent injunction, and civil penalties, if it appears that a consumer credit reporting agency has failed or is failing to comply with this section. Upon its finding that a consumer credit reporting agency has intentionally or recklessly failed to comply with this section, the court shall impose a civil penalty upon the consumer credit reporting agency of up to two thousand five hundred dollars for each instance that the consumer credit reporting agency fails to comply.	1197 1198 1199 1200 1201 1202 1203 1204 1205 1206 1207
(2) Any civil penalty that is assessed under division (N) (1) of this section shall be deposited into the consumer protection enforcement fund created by section 1345.51 of the Revised Code.	1208 1209 1210 1211
(3) In determining the appropriate civil penalty to assess under division (N) (1) of this section, the court shall consider all relevant factors, including the degree of the defendant's culpability, any history of prior violations of this section by the defendant, the defendant's ability to pay, the effect of the	1212 1213 1214 1215 1216

court's decision on the defendant's ability to continue to 1217
conduct the defendant's business, and whether or not the 1218
defendant acted in bad faith in failing to comply with this 1219
section. 1220

(O) Any consumer credit reporting agency that is found by 1221
the court to have failed to comply with this section is liable 1222
to the attorney general for the attorney general's costs in 1223
conducting an investigation and bringing an action under this 1224
section. 1225

(P) The rights and remedies that are provided under this 1226
section are in addition to any other rights or remedies that are 1227
provided by law. 1228

Sec. 1349.521. (A) (1) A representative of a protected 1229
consumer may elect to place a security freeze on the protected 1230
consumer's credit report in the manner prescribed in division 1231
(B) of this section by making a request to a consumer credit 1232
reporting agency in writing by certified mail or other 1233
comparable service or by any secured electronic method 1234
authorized by the consumer credit reporting agency. 1235

(2) A representative requesting a security freeze on a 1236
protected consumer's credit report shall provide to the credit 1237
reporting agency sufficient proof of authority and, for both the 1238
representative and the protected consumer, sufficient proof of 1239
identity. 1240

(B) (1) A consumer credit reporting agency shall place a 1241
security freeze on a credit report not later than thirty days 1242
after receiving a request pursuant to division (A) (1) of this 1243
section and the information required pursuant to division (A) (2) 1244
of this section. 1245

(2) The consumer credit reporting agency shall send a 1246
written confirmation of the security freeze to the address 1247
associated with the protected consumer within five business days 1248
after placing the security freeze. 1249

(C) (1) If a consumer credit reporting agency does not have 1250
a credit report pertaining to a protected consumer when the 1251
consumer reporting agency receives a request under division (A) 1252
(1) of this section related to that protected consumer, the 1253
consumer credit reporting agency shall create a credit record 1254
for the protected consumer and place a security freeze upon the 1255
credit record in accordance with division (B) of this section. 1256

(2) A credit record created under division (C) (1) of this 1257
section shall not be used to consider the protected consumer's 1258
credit worthiness, credit standing, credit capacity, character, 1259
general reputation, or personal characteristics. 1260

(D) A consumer credit reporting agency shall remove a 1261
security freeze placed on a credit report only in the following 1262
cases: 1263

(1) If the credit report was frozen due to a material 1264
misrepresentation of fact by the protected consumer's 1265
representative. If a consumer credit reporting agency intends to 1266
remove a security freeze upon a credit report due to a material 1267
misrepresentation, the consumer credit reporting agency shall 1268
notify the protected consumer's representative in writing at 1269
least five business days prior to removing the security freeze 1270
on the credit report. 1271

(2) A protected consumer's representative requests that 1272
the security freeze be removed. A protected consumer's 1273
representative shall provide all of the following when 1274

requesting that a security freeze be removed: 1275

(a) Sufficient proof of identity for both the protected 1276
consumer and the protected consumer's representative; 1277

(b) Sufficient proof of authority to act on the behalf of 1278
the protected consumer. 1279

(3) (a) Upon request of a protected consumer who has 1280
reached sixteen years of age. 1281

(b) A consumer reporting agency shall develop a procedure 1282
by which a minor protected consumer, upon reaching sixteen years 1283
of age, may remove the security freeze created on the minor's 1284
behalf. The procedure shall, at a minimum, require the minor to 1285
provide sufficient proof of identity and age. 1286

(E) A consumer credit reporting agency shall remove a 1287
security freeze within thirty days after receiving a request by 1288
certified mail or other comparable service, secure electronic 1289
method selected by the consumer credit reporting agency, 1290
telephone, or by any other means authorized by the consumer 1291
credit reporting agency for removal from a protected consumer's 1292
representative and of receiving the information specified in 1293
division (D) (2) of this section. 1294

(F) A consumer credit reporting agency, when required by 1295
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 1296
1681g(c) to provide a summary of rights, or when providing the 1297
written confirmation required under division (B) (2) of this 1298
section, shall provide the following written notice: 1299

"The parent or guardian of a minor under the age of 1300
sixteen or the guardian or conservator of an incapacitated or 1301
protected adult, collectively referred to as a "protected 1302
consumer" may seek a security freeze to protect the identity of 1303

a protected consumer and ensure that credit is not 1304
inappropriately granted in the protected consumer's name. In 1305
order to request a security freeze for a protected consumer, the 1306
protected consumer's parent, guardian, or conservator must 1307
present sufficient proof of authority to act on the protected 1308
consumer's behalf. The parent, guardian, or conservator must 1309
also present sufficient proof of identity for the parent, 1310
guardian, or conservator, in addition to proof of identity for 1311
the protected consumer. 1312

In order for the representative of a protected consumer to 1313
request the removal of a security freeze of a protected 1314
consumer, the representative must contact the consumer credit 1315
reporting agency and provide all of the following: 1316

(a) Sufficient proof of identity for both the protected 1317
consumer and the protected consumer's representative; 1318

(b) Sufficient proof of authority to act on the behalf of 1319
the protected consumer. 1320

A minor protected consumer, upon reaching sixteen years of 1321
age, may also request that the security freeze be removed. A 1322
minor protected consumer making such a request must provide 1323
proof of identity and age. 1324

A consumer credit reporting agency that receives a proper 1325
request by certified mail or other comparable service, secure 1326
electronic method selected by the consumer credit reporting 1327
agency, telephone, or by any other means authorized by the 1328
consumer credit reporting agency to remove a security freeze on 1329
a credit report shall comply with the request not later than 1330
thirty days after receiving the request. 1331

A security freeze does not apply to circumstances in which 1332

a protected consumer already has an existing account 1333
relationship and a copy of the protected consumer's credit 1334
report is requested by the protected consumer's existing 1335
creditor or its agents or affiliates for certain types of 1336
account review, collection, fraud control, or similar 1337
activities. 1338

If a protected consumer is actively seeking credit, it 1339
should be understood that the procedures involved in removing a 1340
security freeze may slow any applications for credit. Plan ahead 1341
and remove a freeze a month before actually applying for new 1342
credit." 1343

(G) (1) With regard to adult protected consumers, a 1344
consumer credit reporting agency may release a credit report on 1345
which a security freeze has been placed to the following: 1346

(a) A person, or subsidiary, affiliate, or agent of that 1347
person, or an assignee of a financial obligation owing by the 1348
protected consumer, to that person, or a prospective assignee of 1349
a financial obligation owing by the protected consumer, to that 1350
person in conjunction with the proposed purchase of the 1351
financial obligation, with which the protected consumer has or 1352
had prior to assignment an account or contract, including a 1353
demand deposit account, or to whom the protected consumer issued 1354
a negotiable instrument, for the purposes of reviewing the 1355
account or collecting the financial obligation owing for the 1356
account, contract, or negotiable instrument. For purposes of 1357
this paragraph, "reviewing the account" includes activities 1358
related to account maintenance, monitoring, credit line 1359
increases, and account upgrades and enhancements. 1360

(b) A person seeking to use the information contained in 1361
the consumer's credit report for the purpose of prescreening 1362

<u>pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128</u>	1363
<u>(1970), 15 U.S.C. 1681 et seq.;</u>	1364
<u>(c) Any person or entity for use in any of the following</u>	1365
<u>insurance purposes:</u>	1366
<u>(i) Setting or adjusting a rate;</u>	1367
<u>(ii) Adjusting a claim;</u>	1368
<u>(iii) Underwriting.</u>	1369
<u>(2) With regard to all protected consumers, a consumer</u>	1370
<u>credit reporting agency may release a credit report on which a</u>	1371
<u>security freeze has been placed to the following:</u>	1372
<u>(a) Any state or local law enforcement agency, trial</u>	1373
<u>court, or private collection agency acting pursuant to a court</u>	1374
<u>order, warrant, or subpoena;</u>	1375
<u>(b) Any federal, state, or local governmental entity,</u>	1376
<u>agency, or instrumentality that is acting within the entity's,</u>	1377
<u>agency's, or instrumentality's authority;</u>	1378
<u>(c) A state or local child support enforcement agency;</u>	1379
<u>(d) A person seeking to use the information contained in</u>	1380
<u>the consumer's credit report for the purpose of prescreening</u>	1381
<u>pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128</u>	1382
<u>(1970), 15 U.S.C. 1681 et seq.;</u>	1383
<u>(e) Any person or entity administering a credit file</u>	1384
<u>monitoring subscription service to which the consumer has</u>	1385
<u>subscribed;</u>	1386
<u>(f) Any person or entity providing the protected</u>	1387
<u>consumer's representative with a copy of the protected</u>	1388
<u>consumer's credit report upon the representative's request;</u>	1389

<u>(g) Any person or entity for use in any of the following</u>	1390
<u>insurance purposes:</u>	1391
<u>(i) Setting or adjusting a rate;</u>	1392
<u>(ii) Adjusting a claim;</u>	1393
<u>(iii) Underwriting.</u>	1394
<u>(h) Any person or entity acting to investigate fraud or</u>	1395
<u>acting to investigate or collect delinquent taxes or unpaid</u>	1396
<u>court orders provided those responsibilities are consistent with</u>	1397
<u>section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681</u>	1398
<u>et seq.</u>	1399
<u>(i) An individual seeking to remove a security freeze</u>	1400
<u>under division (D) (3) of this section.</u>	1401
<u>(H) (1) Except as provided in division (H) (2) of this</u>	1402
<u>section, a consumer credit reporting agency may charge a</u>	1403
<u>protected consumer's representative the following fees with</u>	1404
<u>regard to protected consumer security freezes:</u>	1405
<u>(a) A consumer credit reporting agency may charge a</u>	1406
<u>protected consumer's representative a reasonable fee not to</u>	1407
<u>exceed five dollars for placing a security freeze on that</u>	1408
<u>protected consumer's credit report. If the protected consumer is</u>	1409
<u>a victim of a violation of section 2913.49 of the Revised Code,</u>	1410
<u>the consumer credit reporting agency shall not charge a fee to</u>	1411
<u>place a security freeze on that protected consumer's credit</u>	1412
<u>report, but that protected consumer's representative shall send</u>	1413
<u>a copy of the police report related to the violation of section</u>	1414
<u>2913.49 of the Revised Code to the consumer credit reporting</u>	1415
<u>agency.</u>	1416
<u>(b) A consumer credit reporting agency may charge a</u>	1417

protected consumer's representative a reasonable fee not to 1418
exceed five dollars for removing a security freeze on that 1419
protected consumer's credit report if the protected consumer's 1420
representative elects to remove the security freeze on the 1421
consumer's credit report. 1422

(2) A consumer credit reporting agency shall not charge 1423
any fee to any of the following individuals: 1424

(a) A protected consumer representative that represents a 1425
child in foster care; 1426

(b) A minor protected consumer, or a minor protected 1427
consumer's representative, for whom a credit report already 1428
exists; 1429

(c) An individual seeking to remove a security freeze 1430
under division (D)(3) of this section. 1431

(I) If a security freeze is in place, a consumer credit 1432
reporting agency shall not change any of the following official 1433
information in a credit report without sending a written 1434
confirmation of the change to the protected consumer's 1435
representative within thirty days of the change being posted to 1436
the protected consumer's file: name; date of birth; social 1437
security number; or address. Written confirmation is not 1438
required for technical modifications of a consumer's official 1439
information, including name and street abbreviations, complete 1440
spellings, or transposition of numbers or letters. In the case 1441
of an address change, the written confirmation shall be sent to 1442
both the new address and to the former address. 1443

(J) Divisions (K) to (P) of section 1349.52 of the Revised 1444
Code apply with regard to protected consumer security freezes in 1445
the same manner and with the same effect as security freezes 1446

provided for in section 1349.52 of the Revised Code. 1447

Section 2. That existing sections 149.43, 149.45, and 1448
1349.52 of the Revised Code are hereby repealed. 1449

Section 3. Sections 1349.52 and 1349.521 of the Revised 1450
Code, as amended or enacted by this act, shall take effect six 1451
months after the effective date of this act. 1452