

4112-3-16

**Disposition of electronic records.**

Electronic records of all hearings shall be preserved so long as the record may be the basis of a proceeding to obtain judicial review and may be reviewed by any party at the commission's central office during regular business hours.

(A) ~~When the following facts signify that the electronic record may no longer be the basis for a proceeding to obtain judicial review, the electronic record will be erased and made available for reuse:~~ The electronic record will be erased and made available for reuse when the following facts signify that the electronic record may no longer be the basis for a proceeding to obtain judicial review:

- (1) The commission has issued a final order with respect to the particular matter, and
- (2) All parties required to be advised of the order have been sent proper notices, and
- (3) Any party entitled to obtain judicial review of the order has failed to timely file a petition to obtain judicial review.

(B) If a timely petition to obtain judicial review is filed, the electronic record of hearings may be erased and made available for reuse sixty days after the time when such record has been fully transcribed and the transcription received by the court wherein the petition to obtain judicial review was filed and received by all parties, provided no objection has been filed.

(C) If a timely petition to obtain judicial review is filed and an objection is made to the accuracy of the transcription, the electronic record may not be erased until two years have passed from the date of the final order of the commission or until all state appellate proceedings have been completed.

(D) The disposition of electronic records as provided in this rule is subject to the permission of the state records commission pursuant to section 149.37 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 1/23/2023

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 4112.04  
Rule Amplifies: 4112.04, 4112.05, 4112.051  
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