



Ohio Revised Code

Section 111.431 Real property confidentiality notice.

Effective: April 29, 2022

Legislation: House Bill 93 - 134th General Assembly

(A) A program participant who acquires an ownership interest in real property in this state after being certified as a participant in the address confidentiality program may submit a real property confidentiality notice to the county recorder of the county in which the real property is located. The program participant shall provide the program participant's address confidentiality program authorization card as proof of the program participant's status. A real property confidentiality notice shall be on a form prescribed by the secretary of state and shall include all of the following:

- (1) The program participant's full name;
- (2) The last four digits of the program participant's social security number;
- (3) The date the program participant's certification expires;
- (4) The program participant's program participant identification number;
- (5) The address at which the program participant may receive mail through the office of the secretary of state;
- (6) The legal description and street address of the real property in which the program participant has an ownership interest, which shall be the same as the legal description and street address included on any instrument concerning the real property that includes the program participant's name and that has been presented to the county recorder for recording;
- (7) A fictitious name, chosen by the secretary of state, that may be used by a county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas for internal indexing purposes;
- (8) The program participant's signature.



(B) When the county recorder receives a properly completed real property confidentiality notice under division (A) of this section, the county recorder promptly shall transmit copies of the notice to the secretary of state, and to the county auditor, treasurer, and engineer.

(C)(1) Except as otherwise provided in divisions (D) and (F) of this section, after a program participant has submitted a properly completed real property confidentiality notice under division (A) of this section, the county recorder, auditor, treasurer, and engineer shall not disclose to any person the program participant's name, telephone number, electronic mail address, or program participant identification number, the address at which the program participant may receive mail through the office of the secretary of state, or any other information that may be used to identify the program participant, in conjunction with the legal description, parcel identification number, or street address of the real property in which the program participant has an ownership interest or any other information that may be used to identify the real property. If the county recorder receives a request for that information for the purpose of performing a title examination, the county recorder shall comply with division (G) of this section, and inform the requestor of the procedure to apply to the secretary of state for authorization under division (E) of this section. If the county recorder, auditor, treasurer, or engineer receives a real property confidentiality notice under this section, the county recorder, auditor, treasurer, or engineer shall bring any existing publicly available records or databases into conformity with this section not later than five business days after receiving the real property confidentiality notice.

(2) If a program participant is a party to a court of common pleas proceeding, the program participant may provide a properly completed real property confidentiality notice to the clerk of the court of common pleas. Upon such notice, the clerk of the court of common pleas shall notify the secretary of state that the program participant has provided a real property confidentiality notice to the clerk of the court of common pleas, and shall not otherwise disclose to any person the information described in division (C)(1) of this section.

(D) The county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas may disclose the information described in division (C) of this section if any of the following apply:

(1) The information is disclosed to the staff of the county recorder, auditor, treasurer, or engineer or



the staff of the clerk of the court of common pleas in order to carry out the duties of the office.

(2) The program participant is the person to whom the information is to be disclosed.

(3) The program participant has provided a notarized statement to the secretary of state, authorizing the disclosure to that person for a specific purpose described in the statement, and the secretary of state has issued a written authorization to the county recorder, auditor, treasurer, or engineer, or to the clerk of the court of common pleas, as applicable, to disclose the information to that person.

(4) The person to whom the information is to be disclosed provides a written authorization issued by the secretary of state under division (E) of this section to disclose the information for the purpose of performing a title examination.

(5) A court of competent jurisdiction orders the disclosure, as described in section 111.46 of the Revised Code.

(E)(1) A person who requires access to the information described in division (C) of this section for the purpose of performing a title examination may apply to the secretary of state for a written authorization.

(2) The person shall submit to the secretary of state, on a form prescribed by the secretary of state, a written application that includes all of the following:

(a) The applicant's name, title, address, and affiliated organization, if any;

(b) The purpose for which the applicant is requesting access to the information;

(c) The applicant's relationship to the program participant, if any;

(d) A legal description of the real property subject to the title examination;

(e) A statement that the applicant will treat the information as confidential and will use the information only for the purpose identified in the application;



(f) The applicant's signature;

(g) Any other information required by the secretary of state.

(3) After the secretary of state receives an application submitted under division (E) of this section, the secretary of state shall, within ten business days, provide the applicant with a written response approving or denying the application. The secretary of state shall approve the application if the secretary of state determines that the application is properly completed; that the information the applicant seeks is subject to division (C) of this section; and that the applicant is seeking the information only for the purpose of performing a bona fide title examination. If the information the applicant seeks is not subject to division (C) of this section, the secretary of state shall, within ten business days, notify the applicant of that fact and, if applicable, shall send a notice to the county recorder, auditor, treasurer, and engineer and to the clerk of the court of common pleas under division (F)(3) of this section.

(F) Upon the occurrence of any of the following, the county recorder, auditor, treasurer, and engineer and the clerk of the court of common pleas shall cease to keep confidential the information described in division (C) of this section and shall make the information available to the public in the same manner as other information concerning real property:

(1) The program participant ceases to hold a recorded ownership interest in the real property that is the subject of the real property confidentiality notice. When the county recorder receives notice that the program participant has ceased to hold that ownership interest, the county recorder promptly shall revoke the real property confidentiality notice and notify the secretary of state, and the county auditor, treasurer, and engineer of that revocation. The secretary of state shall then, if applicable, notify the clerk of the court of common pleas of that revocation.

(2) The program participant submits a notarized revocation of the real property confidentiality notice to the county recorder. Upon receiving the revocation, the county recorder promptly shall transmit copies of the revocation to the secretary of state, and to the county auditor, treasurer, and engineer, and the secretary of state shall, if applicable, transmit a copy of the revocation to the clerk of the court of common pleas.



(3) The county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas receive a notice from the secretary of state that the program participant's certification has been canceled under section 111.45 of the Revised Code.

(4) Pursuant to the order of a court of competent jurisdiction.

(G) Nothing in this section shall preclude an individual's name from being recorded and indexed for the purpose of giving notice of an ownership interest, lien, or other encumbrance on real property. On such records, if the record contains the information described in division (C) of this section, the county auditor, recorder, treasurer, or engineer, or the clerk of the court of common pleas, if applicable, shall redact the legal description of the property, parcel identification number, or street address of the real property in which the program participant has an ownership interest or any other information that may be used to identify the real property, on any versions of the documents available to the public. The county auditor, recorder, treasurer, or engineer, for the purpose of indexing a program participant's records, may use the program participant's fictitious name listed in the program participant's real property confidentiality notice.

(H) A real estate broker or real estate salesperson as defined in section 4735.01 of the Revised Code, a land professional under section 4735.023 of the Revised Code, a title examiner, an attorney, or a county official shall not be held liable for damages resulting from the failure to discover a defect in title, failure to properly index or record a person's interest in property, or failure to alert a professional to rely on confidential information, when such failure was the proximate result of an individual's participation in the address confidentiality program, unless the real estate broker, real estate salesperson, land professional, title examiner, attorney, or county official was negligent in failing to do so.