Memo 4.42

Confidential Personal Information (CPI) Access and Logging

To fulfill our mission to injured workers and employers, BWC maintains a large repository of confidential personal information (CPI). Our customers have the right to expect that we will only view their CPI when necessary. Thus, BWC's policy is that **employees may only access CPI when there is a clear business purpose to do so.** This policy implements Ohio law (Ohio Revised Code 1347.15).

Definition of CPI
CPI refers to data of any kind — whether hard copy or electronic. Some examples of CPI include claim number, Social Security number and an injured worker's name.

Generally, BWC defines CPI as any injured worker data maintained in a state system that contains a name or any other identifier; and which describes anything about, done by or done to a person.

CPI does **not** include employer, provider or other business' data. CPI for other people includes data that another party could use to harm that person or his or her interests. Such data might include Social Security numbers, bank account numbers, the names and other information about the dependents of BWC employees, etc.

Procedure: What is CPI

Searches that display CPI
BWC must record every time an employee conducts a targeted search for someone *other than an injured worker* by:

- Name;
- An identifying number;
- A symbol;
- Another identifier.

Automated logging
Some BWC applications and electronic systems, including those listed here, will automatically log when an employee accesses CPI. (Note: This list is not all-inclusive.)

- V-3
- Data Warehouse
- Rates and Payments
- Cambridge
- Fraud Management Systems
- ohiobwc.com
- Ad hoc queries (for IT only)

Memo 4.42

Any new computer systems that BWC installs or substantially upgrades after June 30, 2011, will automatically log all CPI accesses.

Manual logging

- Employees must manually log their access to CPI for any of these three reasons.
    1. They search for CPI for a non-business purpose, *no matter where they find it*
    2. They search for the CPI of non-injured workers (e.g., prospective state employees/job applicants, past state employees, employees' family members and beneficiaries) **AND** their access does not occur in a system that has automatic logging **AND** the search wasn't to satisfy that person's specific request
    3. They search for someone's CPI in another state agency's system **AND** their action is not at that person's request

- Employees do NOT have to manually log CPI access if it was for any of these five reasons.
    1. For a clear business reason, they search for the CPI of an injured worker who has filed a claim
    2. They search for anyone's CPI to answer that person's specific request
    3. They have already *manually* logged a CPI access for that person today
    4. They search for *current* BWC employees' CPI for clear business reasons
    5. They search for businesses, such as employers, MCOs, providers, sole proprietors and TPAs (Per ORC 1347.15, businesses do not have CPI.)

- BWC will provide employees with an online tool to manually log certain types of access to CPI. The CPI Access Log will be available on BWCWeb.

Procedure: When to manually log access to CPI

Procedure: Using the CPI access log

Review of logs

CPI logs will be reviewed to look for searches that target persons of interest. Ohio law mandates that BWC notify injured workers whenever we access their CPI for an invalid reason. An invalid reason is when an employee does not have a clear business purpose to access CPI. Employees must manually log the access and also notify a supervisor or manager in their chain of command when they access CPI for an invalid reason.

Procedure: Procedure if someone is suspected of inappropriate access to CPI

Memo 4.42

Accidental access

Sometimes employees access CPI by accident. This could happen if they mistype a claim number or other identifying data. BWC considers accidental access of this kind to be a part of normal business — as long as the employee immediately leaves that screen. BWC encourages employees to manually log accidental access even if it occurs in a system with automated logging.

Storing CPI

Employees must never store CPI unless it is required for a business purpose.

Employees who have CPI stored in files outside of a BWC application (e.g., files stored in Word, Excel, SharePoint, Access, Outlook, etc.) must securely limit access to those files by:

- Using folders or SharePoint sites that only authorized people can view; or
- Password protecting the files. (Remember that IT cannot help with lost file passwords.)

Procedure: Securing CPI using protected folders, passwords, or RightFax

Access to CPI

Access to CPI depends on each person's function and responsibilities. Supervisors will:

- Determine what systems containing CPI each person may access;
- Provide this policy to each person who has CPI access; and
- Obtain the appropriate level of access for each person.

Supervisors also will periodically review these levels of access to ensure their appropriateness.

Procedure: Granting and revoking access to applications that contain CPI

Applicability

Logging requirements do **NOT** apply to BWC employees whose main function relates to the enforcement of criminal laws and who access CPI in the course of those job duties.

Notifications and records requests

BWC will notify injured workers and their representatives that we will use CPI to process their requests. BWC also will notify an individual if we access his or her CPI without a clear business purpose.

At an individual's request, BWC will provide a list of the types of CPI that we maintain. Upon written request, BWC also will provide a report of the specific CPI that we have for that person.

Memo 4.42

Employee compliance

BWC expects that all employees shall adhere to the CPI logging procedures and provisions of this policy. So, BWC encourages employees to ask questions or seek clarification about:

- Access;
- Logging;
- Other issues related to CPI.

Employees should refer questions to their immediate supervisors or to the BWC CPI Questions mailbox (cpiquestions@bwc.state.oh.us).

Zero-tolerance policy

BWC will not tolerate any inappropriate access of CPI by employees. Employees who intentionally access CPI without a clear business purpose will face disciplinary action (per BWC's Disciplinary Policy; Employee Handbook Memo 5.01). They also may face prosecution for a first-degree misdemeanor.

Contract

BETWEEN

THE
STATE OF OHIO

AND

THE
OHIO
CIVIL SERVICE
EMPLOYEES
ASSOCIATION

March 1, 2012 - February 28, 2015

the grievant may file the grievance to the next successive step in the grievance procedure.

25.07 - Time Off, Meeting Space and Telephone Use

The grievant(s) and/or Union steward will be permitted reasonable time off without loss of pay during their working hours to file or appeal grievances and to attend grievance step meetings. The steward shall be given reasonable time off without loss of pay during his/her working hours to investigate grievances. Witnesses whose testimony is relevant to the Union's presentation or argument will be permitted reasonable time off without loss of pay to attend a grievance meeting and/or respond to the Union's investigation. The steward shall not leave his/her work to investigate, file or process grievances without first notifying and making mutual arrangements with his/her supervisor or designee as well as the supervisor of any unit to be visited. Such arrangements shall not be unreasonably denied.

Upon request, the grievant and Union shall be allowed the use of an available, appropriate room, and copier, where available, for the purpose of copying the grievance trail while processing a grievance. The Union shall be permitted the reasonable use of telephone facilities for investigating or processing grievances. Any telephone tolls shall be paid by the Union.

25.08 - Other Grievance Resolution Methods

The parties agree that during the term of this Agreement each party will review the grievance history including but not limited to grievances arising from suspensions, for the purpose of developing Agency Specific Agreements that will be designed to expedite the final resolution of grievances. Such Agreements will consider effective use of existing staff resources.

25.09 - Relevant Witnesses and Information

The Union may request specific documents, books, papers or witnesses reasonably available from the Employer and relevant to the grievance under consideration. Such request shall not be unreasonably denied. Proficiency tests or other assessments shall only be released pursuant to Article 17, Section 17.06.

This Section applies to all steps of the grievance procedure: The Employer shall provide copies of documents, books and papers relevant to the grievance without charge to the Union, unless the request requires more than ninety (90) minutes of employee time to produce and/or copy, at which time the Union will be charged ten cents ($.10) per page.

25.10 - Expedited Arbitration Procedure

In the interest of achieving a more efficient handling of disciplinary grievances, the parties may agree to an expedited