# ORC Ann. 1349.191

Current through File 26 of the 135th General Assembly (2023-2024).

*Page's Ohio Revised Code Annotated > Title 13: Commercial Transactions — Other Commercial Transactions (Chs. 1301 — 1355) > Chapter 1349: Consumer Protection (§§ 1349.01 — 1349.99) > Disclosure or Notification of Breach of Security of Personal Information System (§§ 1349.19 — 1349.192)*

## § 1349.191 Investigation by attorney general.

**(A)** As used in this section and section 1349.192 of the Revised Code:

**(1)** "Agency of a political subdivision" has the same meaning as in section 1347.12 of the Revised Code.

**(2)** "Business" has the same meaning as in section 1349.19 of the Revised Code.

**(3)** "State agency" has the same meaning as in section 1.60 of the Revised Code.

**(B)** The attorney general may conduct an investigation if the attorney general, based on complaints or the attorney general's own inquiries, has reason to believe that a state agency or an agency of a political subdivision has failed or is failing to comply with section 1347.12 of the Revised Code or that a person has failed or is failing to comply with section 1349.19 of the Revised Code.

**(C)** In any investigation conducted pursuant to this section, the attorney general may administer oaths, subpoena witnesses, adduce evidence, and subpoena the production of any book, document, record, or other relevant matter.

**(D)**

**(1)** If the attorney general under division (C) of this section subpoenas the production of any relevant matter that is located outside this state, the attorney general may designate a representative, including an official of the state in which that relevant matter is located, to inspect the relevant matter on the attorney general's behalf. The attorney general may carry out similar requests received from officials of other states.

**(2)** Any person who is subpoenaed to produce relevant matter pursuant to division (C) of this section shall make that relevant matter available at a convenient location within this state or the state of the representative designated under division (D)(1) of this section.

**(E)** Any person who is subpoenaed as a witness or to produce relevant matter pursuant to division (C) of this section may file in the court of common pleas of Franklin county, the county in this state in which the person resides, or the county in this state in which the person's principal place of business is located a petition to extend for good cause shown the date on which the subpoena is to be returned or to modify or quash for good cause shown that subpoena. The person may file the petition at any time prior to the date specified for the return of the subpoena or within twenty days after the service of the subpoena, whichever is earlier.

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**(F)** Any person who is subpoenaed as a witness or to produce relevant matter pursuant to division (C) of this section shall comply with the terms of the subpoena unless the court orders otherwise prior to the date specified for the return of the subpoena or, if applicable, that date as extended. If a person fails without lawful excuse to obey a subpoena, the attorney general may apply to the court of common pleas for an order that does one or more of the following:

**(1)** Compels the requested discovery;

**(2)** Adjudges the person in contempt of court;

**(3)** Grants injunctive relief to restrain the person from failing to comply with section 1347.12 or 1349.19 of the Revised Code, whichever is applicable;

**(4)** Grants injunctive relief to preserve or restore the status quo;

**(5)** Grants other relief that may be required until the person obeys the subpoena.

**(G)** The court shall impose a civil penalty on any person who violates an order of a court issued under division (F) of this section in the same manner as the imposition of a civil penalty under section 1349.192 of the Revised Code for a failure to comply with section 1347.12 or 1349.19 of the Revised Code, whichever is applicable.

## History

151 v H 104, § 1, eff. 2-17-06.