



## Ohio Revised Code

### Section 111.46 Disclosure of confidential information.

Effective: April 29, 2022

Legislation: House Bill 93 - 134th General Assembly

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(A) The secretary of state shall make available to the attorney general, for inclusion in the Ohio law enforcement gateway, the name, telephone number, and confidential address of each program participant. Access to information in the gateway regarding an address confidentiality program participant may only be granted to chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals.

(B)(1)(a) A city director of law or similar chief legal officer who requires access to a program participant's confidential address or telephone number for a legitimate governmental purpose may petition the court of common pleas of Franklin county to order the secretary of state to make that confidential address or telephone number available to the petitioner.

(b) A city director of law or similar chief legal officer who requires access to information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code for a legitimate governmental purpose may petition the court of common pleas of the county in which the real property is located or the court of common pleas of Franklin county to make that information available to the petitioner.

(2) Upon the filing of a petition under division (B)(1) of this section, the court shall fix a date for a hearing on it and shall require the clerk of the court to serve a notice of the date, time, place, and purpose of the hearing upon the petitioner. The clerk also shall serve that notice upon the secretary of state so that the secretary of state may send the notice to the program participant in accordance with division (B)(3) of this section, and, if applicable, upon the county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas of the county in which the real property is located.

(3) Upon receiving a notice under division (B)(2) of this section, the secretary of state immediately shall send a copy of the notice to the program participant by certified mail, return receipt requested.



(4) At a hearing held under this section, the petitioner shall appear, and the program participant or the program participant's attorney may appear and be heard. After the hearing and considering the testimony, the court shall issue the requested order only if it appears to the court by clear and convincing evidence that the disclosure of the confidential information to the petitioner is necessary for a legitimate governmental purpose.

(C) Upon request by a city director of law or similar chief legal officer, who intends to petition a court for access to an individual's confidential information under division (B) of this section, the secretary of state shall, within ten business days, confirm whether the individual is a program participant but shall not disclose any other information concerning a program participant.

(D) If a program participant is a child's parent, guardian, or legal custodian, the program participant is a party to a child custody or child support proceeding concerning the child, and another party to the proceeding requests the court to disclose the program participant's confidential address or telephone number, or if the court seeks to disclose the confidential information sua sponte, the court shall do all of the following:

- (1) If a party requests the disclosure, direct the requestor to file a pleading detailing the necessity for the disclosure;
- (2) Schedule a hearing on the matter;
- (3) Provide the program participant with a copy of the pleading, if filed; and
- (4) Provide the parties adequate notice of the hearing.

If a party requests the disclosure of a participant's confidential information, or if the court seeks to release the confidential information sua sponte, the requestor shall have the burden to show, or the court must find, by clear and convincing evidence, that the disclosure is necessary, and that the disclosure does not pose a risk of harm to the program participant or the child. If the requestor does not meet this burden or the court does not make this finding, the court shall deny the request. If the requestor meets this burden or the court makes this finding, the court shall document its findings of fact, and may direct the program participant to release the confidential address or telephone number,



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or the court may disclose the program participant's confidential address or telephone number.