



Court allows multiple redactions from W-2s sought by union

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The Court of Appeals for Ohio's Fifth Appellate District has ruled in favor of the Louisville City Schools in a case involving a request by the local teachers' union for the W-2s of all district administrators. The case, which arose in the context of a lengthy teachers' strike, was filed by the Louisville Education Association as a public records request. The request asked for "all administrative W-2s for fiscal years 2013, 2014, and 2015." The Louisville Board of Education produced copies of the W-2s but with various information redacted (blocked out). The redactions included Social Security numbers (which was not disputed) but also the following:

- deductions for tax-sheltered accounts
- charitable contributions
- amounts withheld based upon employee elections

The reasoning of the court in allowing the redactions was based upon the definition of "record" as it appears in the Ohio Revised Code. Specifically, in order for a document to be a public "record," the law requires that it be something "which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office." (ORC 149.011[G].) In the court's view, the information sought did not meet this definition:

"We find the redacted information is not a public record because the information does not serve to document the organization or function of the school district. The redacted information reveals choices or actions made by employees and does not document the actions of the school board or school district."

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