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## Public records for private police in Ohio: A refresher

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On May 21, 2015, the Ohio Supreme Court ruled in [State ex rel. Schiffbauer v. Banaszak](#) that police departments at private universities are “public offices” subject to Ohio’s [public records law](#). This law requires such police departments to adopt and follow a [public records policy](#) for responding to public records requests, as well as a [records retention policy](#) that governs when records must be kept, and for how long.

Failure to follow a public records policy and records retention schedule can lead to a requirement to pay damages of up to \$100 per day, or \$1,000. A basic compliance checklist can be found in a [previous bulletin](#). As a refresher, here are some common questions and answers for responding to public records requests.

Can we charge for responding to public records requests?

You may charge for actual copying costs and transmission costs (e.g. postage). You may not charge for the time it takes an employee to retrieve and prepare the records. See R.C. 149.43(B)(6) and (7).

Must we provide everything that is requested?

All records held by your police department are public records unless they are subject to a statutory exception. Common exceptions include:

- Confidential law enforcement investigatory records – R.C. 149.43(A)(1)(h); (A)(2)
- Residential and familial information of peace officers – R.C. 149.43(A)(1)(p); (A)(7); (A)(8)
- Confidential student records that do not constitute law enforcement records – R.C. 149.43(A)(1)(v); 34 C.F.R. 99.8
- Certain images and videos of crime victims – R.C. 149.43(A)(1)(ii)
- Restricted portions of body-worn camera footage and dashboard camera footage – R.C. 149.43(A)(1)(jj); (A)(17)
- Phone numbers of victims, witnesses, and parties to motor vehicle accidents – R.C. 149.43(A)(1)(mm)

Certain information relating to personal privacy, public security, and other important matters are also subject to exceptions. See Chapter 3 of the [Ohio Attorney General's Yellow Book](#).

If a records request is denied, the police department must provide the requester with “an explanation, including legal authority, setting forth why the request was denied.” R.C. 149.43(B)(3).

What if the request is very broad or not specific?

If the request is ambiguous, overly broad, or your department otherwise cannot reasonably identify what public records are being requested, your department may deny the request but must provide the requester with an opportunity to revise by “informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of” your department’s duties. R.C. 149.43(B)(2).

Where can I get help with responding to public records requests?

More detailed information about each of these topics can be found in the Ohio Attorney General's Yellow Book (linked above), which is updated annually to integrate the latest changes and case law regarding public records. For general information, the [Ohio Attorney General's Office](#) provides free training on Sunshine Laws (including the public records laws) and Record Management. The [Ohio Auditor of State](#) also provides free public records training.

Questions regarding specific public records requests should be addressed to your legal counsel.