Ohio HB 479 to Narrow Confidentiality Rules for Economic Development Assistance

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The Ohio Legislature, with its adoption of Am. Sub. House Bill (HB) 479 on June 10, 2026, took an important step toward clarifying and narrowing the effect of the recent amendment to Ohio Revised Code (ORC) Section 9.66. Sub. HB 184, effective March 20, 2026, added division (D) to ORC 9.66 and broadly required public bodies to treat as confidential ***any*** information submitted with an application for, or in connection with the receipt of, economic development assistance or incentives. Because that confidentiality obligation was created by statute, unauthorized use or disclosure of the information could implicate criminal liability under ORC Sections 102.03(B) and 102.99(B).

That broad language created practical uncertainty: public bodies needed to protect information newly designated as confidential while still maintaining transparency regarding incentives and satisfying other public-disclosure obligations. HB 479 seeks to address these issues by narrowing ORC 9.66(D) so that the confidentiality requirement now applies only to "individualized compensation and payroll information," rather than to all information submitted in the economic development context.

That narrowing is helpful, but it does not eliminate all uncertainty. The amended language still provides that "any information taken for any purpose from that information" is confidential and not a public record. As a result, public bodies now have a basis to distinguish compensation and payroll information from other records, but they must still analyze whether particular materials — such as compliance records or information derived from individualized compensation or payroll data — are themselves "taken from" protected information and therefore must remain confidential. In practical terms, HB 479 reduces the sweep of the prior confidentiality requirement, but it preserves a potentially broad derivative-information clause that will require careful implementation.

Going forward, impacted public bodies must still comply with the current, broad version of ORC 9.66 until HB 479 becomes effective, which should be in mid-September. That means relying on executive session to discuss economic development and incentive-related matters, whether or not such matters are limited to individualized compensation and payroll information. Once the amendment to ORC 9.66 becomes effective, impacted public bodies should work with entities submitting confidential information to identify and designate such information as individualized compensation and payroll information. Doing so will ease the administrative burden of protecting and restricting access to the relevant confidential information.

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