



Ohio Revised Code

Section 9.59 State agency records.

Effective: April 9, 2025

Legislation: House Bill 265 - 135th General Assembly

(A) As used in this section:

(1) "State agency" means every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision. "State agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(2) "Records" means any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any state agency, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the agency.

(3) "Public official" means all officers, employees, or duly authorized representatives or agents of a state agency.

(B)(1) Each state agency is for all purposes, including those under Chapter 149. of the Revised Code as well as those in any litigation, the custodian of its own records and is considered to only be in possession, custody, or control of its own records.

(2) Except the records of the office of the attorney general, the records of each state agency are not in the possession, custody, or control of the attorney general.

(C) No state agency or public official shall be considered a party in any litigation unless either of the following apply:

(1) The state agency or public official is permitted by law to intervene in the litigation and does so;



(2) The state agency or public official is named as a party in the litigation, which requires the agency or official to be specified in the case caption in conjunction with a pleading that specifies factual allegations against the agency or official giving rise to at least one justiciable claim in the litigation. With respect to a public official, the allegations shall also specify the capacity and state agency in which the official serves as it relates to the litigation.