



Ohio Revised Code

Section 1321.667 Reimbursement for costs associated with providing records.

Effective: September 12, 2017

Legislation: Senate Bill 24 - 132nd General Assembly

(A) Except as otherwise provided in section 9.02 of the Revised Code, any party, including a governmental authority, that requires or requests a licensee to assemble or provide a customer's financial records shall pay the licensee for all actual and necessary costs directly incurred in searching for, reproducing, or transporting those records according to the following schedule:

(1) Reimbursement of search and processing costs shall be the total amount of personnel direct time incurred in locating and retrieving, reproducing, packaging, and preparing financial records for shipment. The rate for search and processing costs shall be eleven dollars per hour per person, computed on the basis of two dollars and seventy-five cents per quarter hour or fraction thereof, and shall be limited to the total amount of personnel time spent in locating and retrieving documents or information or reproducing or packaging and preparing documents for shipment where required or requested by a party. Specific salaries of such persons shall not be included in search costs. In addition, search and processing costs shall not include salaries, fees, or similar costs for analysis of material or for managerial or legal advice, expertise, research, or time spent for any of these activities. If itemized separately, search and processing costs may include the actual cost of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies; however, personnel time for computer search may be paid for only at the rate specified in division (A)(1) of this section.

(2) Reimbursement for reproduction costs shall be for costs incurred in making copies of documents required or requested. The rate for reproduction costs for making copies of required or requested documents shall be twenty-five cents for each page, including copies produced by reader or printer reproduction processes. Photographs, films, and other materials shall be reimbursed at actual cost.

(3) Reimbursement for transportation costs shall be for necessary costs, directly incurred, to transport personnel to locate and retrieve the information required or requested and for necessary costs, directly incurred, solely by the need to convey the required or requested material to the place of examination.



(B) A licensee shall not be entitled to reimbursement for costs incurred in assembling or providing the following records or information:

(1) Any financial records provided as an incident to perfecting a security interest, proving a claim in bankruptcy, or otherwise collecting on a debt owing to the licensee;

(2) Financial records that are not identified with or identifiable as being derived from the financial records of a particular customer.

(C) Payment shall be made only for costs that are directly incurred, actual, and necessary. No payment shall be made until the licensee satisfactorily complies with the request or requirement, except that in the case where the request or requirement is withdrawn or revoked, the licensee shall be reimbursed for the actual and necessary costs directly incurred in assembling financial records required or requested to be produced prior to the time the party notifies the licensee that the request or requirement is withdrawn or revoked. No payment shall be made unless the licensee submits an itemized bill or invoice showing specific details concerning search and processing, reproduction, and transportation costs. Search and processing time shall be billed in fifteen-minute increments.

(D) As used in this section:

(1) "Costs directly incurred" means costs incurred solely and necessarily as a consequence of searching for, reproducing, or transporting books, papers, records, or other data, in order to comply with a request or requirement to produce a customer's financial records. The term does not include any allocation of fixed costs, such as overhead, equipment, and depreciation. If a licensee has financial records that are stored at an independent storage facility that charges a fee to search for, reproduce, or transport particular records requested, these costs shall be considered to be directly incurred by the licensee.

(2) "Customer," "financial record," and "governmental authority" have the same meanings as in section 9.02 of the Revised Code.