

Appendix C: **“Catchall” Exceptions**

Below is a compilation of Ohio statutory and administrative provisions that affect whether certain records may be released pursuant to a public records request. Although we believe the list to be exhaustive, we are aware that there maybe additional statutory provisions that do not appear on the list. If you aware of such a provision, please contact the Open Government Unit so that we may update our list.

911 database	RC 4931.49(E) & 4931.99(E)
Abortion – records, related to performing or inducing upon a minor	RC 2919.121
Accountancy Board – records of investigative proceedings	RC 4701.29
Acupuncturists, investigations	RC 4762.14
Adoption – criminal records check of prospective adoptive parents	OAC 5101: 2-48-10
Adoption – form filed by biological parent to release information	RC 3107.42
Adoption - minor child’s application for judicial approval and appeal of same	RC 2151.85(F) & RC 2505.73
Adoption proceedings under RC 3107.45, records pertaining to	RC 3107.52
Adoption records, identity of biological relatives can only be released to adult adopted child or biological parent or sibling	RC 3107.17(B) (1) & D, .40, .41

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Adult care facilities - records not released <i>unless</i> resident consents	OAC 3701-20-15(A)
Adult Protective Services - suspected abuse of adults report	RC 5101.61(F)
Adult Protective Services - case records	OAC 5101:2-20-04
Agriculture - handler's license applications	RC 926.06(D)
Air Quality Development Authority, trade secrets obtained by	RC 3706.20
Air Pollution Control, trade secrets and information obtained by	RC 3704.08(A) & (B)
Alcohol and drug addiction program	RC3793.12(C), 13(A),.14 &.15(D)
Alcohol and drug addiction programs, client records	OAC 3793:2-1-06
Antitrust investigations - materials obtained through investigation	RC 1331.16(M)
Attorney trust accounts statements and reports	RC 4705.10(B)
Attorney-client & physician-patient privileges	RC 2317.02(A) & (B)
Auditor of State audit reports	RC 117.14, .15 & .26
Banks - information obtained in examination of banks	RC 1125.14(A)

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Banks - upon request, superintendent of banks may grant confidentiality to certain records	RC 1121.25(E), OAC 1301:1-4-05(E) & 06(Q)
BCI, information and materials furnished by	RC 109.57(D)
Birth records	RC 3705.09(G), .11, .12(D) & .15(D)(1)
Board of education, investigations by	RC 3319.311(A)
Boards of education, rewards paid to informants	RC 3313.173
Bureau of Motor Vehicles - <i>only names</i> of driver's license applicants may be released	RC 4507.25(B)
Bureau of Motor Vehicles - license application to Registrar	RC 4517.43
Bureau of Workers' Compensation - annual report information, coordinate confidentiality (recipients of public assistance)	RC 4123.27 RC 5101.181(A)
Bureau of Workers' Compensation - claim files	RC 4123.88
Bureau of Workers' Compensation - information submitted to BWC in applications for certification	OAC 4123-6- 032(H)
Bureau of Workers' Compensation – managed care organization	RC 4121.44(D)
Cancer registry – information furnished to, concerning malignant disease	OAC 3701-4-03
Cemetery Dispute Resolution Commission-	RC 4767.06(A)(7),

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records of hearings or proceedings	OAC 1301:13-3-02(F)
Charitable trust, investigations of	RC 109.28
Child placing agency - records maintained by private agency	OAC 5101:2-5-13(A)(17) & (18)
Child support, financial institution account information	OAC 5101:1-30-14
Child Support Enforcement Agency - Information concerning applicants for and recipients of services	OAC 5101:1-29-071(A)
Children services agencies, child abuse and neglect investigations	RC 2151.421(H), RC 5153.17, OAC 5101:2-34-38(A)
Children services agencies, employee residential addresses	RC 2151.142
Citizen's reward program (Crime Stoppers)	RC 9.92(C)
Claims files, limitations on inspection, Industrial Commission	OAC 4121-3-22
College savings program, identity of purchasers and beneficiaries	RC 3334.11(J)
Community alternative homes, records of residents	OAC 3701-16-14(A)(4)
Community Improvement Corporations, records submitted in connection with the relocation, location, expansion, improvement, or preservation of a business	ORC 1724.11(A) (1) & (2)

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Community Improvement Corporations, permissible closure of meeting to discuss confidential information (<i>see</i> , ORC 1724.11(A)(1) and (2))	ORC 1724.11(B)(1)
Competitive sealed proposal, purchases by	RC 125.071
Complaints remain confidential when referred to other agencies	OAC 173:2-1-19(B)
Consumer finance - report of small loans	RC 1321.09
Consumer Sales Practices Act - Attorney General investigations	RC 1345.05(A)(7)
Coroner – medical and psychiatric records of a deceased person	RC 313.091
Corporation franchise tax credit information	RC 5733.42
Corrections - certain records maintained by the department of rehabilitation and corrections	OAC 5120-9-49(B)
Corrections - certain information pertaining to correctional institutions	RC 5120.21(D)
Credit unions and credit union guaranty corporations	RC 1733.327(A)
Crime Stoppers	RC 9.92(C)
Criminal record checks, applicants for positions responsible for children and other vulnerable populations	RC 173.41, 3301.32(D), 3301.541(D), 3319.39(D), 3301.88 3701.881(D),

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	3712.09, 3721.121 5104.012(D), 5119.072, 5123.081 5126.28 & 5153.111(D)
Child support enforcement agency (CSEA), Information obtained from federal Parent Locator Service	OAC 5101:1-30- 04(C), 5101:1-30- 07(A)
Dangerous drugs, records limited to federal, state, county and municipal officers	RC 3719.13
Data that identifies individual pupils, State Board of Education, statewide education management information system	RC 3301.0714(I)
Day-care centers - criminal records check of owner, licensee, and administrator of	RC 5104.013(F)
Day-care centers - investigations of	OAC 5101:2-12- 20(G) & 5101:2- 13-20(G)
Day-care centers - school child enrollment, health & attendance records	RC 5104.011(C)(2) OAC 5101:2-12- 59(A), 02(D)(6), 5101:2-14-26(C) & 5101:2-17-43(A)
Day-care centers - complainant, identifying information	RC 5101.29(B)
Day-care centers - children identifying information	RC 5101.29(A)

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Deferred compensation accounts	OAC 145:1-1-01(C)(6)
Deferred compensation participants' account history; medical reports	RC 145.27(B)(2)(a), (b) & (c), & (C)
Department of Development (DOD)- Division of Energy, proprietary information	OAC 1551:6-1-01
DOD - loans, financial statements and financial data	RC 122.17(G) & .171(G)
Division of Occupational Safety and Health investigations	OAC 4101:17-10-01
Division of Reclamation-Strip Mining, information provided to	OAC 1501:13-1-10(C), 4-02(I)(2) & 16(J)(2)
Division of Oil and Gas - applicants may assert information submitted is confidential	OAC 1501:9-7-07(G)(2)
Division of Securities - investigations	RC 1707.12(B)
Driver intervention programs, clients of	OAC 3701-54-03(H)
Drug and alcohol treatment participants records	RC 4723.35(E)
Education records, public school students	RC 3319.321
Emergency medical services recipient identifying information	RC 4765.06 & .10(C)
Emergency Medical Services, State Board of	OAC 4765-2-06

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Emergency medical technicians	OAC 4765-9-01
Employee Assistance Program, Medical records of participants	RC 3701.041(B)
Environmental Protection Agency - Information submitted to the EPA	OAC 3745-3-07, 34-03, 50-30 & 77-03
Ethics Commission - documents related to complaint, inquiry or investigation	RC 102.06
Ethics Commission - Financial disclosure statements	RC 102.02(B)
Ethics Commission - investigations	OAC 102-7-04(B)
Ethics Commission - judgment procedures	OAC 102-7-03
Ethics Committee - joint legislative adjudication proceedings	OAC 101-7-03
Ethics Committee - joint legislative investigations	OAC 101-7-04(B)
Expunged or sealed records, release or dissemination is a fourth degree misdemeanor	RC 2953.35(A)
Family and Children First Cabinet Council, case records	OAC 3793:1-1-03(M)
Financial institutions statements and reports	RC 3953.231(E)
Forfeiture hearings - transcripts not released <i>until</i> property seized	RC 2925.42(D)(4) & .43(C)(2)
Foster child records, disclosed only	OAC 5101:2-7-04(C)

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to parties directly involved in child's care	
Foster home, inspections of homes & families, public children services agencies	RC 5153.17
Geological surveys and mining analysis	RC 1505.03, 1513.07(D) & 1514.02(A)(8)
Grand jury proceedings	Crim. R. 6(E)
Ohio Coal Development Office - trade secrets and other proprietary information	RC 1551.11(B)
Hazardous waste facilities board - trade secrets in possession of	OAC 3734-1-62
Health records of children maintained by in-home aide	OAC 5101:2-15-16(B)(4)
Health care data base information; names and social security numbers	RC 3727.14
Health care facilities – Patient identifying information	OAC 3701-83-06(D)
HIV testing or diagnosis, partner notification system & health care provider	RC 3701.241(A) & .243(A) & (E)
Hospital board and peer review committees; information, data, reports or records utilized by a quality assurance committee shall be kept confidential	RC 2305.24, .25 & .251
HPRS - medical history, benefits, account history of system participants	RC 5505.04

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Identity Fraud Passport – application and supporting documentation	RC 109.94(C)(1)
Industrial Technology Enterprise Advisory Board; materials and data	RC 122.36
Information obtained by investigation of occupational therapists, physical therapists and athletic trainers board	RC 4755.61(A)(7)
Inmates - Records of inmates in custody accessible only to department	RC 5120.21(A), (B) & (C); RC 2317.02(B)
Interdepartmental cluster for children, services to multi-need children	RC 121.37(B)(3)
Investigatory records regarding monopolies	RC 1331.16(M)
Juvenile court probation records	RC 2151.14(B)
Juvenile court records on abused or delinquent children	RC 2151.141(B)(2)(b) & .313(C)(2)(c)
Juvenile records, expungement	RC 2151.358
Law enforcement officer - identity of officer who seized property	RC 2933.73(D)
Lead, individual health records from lead inspectors and analytical laboratories	RC 3742.03(E)(3)
LEADS - access limited to operators with assigned passwords	OAC 4501:2-10-06
Legislative Service Commission— legislative documents	RC 101.30

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License revocation proceedings for nurses and doctors	RC 4723.28(E) & 4731.22(C)(1)
Licensing records - certain information contained in reading instruction program licensing records	OAC 3301-32-13(G)
Loans, financial statements and other data	RC 166.05(E)
Lottery Commission meeting records; available on good cause showing with prior notification to director	RC 3770.02
Managed Care Plans - medical records of enrollees	OAC 5101:3-26-071 (E)(1)(b) & 5101:3-26-083(A)(2)
Maternal and Child Health Block Grant programs	RC 3701.028(A)
MCO (managed care organizations) records	OAC 4123-6-15
Mediation communications	RC 2317.023
Medical board - investigations	RC 4731.22(C)(5)
Medical data or information of applicants to prepaid dental plans	RC 1736.26
Medical data or information of applicants or enrollees in health maintenance organizations	RC 1742.3
Medical information of patients <i>unless</i> patient consents	RC 3729.46(B)
Medical records of employee assistance program	RC 3701.041(B)

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Medical records of handicapped applicants for employment	OAC 4112-5-08(B)(3)
Mental health board - information which identifies an individual subject of research by mental health board or agency	OAC 5122-28-05(A)
Mental health care - Client records of licensed mental health care facilities	OAC 5122:3-5-14(C), 5122:3-5-15(C), 5122:3-5-17(D), 5122:3-5-18(C), 5122:3-5-22(D) & 5122:3-5-23(C)
Mentally ill, hospitalization records of	ORC 5122.31
Mental retardation - criminal records or background check of applicant	RC 5126.28(H)(1), OAC 5122-7-21(I) & 5123:1-7-01(E)
Mental retardation - individual records of residential care facilities	OAC 5123:2-3-16(A), 5123:2-3-18(A)(20)
Mental retardation or developmental disabilities – client records	OAC 5123-15-01(H)(5)
Mental retardation - Records of Adult Services	OAC 5123:2-1-06(I)
Mental retardation - records of patients accessible only to department	RC 5123.31, RC 2317.02(B)
Monopolies investigations - materials obtained through investigation	RC 1331.16(M)
Motor vehicle salvage dealers - confidentiality of applications for licenses	RC 4738.14
Municipal income tax returns;	RC 718.13

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investigations

Non-spousal donor of artificial insemination	RC 3111.36(A)
Nonprofit organizations receiving governmental funds; confidentiality of patient and client records; financial records (<i>see</i> , Appendix B)	RC 149.431
Nursing homes and community alternative homes	RC 3721.031(A) & (B); .13(A)(10); .25(A), (B) &(C); .31(F); 3722.12(B)(19) & 3724.07(A)(5)
Nursing home administrators – test materials and examinations used for licensure	RC 1347.08(F)(9)
CDJFS - Results of investigations of in-home aide by CDHS or children services	OAC 5101:2-14-03(C) & (D)
CDJFS - Investigation reports prepared by	OAC 5101:2-14-57(E) & (F)
CDJFS – investigation related to child abuse and neglect, identity of confidential source or witness	OAC 5101:2-14-62(A)
ODJFS - complaints of abuse and neglect at day-care homes and centers	OAC 5101:2-12-08(G), 5101:2-13-08(G)
Ohio Department of Job and Family Services (ODJFS), information	RC 4141.162(E), .21 & .22(A)

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furnished to administrator

ODJFS - information furnished to CSEA limited to only authorized employees	OAC 5101:1-30-01(G)(1)
ODJFS, wage and claim information	OAC 4141-16-03
Ohio Department of Transportation (ODOT) - cost estimates of project to be confidential <i>until</i> all bids received	RC 5525.15
ODOT - Financial statements and records submitted to ODOT by disadvantaged and women-owned business applicants	OAC 5501:5-1-02(M)
ODOT - information relative to bidder qualification to be confidential	RC 5525.04
ODOT - sealed bids for construction projects	RC 5525.01
Ohio Coal Development Office – trade secrets and other proprietary information	RC 1551.11(B)
Ohio Commercial Insurance Joint Underwriting Association	RC 3930.10
Ohio Power Siting Board - information discussed at certificate preapplication conferences	OAC 4906-5-01(C)(1)
Ohio State Racing Commission - veterinarian's reports	OAC 3769-8-01(E)(3) & 3769-18-01(E)(3)
Ombudsman investigative files for long-term care programs	RC 173.22(A)

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Ombudsman Program, <i>unless</i> complainant consents	OAC 173:2-1-17(G)
Optometrist's patient records	OAC 4725-5-11
Organized crime task force referral information	RC 177.03(D)(5)
Parental Locator Services, credit reporting agencies and the IRS can be used for CSEA purposes only	OAC 5101:1-30-63(C) & (D)
PFDPF - information concerning account	RC 742.41(B) & (C)
Peace officers' home addresses during criminal trial	RC 2921.24(A)
Physician-patient testimonial privilege	RC 2317.02(B)(1)
Physicians assistants, investigation information of	RC 4730.26(A)
Poison control - Information about individuals receiving treatment	OAC 3701-41-03(G)
Pre-sentence investigation report, content	RC 2951.03(D)(1) & 2953.08(F)(1)
Pre-sentence investigation reports are confidential except in the case of aggravated murder	Crim. R. 32.2; RC 2953.08(F)(1)
Private investigator - all information other than information related to a criminal offense	OAC 1301:4-5-17
Psychologist-client privilege; only waived by client	OAC 4732-17-01(G)(1)
Psychologist-patient privilege; communication privilege waived	RC 4732.19

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only by patient

Psychologists - Investigation information regarding research of psychologists	OAC 4732-17-02(J)
Public accountant audit reports	RC 4701.19(B)
Public accountant client information	OAC 4701-11-02(A)
Public Assistance, recipients of	RC 5101.27(A), OAC 5101:1-1-03(B)
Public children services agency or private child placing agency – the residential address of an officer or employee and persons related by consanguinity or affinity	RC 2151.142
Public Defender - information obtained for determining indigent status; all attorney-client communications	RC 120.38
Public Health investigations – Identity of individuals	OAC 3701-1-03
Public officials or employees, restrictions on use of confidential materials obtained through official position	RC 102.03(B)
Public securities records	RC 9.96
PUCO - Certain information submitted for registration	RC 4905.82(B) & (C)
PUCO - information acquired in respect to transaction, property, or business of any public utility	RC 4901.16
Purchases by competitive sealed proposal	RC 125.071

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Radon measurements	RC 3723.09(H)
Railroad crossings - Data compiled for purposes of identifying and evaluating high accident locations at-grade RR crossings	RC 4907.471(A) 23 U.S.C. 409
Rail development commission - confidential data supplied to commission	RC 4981.03(D)
Real Estate Commission - information obtained by investigators	RC 4735.05(D)
Rehabilitation services, client records	RC 3304.21
Rehabilitation Services Commission - information on clients <i>unless</i> client consents	OAC 3304-2-63
Rehabilitation Services Commission - information a retail sales dealer obtains about a consumer	OAC 3304-6-03(G)
Salvage Board - regarding applications for motor vehicle salvage dealers' licenses	OAC 4501-1-4-03
Savings & loans - Confidentiality and use of information; examinations	RC 1155.16(A)
School Employees Health Care Board	RC 9.901(E)
Sealed criminal records, inspection of allowed only by certain parties	RC 2953.32(D) & 2953.53(D)
Sealed or expunged records, release or dissemination is a fourth degree misdemeanor	RC 2953.35(A)
Search warrant proceedings - transcripts not released <i>until</i> warrant executed	RC 2933.231(E)

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Second mortgage lenders; second mortgage loan reports	RC 1321.55(B)(2)
Second mortgage examination reports	OAC 1301:8-3-20
Securities - records regarding ownership and transfer	RC 9.96(C)(5)
Security and infrastructure records (<i>see</i> , Appendix B)	RC 149.433
SERB - upon request, information obtained by SERB through investigation of unfair labor practices	OAC 4117-7-02(F)
Small loan examination reports	OAC 1301:8-2-19
Social Security numbers on registered death certificates <u>is</u> public record	RC 3705.16
Social Services, Division of - reports and investigations of child abuse and neglect; information submitted and contained in the central registry	OAC 5101:2-34-38(A) & 5101:2-35-20
Social Services - information about or obtained from an individual in possession of social services <i>unless</i> he consents	OAC 5101:2-49-24(A)
SSI or RSDI - limited disclosure of Information	OAC 5101:1-1-25(B)
State Emergency Response Committee - information submitted which claimant submits as confidential or trades secrets	OAC 3750-60-25(A) & 27
State Highway Patrol accident	RC 5502.12

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reports may be withheld until all criminal prosecution has ended

State Teachers and Public School Employees Retirement Board; members' account history, personal history, medical information & benefits paid

RC 3307.21 & 3309.22

Student identities – Prevents disclosure. This statute has come up in two contexts: disgruntled student who want to know grades/status, etc. of fellow classmates; student/visitor who has been criminally assaulted and wants the identities of other students who may have suffered a similar fate.

20 U.S.C. 1232g

Students - Names of students in surveys by State Board of Proprietary School Registration

OAC 3332-1-14(B)(4)

Students - limited release of personally identifiable information of students attending public schools

RC 3319.321(A) & (B)

Superintendent of insurance records

RC 3901.44(A), .48, 3903.11 & 3999.36(C)

Support enforcement tracking system, information stored

OAC 5101:1-29-072(A)

Tax returns - prohibition against divulging tax return information

RC 5703.21(A)

Tax exempt corporations - certain records of tax exempt corporations running public recreational facilities

RC 5709.081(D)

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Tax returns - State of Ohio personal income tax returns	OAC 5703-7-07
Tax information	RC 5711.10, .101, 5715.49 & .50
Taxation - information acquired as result of tax returns, investigations, hearings or verifications required by this chapter is confidential	RC 5747.18(C)
Taxation records, estates	RC 5731.90(A)(1)
Telephone account wagering system, information related to telephone wagers	OAC 3769-3-32(I) & 13-32(I)
Temporary Emergency Food Assistance Program	OAC 5101-50-10
Trade secrets, definition	RC 1333.61(D)
Trade secrets, materials submitted to Department of Development, industrial technology and enterprise advisory council	RC 122.36
Trade secrets or proprietary or confidential business information upon request	OAC 123:5-1-08(E)
Trade secrets and confidential business information; applicants for emergency response committee	RC 3750.02(B) (2)(c)(i) & (vii)
Trade secret or financial information protected	RC 921.04(B)
Trade secrets, test data and other proprietary information upon request	OAC 123:5-1-10(L)

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Trade secrets, unauthorized disclosure first-degree misdemeanor	RC 1331.99(B)
Unclaimed funds	RC 169.03(F)
Uniform Electronic Transactions Act	RC 1306.23
Veterans' services - Certain information pertaining to applications for veterans' services assistance	RC 5901.09(A) & (B); 5902.04(C)
Veterinarian's treatment records	OAC 4741-1-22(E)(3)
Victim impact statements	RC 2947.051(C) & RC 2151.355(G)(3)
Victim's pre-sentencing written statement	RC 2930.14(A)
Victim's request for notice of offender's change of information	RC 2950.10(A)(4)
Water pollution (trade secrets)	RC 6111.05 & 6123.20
Welfare, recipients of	<i>see</i> , "Public Assistance"
Youth services – Department of Education - case records of multi-need children	OAC 3701-65-01(L)
Youth services – Department of Health - case records held by state or local interdepartmental cluster for youth services	OAC 3301-51-27(K)

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Youth Services - Records of youths in custody accessible only to department, *unless* department consents to release or court so orders

RC 5139.05(D) &
OAC 5139-27-16(C)

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