



***MIAMI TOWNSHIP, CLERMONT COUNTY, OHIO***

**6101 Meijer Drive - Milford, Ohio 45150**

**RECORDS MANAGEMENT POLICY**

*Per Ohio Revised code 149.43 (B)(7)*

I. Purpose:

*MIAMI TOWNSHIP, CLERMONT COUNTY, OHIO*, hereafter referred to as the Township, acknowledges that it maintains many records that are used in the administration and operation of the Township. In accordance with state law and the Miami Township Records Commission, the Township has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium that are created, received, or sent under the jurisdiction of the Township and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Township. The records maintained by the Township and the ability to access them are a means to provide trust between the public and the Township. *ORC 149.42*

II. Scope:

Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function. *ORC 149.43(E)(2)*.

The period of time for which the Township stores or maintains records was determined by assessing the administrative, legal, fiscal, and/or historical value of the records to the Township, efficient business practices, and by reviewing the suggested retention periods developed by the Local Government Records Program for the Ohio Historical Society.

III. Definitions:

- A. "Public Record means: Records kept by any public office, including, but not

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limited to, State, County, City, Village, Township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating such alternative school pursuant to [Ohio Revised Code \(O.R.C.\) 3313.533](#) . For definition of what a "Public record" does not mean, please refer to the Ohio Sunshine Laws latest edition located at <https://www.ohioattorneygeneral.gov/YellowBook> .

- B. Definitions as used in Section 1347.01 of the Ohio Revised Code:
1. "Maintains" means state or local agency ownership of, control over, responsibility for, or accountability for systems and includes, but is not limited to, state or local agency depositing or information with a data processing center for storage, processing, or dissemination. An agency "maintains" all systems of records that are required by law to be kept by the agency.
  2. "Personal information" means any information that describes anything about a person or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person.

IV Fees:

- A. The Township, in accordance with *Section 149.43(B)(6) of the Ohio Revised Code*; has established the following fees for providing copies or reproductions of public records maintained by the Township:
1. For photocopies of either letter or legal-size documents there shall be no fee for the first 24 pages. For request for photocopies that exceed 24 pages the fees shall be five (.05) cents per photocopy calculated from the first photocopy. Advance payment is required for all requests that exceed 24 pages before any copies are prepared. Two sided photocopies shall be charged at a rate of five (.05) cents per sheet.

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2. For video or any other type of media, the fee shall be one dollar and seventy-five cents, (1.75) each for a compact disc (CD), or a digital video disc (DVD). If a flash drive is required, the cost of a 16GB drive is \$9.00 each.
3. Bulk Commercial Requests and Special Extraction Costs will follow *Ohio Revised Code Section 149.43 (F) (2) (b)*.
4. Established costs \ fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

- B. Cost and fees established under this policy represent the actual cost. The *actual cost* means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

V. Availability:

- A. All public records maintained by the Township shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the Township's current records retention schedule(s). Departmental, office or functional records are the property of the Township. No record shall be removed, changed, modified or destroyed except by a Township employee in the performance of their official duties and as authorized under Ohio law.
- B. Individuals requesting access to inspect public records and/or receive copies of public records will be asked to voluntarily complete a written request (Form RC100) explaining or identifying the records they wish to inspect and/or receive copies of. In no event shall an individual be denied access to inspect and/or

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obtain copies of public records based on their refusal to complete a written request. *ORC; 149.43 (B)(5)*

- C. With the exception of Personnel Records for current and past employees of the Township, requests for the inspection and/or copies of public records shall be directed to the office, department or function that maintains the record. The Township has established General Schedule of Records Retention and Disposition (RC-2) for the Offices, Departments and/or functions of the Township.
- D. The regular business hours for the offices, departments and functions for the Township are 8:00am to 4:30pm, Monday through Friday except holidays.
- E. Each Office, Department and/or function has designated an employee within every department, office or function under their direction to act as the custodian of records for their assigned unit. *ORC 149.43 (E)(2)*.
- F. Mailed Requests for Public Records:
  - 1. Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the Township shall promptly respond to the request.
    - a. An authorized employee of the Township shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records via the United States Mail System, and in addition, the fee shall also include the cost of postage and the envelop.
    - b. When practical, the Township may forward copied records by any other means reasonably acceptable to the requestor.

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2. In accordance with section 149.43(B)(7)(c)(i) of the Ohio Revised Code, the Township limits the number of requested public records submitted via the U.S. Postal System, to be transmitted through the U. S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
  - a. “Commercial purposes” shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research. *ORC 149.43 (F)(3)*.
  
3. Authorized Township employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
  - a. Township employees shall promptly process requests.
  - b. Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail. *ORC 149.43 (7)(a)*.
  
- G. Requests for inspection and/or copies of public records, which are not maintained or are prohibited from release pursuant to applicable state or federal law, shall be processed in the following manner:
  1. If the Township receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing utilizing Township Form RC100 that one of the following applies:

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- a. Their request involves records that have never been maintained by the Township; or,
- b. Their request involves records that is no longer maintained or has been disposed of or transferred pursuant to applicable Township Schedules of Record Retention and Disposition (RC-2); or,
- c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1); or,
- d. If the record that is requested is prohibited from release due to applicable state or federal law the responsible Township employee shall complete Township Form RC100 and mark the applicable state or federal law; or,
- e. If the record that is requested is not a record used or maintained by the Township an authorized employee of the Township shall complete Township Form RC100 notifying the requestor that the Township is under no obligation to create records to meet public record requests.

**H. Ambiguous or Overly Board Request for Public Records**

1. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under section 149.43 of the Ohio Revised Code such that the public office or the Township employee responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or Township employee responsible for the requested public record may deny the request, but shall provide the

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requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or Township employees duties.

**I. Denial**

1. If a request is ultimately denied, in part or whole, the responsible Township employee shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
2. If the initial request was provided in writing, then the explanation shall also be provided in writing;
3. The explanation shall not preclude the Township from relying upon additional reasons or legal authority in defending an action commenced under law.
4. The Township is not required to permit a person that is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person. *ORC 149.43(8.)*

**J. Written Requests for Public Records**

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1. For the purpose of enhancing the ability of the Township to identify, locate or deliver the public record(s) sought by the requestor, the Township shall provide to the requestor Township Form RC100 for the requestor to complete.
  2. Although the Township ask the requestor to make the request in writing and for the requestor's identity, the requestor shall be advised the a written request is not mandatory, and that the requestor may decline to reveal their identity. *ORC 149.43(B)(5)*.
  3. The requestor's refusal to complete Township Form RC100 does not impair the requestors right to inspect and/or receive copies of the public record.
- K. Media Types/Distribution of Records
1. If a person requests a copy of a public record, the Township shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the Township maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the public office, or the responsible Township employee for the public record. The request shall be acted upon and a copy of the pubic record prepared within a reasonable period of time. Fees shall apply in accordance with section IV of this policy.
  2. Persons seeking copies of public records are not permitted to make their own copies or utilize their copying or reproduction equipment. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it. *ORC 149.43(B)(6)*.



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- L. Grievances
  - 1. If a person allegedly is aggrieved, due to the inability to inspect a public record or due to the inability to receive a copy of the public record; the person shall be advised that they may:
    - a. Contact the Office of Township Administrator, if the person is not satisfied with the results they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes.
  
- VI. Personnel and Personal Information.
  - A. The Township Administrator, under the authority and direction of the Township Trustees, manages the personnel management function for the Township.
  
  - B. To better facilitate requests for inspection or information and/or copies of records involving current or past employees of the Township inquiries shall be directed to the Office of the Township Administrator.
    - 1. To better facilitate, manage and administer this process the Township has adopted a Schedule of Records Retention and Disposition (RC-2) for Personnel Records and implemented a Personnel Record Management policy that has been approved by the Township.
  
    - 2. To the extent practical, current and past employees should be notified in the event that a request has been made to inspect or obtain a copy of their employment related records. Current and past employees shall have the right to be present during the inspection and if they so request, receive a duplicate copy of any record requested at no charge.

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VII. Exempted and/or Restricted Information:

- A. In accordance with the Federal Privacy Act, 5 U.S.C., 552a, no public record shall be released which contains a Federal Social Security number. Public records containing Federal Social Security numbers will have that information redacted prior to their release.
  
- B. In the event a request is made to inspect and/or obtain a copy of a record maintained by the Township whose release may be prohibited or exempted by either State or Federal Law, the request may be forwarded to legal counsel for the Township for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the Township.
  
- C. Records, whose release is prohibited or exempted by either State or Federal Law, shall NOT be subject to public inspection. The following represents a partial list of records maintained by the Township, that may not be inspected or copied:
  - 1. Confidential Law Enforcement Records.
  
  - 2. Information pertaining to medical treatment.
  
  - 3. Trial Preparation Records.
  
  - 4. Taxpayer Records.
  
  - 5. Expunged Records.
  
  - 6. Peace Officer, Parole Officer, Bailiff, Firefighter, EMT, Probation

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Officer, County Prosecuting Attorney, Assistant County Prosecuting Attorney, Correctional Employee, Community-Based Correctional Facility Employee, and Youth Services Employee, Bureau of Criminal Identification and Investigation, or Federal Law Enforcement Officer Employee's residential and familial information. *ORC 149.43(7)*.

7. Infrastructure and Security Records including Security & Data Codes:
  8. Records pertaining to the recreational activities of a person under the age of eighteen.
- D. Residential and familial information is exempt from release under the provisions of *Ohio Revised Code section 149.43(A)(1)(p)* except as specifically provided in *Revised Code section 149.43(B)(9)*.
1. In accordance with *Ohio Revised Code section 149.43 (A)(7)*, familial information means the following:
    - a. Any of specified employee's information maintained that discloses any of the following:
      - 1) The address of the actual personal residence except for the state or political subdivision in which specified employees reside;
      - 2) Information compiled from referral to or participation in an employee assistance program of specified employee;
      - 3) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information that pertains to the specified employees;

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- 4) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to the specified employees;
  - 5) The identity and amount of any charitable or employment benefit deduction made by the specified employees unless the amount of the deduction is required by state or federal law;
  - 6) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of the specified employees.
2. Upon written request made and signed by a journalist, on or after December 16, 1999, the Township employee responsible for the public record, having custody of the records shall disclose to the journalist the address of the actual personal residence of specified employee, and if specified employee's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the specified employee. The request shall include the journalist's name and title and the name and the address of the journalist's employer and shall state the disclosure of the information sought would be in the public interest.
- E. "Information pertaining to the recreational activities of a person under the age of eighteen" is exempted from release and means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

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1. The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;
  2. The social security number, birth date, or photographic image of a person under the age of eighteen;
  3. Any medical record, history, or information pertaining to a person under the age of eighteen;
  4. Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.
- F. Infrastructure and Security Records are exempted from release under the provisions of Ohio Revised Code section 149.433.
1. "Infrastructure record" means any record that discloses the configuration of a public office's critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office is located. "Infrastructure record" does not mean a simple floor plan that discloses only the spatial relationship of components of a public office or the building in which a public office is located.
  2. "Security Record" means either of the following:

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- a. Any record that contains information directly used for protecting or maintaining the security of a public office against attack, interference, or sabotage;
- b. Any record assembled, prepared, or maintained by a public office or public body to prevent, mitigate, or respond to acts of terrorism, including any of the following:
  - 1) Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans either of which is intended to prevent or mitigate acts of terrorism, and communication codes or deployment plans of law enforcement or emergency response personnel;
  - 2) Specific intelligence information and specific investigative records shared by federal and international law enforcement agencies with state and local law enforcement and public safety agencies;
  - 3) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies, and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism.
- G. A record kept by a public office that is a security record or an infrastructure record is not a public record under Ohio Revised Code section 149.43 and is not subject to mandatory release or disclosure under that section.
  - 1. Notwithstanding any other section of the Ohio Revised Code, a public office's or a public employee's disclosure of a security record or infrastructure record that is necessary for construction, renovation, or remodeling work on any public building or project does not constitute public disclosure for purposes of waiving division (B) of this Section

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and does not result in that record becoming a public record for purposes of Ohio Revised Code Section 149.43.

- H. Information related to/and maintained in accordance with the Americans with Disability Act (ADA), the Family and Medical Leave Act (FMLA) and the Health Insurance Portability and Accountability Act (HIPAA) requires that qualifying personal medical information be kept separate from regular personnel information and maintained in a secured area. Such information may only be released to:
1. Supervisors and managers in order to provide information regarding work restrictions.
  2. First aid or safety personnel if the disability would require treatment or procedures related to the disability.
  3. Government officials investigating compliance with ADA, FMLA and HIPAA provisions.
  4. With respect to Bureau of Workers' Compensation second injury funds or in compliance with workers' compensation laws.
  5. To insurance companies which require medical exams to provide health or life insurance for the employee.
- VIII. Redacting Exempted Records / Procedure:
- A. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code.

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- B. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the responsible Township employee for the public record shall make available all of the information within the public record that is not exempt.
  - C. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible.
  - D. Redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.
  - E. If a request is ultimately denied in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied.
  - F. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
  - G. The first reproduction page, with the original redactions made by the employee, is the work sheet. It shall be attached to the RC-100 and maintained in accordance with the department's retention period established for RC-100's.
- IX. American with Disabilities Act (ADA) Compliance.
- A. The Township and its employees shall facilitate all requests made by persons, regardless of handicap or disabilities. Employees authorized to release public records shall take all reasonable steps to ensure that no one is denied access to public information based on a handicap or disability.



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- B. The Township and its employees shall follow all standards and guidelines established by local, state and federal laws or mandates, as it pertains to the Americans with Disabilities Act and other applicable laws.
  
- X. Training and Education
  - A. In accordance with section 149.43 (E)(1) the Township provides continuing education reference the Township 's obligations pursuant to Chapter 149 of the Ohio Revised Code and all other appropriate local, state, and federal laws.

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**ADDENDUM A**

- "Public record" does not mean any of the following:
  1. Medical records;
  2. Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;
  3. Records pertaining to actions under section [2151.85](#) and division (C) of section [2919.121](#) of the Revised Code and to appeals of actions arising under those sections;
  4. Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections [3705.12](#) to [3705.124](#) of the Revised Code;
  5. Information in a record contained in the putative father registry established by section [3107.062](#) of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section [3111.69](#) of the Revised Code, the office of child support in the department or a child support enforcement agency;
  6. Records specified in division (A) of section [3107.52](#) of the Revised Code;
  7. Trial preparation records;
  8. Confidential law enforcement investigatory records;
  9. Records containing information that is confidential under section [2710.03](#) or [4112.05](#) of the Revised Code;
  10. DNA records stored in the DNA database pursuant to section [109.573](#) of the Revised Code;
  11. Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section [5120.21](#) of the Revised Code;
  12. Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section [5139.05](#) of the Revised Code;
  13. Intellectual property records;
  14. Donor profile records;
  15. Records maintained by the department of job and family services pursuant to section [3121.894](#) of the Revised Code;

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16. Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;
17. In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section [1333.61](#) of the Revised Code;
18. Information pertaining to the recreational activities of a person under the age of eighteen;
19. In the case of a child fatality review board acting under sections [307.621](#) to [307.629](#) of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section [3701.70](#) of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section [307.626](#) of the Revised Code;
20. Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section [5153.171](#) of the Revised Code other than the information released under that section;
21. Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section [4751.04](#) of the Revised Code or contracts under that section with a private or government entity to administer;
22. Records the release of which is prohibited by state or federal law;
23. Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section [150.01](#) of the Revised Code;
24. Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;