

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)

Created: June 1, 2011

Revised & Reissued: July 2013

Exhibit 1

Page 2 of 4

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.

Exhibit 1

Page 4 of 4

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](mailto:cpiquestions@bwc.state.oh.us) 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.

Memo 4.21

COEMP AND SPECIAL HANDLING CLAIMS POLICY

Definitions

Company or BWC Employee (COEMP) claims are defined as:

- All claims past, present or future pertaining to current and former Bureau of Workers' Compensation and Industrial Commission (BWC/IC) employees and their spouses, and
- Claims for all persons residing in the employee's home.

Special Handling claims are defined as:

- All claims past, present, or future pertaining to relatives (whether by blood or marriage) of current BWC/IC employee not residing in the residence, for example parents, children, siblings, grandparents, in-laws, aunts and uncles,
- All claims past, present, or future pertaining to relatives (whether by blood or marriage) of former BWC/IC employees not residing in the residence, for example parents, children, siblings, grandparents, in-laws, aunts and uncles as determined by the service office manager,
- All claims pertaining to individuals who have business or personal relationships with the BWC/IC employee, for example business associates, business partners, employee and employers as determined by the service office manager,
- Any other claim so deemed by the service office manager.

NOTE: This Policy pertains to all claims (both medical only and lost time) whether state fund, self-insured, uninsured and any other type of workers' compensation claim which BWC may handle.

Assignment of Claims

All new claims with a BWC or IC risk will be assigned to Special Claims. During the initial investigation of any claim, the claims service specialist (CSS) will routinely ask the injured worker if he or she has a family member employed by BWC or IC and will document the response in their progress notes. If the claim meets the COEMP or Special Handling definitions as described above, the CSS will immediately give the claim to the immediate supervisor for possible reassignment to Special Claims. The transfer of the claim will be documented in the progress notes.

When a BWC or IC employee has knowledge (actual or constructive) of a COEMP or Special Handling claim or policy number, he or she shall either promptly notify his or her immediate supervisor or contact the Special Claims supervisor via the COEMP/Special Handling request e-mail box to have the claim or policy flagged appropriately and reassigned.

Handling of Claims

Pursuant to the following statutes and policies:

- OAC 4121-15-02,03,09, and OAC 4123-15-02,03,09, and
- BWC/IC Code of Ethics, and BWC Work Rules,

Revised: September 2012

Exhibit 2

Page 2 of 2

Memo 4.21

no employee of the BWC is permitted to possess or electronically access, using the agency's internal on-line systems (e.g., Version 3, Data Warehouse, BWC's link to Dolphin), any workers' compensation claim file unless the claim file is necessary to the performance of the employee's duties. Changes will be made to the internal on-line systems to limit access to claim files, in accordance with this Policy.

Employees are prohibited from any action which would result in, or create the appearance of, utilizing their public office for private gain. Likewise, employees are prohibited from giving preferential treatment to any person, entity or group. This prohibition includes, but is not limited to, the use of:

- State resources,
- Any state employee or subordinate,
- State-owned computers, copiers or fax machines,
- State-owned vehicles and state-purchased supplies,
- State mail, e-mail, the Internet and state phones, to influence the housing, handling, or processing of COEMP or Special Handling claims or policy numbers.

Exceptions

The following are exceptions to this prohibition. BWC employees:

- **May answer**, using e-mail, state phones or state fax machines, an e-mail, state phone call, or state fax machine message initiated by the Special Claims CSS, regarding the BWC employee's own personal workers' compensation claim. Employees may not initiate contact with their CSS by these means except when using the state telephone for personal use in accordance with the Telephone Policy (see Employee Handbook Memo 4.26),
- **May use** state equipment to notify their immediate supervisors of the existence of a COEMP or a Special Handling claim or policy number, as required in this Policy.

This policy serves as a reminder of what BWC considers to be acceptable ethical conduct in processing COEMP and Special Handling claims and policy numbers. COEMP and Special Handling claims and policy numbers can be difficult to identify and BWC and IC must rely upon the personal integrity and professional ethics of its employees to assist in their identification. If you have questions about this Policy, or if you need further clarification, please contact the COEMP Unit at 614-466-9903, or the Employee and Labor Relations Department at 614-644-7811.

From: [Warren, Winnie](#)
To: [Clark, Tim](#); [Benny, Lynn](#)
Cc: [Harris, Trish -Gov hill](#)
Subject: RE: Statement regarding possible CPI and policy violation -- claim # [REDACTED]
Date: Monday, October 07, 2013 3:08:53 PM
Attachments: [image001.jpg](#)

Thanks for the feedback, Tim. Lynn and I will schedule a meeting with LouAnn tomorrow to address this issue.

From: Clark, Tim
Sent: Monday, October 07, 2013 2:56 PM
To: Benny, Lynn
Cc: Warren, Winnie; Harris, Trish -Gov hill
Subject: Statement regarding possible CPI and policy violation -- claim # [REDACTED]
Importance: High

Hi Lynn,

As we just discussed, I received a call today from IW [REDACTED] – claim # [REDACTED] – who was wanting to know the status of his compensation and additional conditions. In the course of the conversation he told me his mother-in-law was an employee in the Lima Service Office. I didn't immediately ask for her name but continued the conversation. He stated he was unhappy with what his CSS here, Daren B., had been doing with his claim and said, "When you got a family member who works there that you can ask questions of about your claim, you know when someone is jerking you around." He said, "She's been there almost 30 years and really knows her stuff." I assured him no one was "jerking him around" and that we are all here to help him get back to work.

He stated, "Yeah, my mother-in-law said it's all the additional allowances that's screwing things up." He stated she told him the physician's review said BWC should deny the additional condition requests and that the CSS should have already sent it to the IC for a hearing. He stated she read the physician's review to him and told him it would have to be heard at the IC. I told him I would review the claim in detail and that someone would call him back with a current status update later today.

I asked him what his mother-in-law's name was, and he said Louann and that she was a CSS.

Let me know if anything is unclear. I will be contacting Robyn regarding reassigning this claim from Governor's Hill to Special Claims.

Tim Clark
Injury Management Supervisor

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