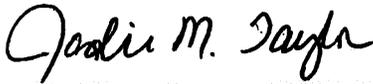


APPOINTING AUTHORITY APPROVAL: 	POLICY NUMBER: ADM007 EFFECTIVE DATE: 04/14/11 REVIEW: 04/22/13
AUTHORITY: R.C.1347.15, O.A.C. Chapter 4121-4 Accessing Confidential Personal Information	APPROVAL DATE: 04/14/11 REVIEW: 04/22/13

I. Purpose:

The Industrial Commission (Commission) is dedicated to developing and implementing information access policies and controls that enhance and ensure the privacy and security of Ohio's citizens who have information stored in the personal information systems maintained by the Commission. The purpose of this Policy is to comply with R.C. 1347.15 and O.A.C. Chapter 4121-4 by regulating access to the confidential personal information (CPI) that the Commission maintains.

II. Applicability:

This Policy applies to all personal information systems maintained by the Commission containing CPI and to all employees of the Commission.

(A) Employees of the Commission shall report all instances of invalid access to CPI of which they have knowledge to his/her supervisor and the Executive Director.

III. Policy:

(A) It is the policy of the Commission that CPI shall be accessed in accordance with R.C.1347.15 and O.A.C. 4121-4-01 – 4121-4-05.

(B) This policy applies to the following Commission personal information systems:

- CAS
- ECM
- ECM Workflow
- ICON
- IC Resource Documents

(1) The remainder of the Commission's personal information systems are exempted from the application of this Policy as the information contained within such systems does not meet the definition of CPI and/or such systems are specifically exempted from the application of O.A.C. 4121-4-02.

(C) This Policy also applies to the CPI contained within the personal information systems of other state agencies and departments to which Commission employees have access in the normal course of their employment duties.

IV. Definitions:

Access: As a noun, the act of copying, viewing or perceiving. As a verb, the retrieval of CPI from a personal information system by name or personal identifier so that CPI is copied, viewed or otherwise perceived.

Computer system: A system that stores, maintains, or retrieves personal information using electronic data processing equipment.

Confidential Personal Information: Personal information that is not a public record for the purposes of R.C. 149.43.

Employee: Each employee of the Commission regardless of whether he or she holds an appointed office or position within the Commission.

Individual: A natural person or the natural person's authorized representative, legal counsel, legal custodian or legal guardian.

Maintains: State or local agency ownership of, control over, responsibility for or accountability for systems and includes, but is not limited to, state or local agency depositing of information with a data processing center for storage, processing, or dissemination. An agency "maintains" all systems of records that are required by law to be kept by the agency.

Personal Information: Any information that describes anything about a person or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by name, identifying number, symbol, or other identifier assigned to a person.

Personal Information System: Any system of records that contains all of the following attributes:

- (1) It is a group or collection of records that are kept in an organized manner in either electronic or paper formats.
- (2) It contains "personal information".
- (3) Personal information is retrieved from the system by name or other identifier.
- (4) The agency maintains that system of record.

Research: Methodical investigation into a subject.

Routine: Commonplace, regular, habitual or ordinary.

Valid Business Reason: Reason that reflects an employee's execution of his/her job duties for the Commission.

V. Individual's Request for CPI:

(A) Upon receipt of a signed written request for CPI, the Commission shall verify the identity of the individual making the request and provide the individual with any CPI that does not relate to an on-

going investigation about the individual or is not otherwise excluded from the scope of O.A.C. 4121-4-02 - 4121-4-03.

- (1) If all the requested information relates to an on-going investigation about the individual, the Commission shall inform the individual that it has no CPI that is responsive to their request.

VI. Notice to an Individual of Invalid Access to CPI:

- (A) Upon discovery or notification that an employee of the Commission has accessed an individual's CPI for invalid reasons, the Commission will notify the individual whose CPI was invalidly accessed of the breach of confidentiality within seven state business days.

- (1) If the Commission determines that said notification will delay or impede an investigation regarding the scope of the invalid access, the Commission shall delay this notification for a period necessary to identify the extent of the breach and to restore the integrity of the system.

VII. Valid Reasons for Accessing CPI:

- (A) Employees shall only access CPI for valid business reasons. The following are such reasons:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the Commission maintains on that individual;
- (3) Administering a constitutional or statutory provision or duty;
- (4) Administering an administrative rule provision or duty;
- (5) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (6) Auditing purposes;
- (7) Eligibility or filing purposes;
- (8) Investigation or law enforcement purposes;
- (9) Administrative hearings;
- (10) Litigation, complying with a court order, or responding to a subpoena;
- (11) Handling human resource matters, including hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues and time card issues;
- (12) Complying with an executive order or policy;
- (13) Complying with Commission policy or a state administrative policy issued by the Department of Administrative Services, the Office of Budget and Management or other similar state agencies;
- (14) Complying with a collective bargaining agreement provision; and
- (15) Complying with any state or federal program requirements.

- (B) Employees of the Commission shall maintain the confidentiality of CPI acquired while employed by the Commission both during the employment and after employment.

- (1) The Commission shall provide employees written notification of this policy during the exit process.
- (2) Upon separation, the Commission shall notify any state agencies and state departments that have provided access to CPI to IC employees of the separation.

(C) Access to CPI shall be granted at the lowest level necessary for an employee to perform his/her assigned job duties.

(1) The level of access shall be determined by the employee's manager and shall be dependent on the job duties of the employee and any assignments given to the employee.

(D) An employee's access to CPI shall be removed whenever his/her job duties no longer require such access.

VIII. Procedures for Logging Access to CPI:

Each employee covered by this Policy who accesses or directs another employee of the Commission to access CPI from a personal information system shall record that specific access whenever it is directed toward a specifically named individual or a group of specifically named individuals. The access shall be recorded in the appropriate CPI log maintained for each of the Commission's personal information systems as provided in Section III, paragraph (B) and other personal information systems as defined in Section III, paragraph (C) of this Policy.

Access to CPI is not required to be recorded in a CPI log under the following circumstances:

(A) Logging is not required if the access is the result of research performed for official Commission purposes and is not directed toward a specifically named individual or group of specifically named individuals.

(B) Logging is not required if the access is the result of routine office procedures not directed toward a specifically named individual or group of specifically named individuals.

(C) Logging is not required if the access is the result of incidental contact, where the contact is merely a product of the specific access and not the primary reason of the intended access, and not directed toward a specifically named individual or group of specifically named individuals.

(D) Logging is not required if the access is the result of a request of the person whose information is being accessed or their authorized representative. Logging is not required if an individual requests the Commission to take some action on the individual's behalf and, pursuant to that request, the Commission needs to access CPI to accomplish the action.

(1) For example, IC IT Help Desk personnel would not need to log contact with CPI that occurred as a result of attempting to assist an injured worker in resolving an issue.

(2) Claims examiners or Hearing Officers would not need to log contact with CPI that results from reviewing claim files assigned to them for the purpose of hearing preparation and/or hearings.

IX. Compliance:

Employees required or entitled to access CPI are required to receive training. Training will include understanding R.C. 1347.15 and O.A.C. Chapter 4121-4. Those trained will be expected to understand all information related to the responsibility of accessing CPI and also understand the potential consequences for improperly accessing and/or disseminating CPI.

X. Discipline:

Any Commission employee found to have violated this policy may be subject to disciplinary action, up to and including removal.

XI. Logs:

Pursuant to Section VIII of this Policy, which requires that access to CPI be recorded unless otherwise provided under Section VIII, Commission employees shall maintain a log that records each instance of access to CPI from within the Commission's computer systems as provided in Section III, paragraph (B) and other personal information systems as defined in Section III, paragraph (C) of this Policy. The logs shall contain the following information.

- (A) Name of the personal information system from which an individual's CPI is viewed or retrieved;
- (B) The date of the access;
- (C) Name of the state official accessing the CPI; and
- (D) The name of the person whose CPI was accessed.

These logs shall be maintained pursuant to the Commission's Records Retention Policy.

XII. Inquiries:

Any individual who wishes to inquire whether the Commission has CPI about himself or herself should submit such an inquiry in writing. CPI inquiries should be sent to:

Ohio Industrial Commission
Customer Service Section – L1
30 W. Spring St.
Columbus, OH 43215
614-466-6136 (Columbus area)
1-800-521-2691 (toll-free nationwide)
1-800-686-1589 (toll-free TDD)
Fax: 614-728-7004
AskIC@ic.state.oh.us

**Ohio Industrial Commission
Log of Access to Confidential Personal Information**

Name of Person Accessing CPI

Name (or identifier) of person whose CPI was accessed

Name of Personal Information System from which CPI was accessed

Date & Time

Acknowledgment:

I acknowledge that the information on this log is true and complete and that I have accessed or directed another Commission employee to access CPI that is outside of my job responsibilities.

Signature

Date