

AN ORDINANCE AMENDING PART TWO OF THE CODIFIED ORDINANCES OF THE CITY OF HUDSON TO CREATE CHAPTER 216, PUBLIC RECORDS.

WHEREAS, the City of Hudson seeks to exercise its Home Rule Authority under Article XVIII, Sections 3 and 7 of the Ohio Constitution, to promulgate its own public records policy, which modifies that found in Ohio Revised Code Section 149.43; and

WHEREAS, Ohio's Sunshine Laws have been found to be a matter of local self-government (*See Johnson v. Kindig*, C.A. No. 00CA0095, 2001 Ohio App. LEXIS 3569 (9th Dist. Aug. 15, 2001)); and

WHEREAS, the maintenance, redaction, disclosure, and production of records is a matter of local self-government; and

WHEREAS, even if R.C. 149.43's requirements and the maintenance, redaction, disclosure, and production of records constituted a "police power," municipalities may still vary such rules because R.C. 149.43 is not a general law because it does not prescribe a rule of conduct upon citizens generally and, instead, aims to improperly regulate political subdivisions within Ohio; and

WHEREAS, the City seeks to establish a public records policy that protects the identity and personal information of minors; and

WHEREAS, publicizing a minor's name and mistakes can create a permanent digital "scar," while privacy allows a child the "right" or "room to grow" out of their mistakes without those mistakes defining their entire identity; and

WHEREAS, in the age of the internet, a record is forever, and if a minor's name is attached to a sensitive event (as a victim, witness, or offender), it can lead to vulnerability, social isolation, future barriers, and perhaps even threats or retaliation; and

WHEREAS, protecting a minor's identity is an interest of the highest order, such as preventing physical harm or psychological trauma to the child; and

WHEREAS, protecting a minor's identity, even within a non-police or non-investigatory record, is imperative to ensure the safety of said minor; and

WHEREAS, Marcy's Law protects victims of crime and their personally identifiable information, and the City seeks to clarify such; and

WHEREAS, the provisions being adopted here are specifically designed to protect minors without being overbroad and there are no other, less intrusive ways to protect the child's identity and

WHEREAS, it is in the best interest of the City, its residents, and, in particular, its children that this ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hudson, Summit County, Ohio, as follows:

Section 1. That Chapter 216, "Public Records," of the Codified Ordinances of the City of Hudson be established and provide as set forth in Exhibit "A," attached hereto and incorporated as if fully rewritten herein.

Section 2. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 3. If any provision of this Ordinance or Chapter 216 is deemed or held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable. Moreover, if any provision is held invalid, such provision shall be given the fullest possible effect in a manner consistent with the legislative intent behind this Ordinance.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

Jeffrey L. Anzevino, Mayor

ATTEST:

Aparna Wheeler, Clerk of Council

I certify that the foregoing Ordinance No. 26-72 was duly passed by the Council of said Municipality on _____, 2026.

Aparna Wheeler, Clerk of Council

EXHIBIT "A"

CHAPTER 216. PUBLIC RECORDS

216.01. DEFINITIONS

(a) "Public record" means the same as it is defined in R.C. 149.43, except as modified by this Chapter and/or the City of Hudson Charter.

(b) "Personal Identifiable Information of a Minor" means any, to the most liberal construction, personally identifiable information about an individual who was under the age of 18 at the time the original record was created or the event at issue in the record occurred including the minor's name, address, birthdate, social security number, phone number, screen names, and any other information which could reveal, suggest or identify the identity of the minor.

(c) "Personal Identifiable Information of a Crime Victim" means any, to most liberal construction, personally identifiable information about an individual who is the victim of a crime, anyone who may reasonably be considered the victim of a crime whether charges are filed or not, and/or anyone who fits the definition of a crime victim under Marcy's Law as is defined in the Ohio Constitution and Ohio Revised Code.

216.02. EXCEPTIONS TO THE DEFINITION OF "PUBLIC RECORD"

(a) The following information and/or records shall be exempt from the definition of "Public Record" and shall not be disclosed.

(1) Any portion of an otherwise public record containing the Personal Identifiable Information of a Minor.

(2) Any portion of an otherwise public record containing the Personal Identifiable Information of a Crime Victim.

216.03. IMMUNITY FOR IMPROPER DISCLOSURE

Any city official, officer, employee, contractor, subcontractor, or agent who negligently discloses information and/or records described in Section 206.02 shall be immune from any claims against him, her, or it.

216.04 ADMINISTRATIVE APPEAL

(a) Any party in interest aggrieved by the withholding of information under this Section 216 may appeal the decision in writing to the City Manager within ten (10) calendar days of the City's response to the records request at issue.

(b) Within five (5) calendar days of receipt of the appeal, the City Manager or his/her designee shall conduct a hearing. The City Manager or his/her designee shall review the redacted/withheld record(s) to determine whether the record(s) were properly withheld under this Section 216 or any other area of law prohibiting their production.