AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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Ohio Administrative Code

Rule 901:10-1-05 Review for public record information: trade secrets.

Effective: November 1, 2026

(A) Records, reports or other documents obtained under Chapter 903. of the Revised Code or rules thereunder are public records pursuant to Ohio law.

(1) If an owner or operator includes information such as methods or processes entitled to protection pursuant to Ohio Law as trade secrets in its records, reports or other documents that the owner or operator considers exempt from disclosure, the records, reports or other documents shall be accompanied with a redacted version or record that contains a written justification with a detailed legal explanation for each redaction.

(2) If an owner or operator submits what the department determines is an improperly redacted version of the record, report or other documents, or an insufficient justification for the redaction, the department will advise the owner or operator what portions of the redacted information it believes is subject to disclosure in response to a public records request.

(3) If records, reports or other documents that the owner or operator has submitted are the subject of a public records request to the department, the department will provide the redacted version in response to the request. However, if the requester of the records, reports or documents files a mandamus or other court action seeking release of the redacted portions, the department will notify the owner or operator in writing at least ten days prior to the release of any redacted portions of the records to allow the owner or operator to intervene and demonstrate the redacted information should be protected as a trade secret and not released. If an operator or owner does not respond to the department's notice within ten days, the department may release the redacted portions to the requester.

(B) The following information is considered a public record:

(1) The name and address of any owner or operator;

(2) Permit forms, permit applications, and permits;

(3) Information required to be included by permit application forms provided by the department including information submitted on the forms themselves and any attachments used to supply information required by the forms; and

(4) Any public comments, testimony or other documentation from the public concerning a permit application.

(C) Notwithstanding paragraph (A) of this rule, any record, report or other document determined to be confidential may be disclosed without the owner or operator's

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consent to officers, employees or authorized representatives of the state, another state or the United States when necessary for an enforcement action brought under Chapter 903. of the Revised Code or when otherwise required by the Federal Water Pollution Control Act.