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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 4  
134<sup>th</sup> General Assembly

## Final Analysis

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**Version:** As Passed by the General Assembly

**Primary Sponsor:** Sen. Roegner

**Effective date:** September 7, 2021

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### SUMMARY

- Expands “designated public service worker” status to emergency service telecommunicators, certain Ohio National Guard members, protective service workers, forensic mental health providers, mental health evaluation providers, and regional psychiatric hospital employees, making these individuals eligible for the following protections:
  - Residential and familial information is exempted from disclosure under the Public Records Law.
  - May request the individual’s address be redacted from any record of a public office that is publicly available on the internet in which the individual’s residential and familial information appears, except for the records of a county auditor.
  - May request that the county auditor replace the designated public service worker’s or the worker’s spouse’s name with their initials on records publicly available on the internet or in a publicly accessible database.
- Requires the Adjutant General to designate Ohio National Guard members, who are participating in duties related to remotely piloted aircraft as designated public service workers under the Public Records Law.
- Requires the Bureau of Workers’ Compensation (BWC) or Industrial Commission to disclose a workers’ compensation claimant’s name to a journalist on written request, and eliminates BWC’s and the Commission’s duty to disclose the address and telephone number of a claimant’s dependent on a journalist’s request.

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## DETAILED ANALYSIS

### Expands designated public service worker status

The act expands designated public service worker status<sup>1</sup> to the following professions listed below in “**Definitions.**” The designation affords individuals in those professions with certain protections as explained below under “**Public record,**” “**Redaction of online records,**” and “**Property tax list.**”

#### Definitions

“Designated Ohio National Guard member” means a member of the Ohio National Guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the Adjutant General as a designated public service worker for those purposes.

“Protective service worker” means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services.

“Emergency service telecommunicator” means an individual employed by an emergency service provider, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

“Forensic mental health provider” means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee’s duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by certain court orders.

“Mental health evaluation provider” means an individual who, under the law, examines a respondent who is alleged to be a mentally ill person subject to court order and reports to the probate court the respondent’s mental condition.

“Regional psychiatric hospital employee” means any employee of the Department of Mental Health and Addiction Services who, in the course of performing the employee’s duties, has contact with patients committed to the Department by certain court orders.<sup>2</sup>

#### Public record

Under continuing Public Records Law, any person may request to inspect or obtain copies of public records from a public office. When it receives a public records request, and unless part or all of a record is exempt from release, a public office must provide inspection of the requested records promptly and at no cost, or provide copies at cost within a reasonable

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<sup>1</sup> R.C. 149.43(A)(7).

<sup>2</sup> R.C. 149.43(A)(9).

period of time.<sup>3</sup> The act includes the professions listed above under “**Definitions**” within the definition of “designated public service worker” and as a result exempts the residential and familial information of these individuals from disclosure under the Public Records Law.<sup>4</sup>

Under continuing law, and generally for the professions included under the act, designated public service worker’s residential and familial information that is exempt from the Public Records Law includes the following:<sup>5</sup>

1. The address of the actual personal residence of a designated public service worker, except for the following information:
  - a. The address of the actual personal residence of a prosecuting attorney or judge; and
  - b. The state or political subdivision in which a designated public service worker resides.
2. Information compiled from referral to or participation in an employee assistance program;
3. The Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;
4. The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker’s employer;
5. The identity and amount of any charitable or employment benefit deduction made by the designated public service worker’s employer from the designated public service worker’s compensation, unless the amount of the deduction is required by state or federal law;
6. The name, residential address, the name of the employer, the address of the employer, the Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;
7. A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer’s appointing authority.

Continuing law allows a journalist to submit a written request to a public office that employs a person whose residential and familial information is exempted from the Public Records Law for the actual address of the person. The journalist also may request the name and address of the employer of the person’s spouse, former spouse, or child if they also are

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<sup>3</sup> R.C. 149.43(B).

<sup>4</sup> R.C. 149.43(A)(1)(p) and (7).

<sup>5</sup> R.C. 149.43(A)(8).

employed by a public office. This process also applies to the additional professions included under the act.<sup>6</sup>

### **Redaction of online records**

Under continuing law, a designated public service worker may request that the worker's address be redacted from a record in which that person's residential and familial information appears and that is available to the public on the internet. Continuing law allows a designated public service worker to submit a request (in writing and on a form developed by the Attorney General) to a public office, except for a county auditor, to redact the worker's address from any record in which the worker's residential and familial information appears that is publicly available on the internet.<sup>7</sup> The public office that receives the request must redact the worker's address from the public record within five business days, or if the redaction is impracticable, provide an explanation, verbally or in writing, of the impracticality of the request within five business days of receiving the request.<sup>8</sup> Generally a public office, other than an employer of a designated public service worker, or a person responsible for the public records of the employer, is not required to redact designated public service worker residential and familial information of the designated public service worker from other records maintained by the public office.<sup>9</sup> This process applies to the additional professions included under the act.

### **Property tax list**

Under continuing law, a person, or spouse of that person, whose residential and familial information is not a public record under the Public Records Law may submit an affidavit to the county auditor requesting that the county auditor remove the name of the person from any record made available to the general public on the internet or a publicly accessible database and from the general tax list and duplicate of real and public utility property and to replace the name with the person's initials as the name that appears on the deed. When the county auditor receives the affidavit, the auditor must act on the request within five business days if practicable. If removal and reinsertion is not practicable, the auditor must explain to the requestor, within five days after receiving the affidavit, why the removal and insertion is impracticable.<sup>10</sup>

## **Requirements of Adjutant General – designation of Ohio National Guard members**

The act adds to the specific requirements of the Adjutant General the duty to designate Ohio National Guard members, who are participating in duties related to remotely piloted

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<sup>6</sup> R.C. 149.43(B)(9)(a).

<sup>7</sup> R.C. 149.45(D)(1), not in the act.

<sup>8</sup> R.C. 149.45(D)(2), not in the act.

<sup>9</sup> R.C. 149.45(D)(3), not in the act.

<sup>10</sup> R.C. 319.28(B), not in the act.

aircraft, including but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, as designated public service workers under the Public Records Law.<sup>11</sup>

## Workers' compensation claimant information disclosures

With limited exceptions, information kept by the Bureau of Workers' Compensation (BWC) or Industrial Commission regarding a claimant's workers' compensation claim is not a public record subject to disclosure. One exception under continuing law is that an individual whose primary occupation is as a journalist may request, and BWC or the Commission must disclose, a claimant's address and telephone number, whether the claimant's claim is active or closed. The act adds the claimant's name as a type of information BWC or the Commission must disclose to a journalist on request. The act also eliminates BWC's and the Commission's duty to disclose the address and telephone number of a claimant's dependent to a journalist on request.

To obtain a claimant's name, address, or telephone number, continuing law requires a journalist to submit a written request to BWC or the Commission with the following information:

1. The journalist's name, title, and signature;
2. The name and title of the journalist's employer; and
3. A statement that disclosing the information sought is in the public interest (BWC and the Commission cannot inquire as to the specific public interest served by disclosure).<sup>12</sup>

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## HISTORY

Action	Date
Introduced	01-19-21
Reported, S. Judiciary	02-10-21
Passed Senate (33-0)	02-17-21
Reported, H. Civil Justice	04-21-21
Passed House (83-10)	05-12-21
Senate concurred in House amendments (32-0)	05-26-21

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<sup>11</sup> R.C. 5913.01(A)(11).

<sup>12</sup> R.C. 4123.88.