



Ohio Administrative Code Rule 3304-2-63 Confidentiality of information.

Effective: May 15, 2021

OOD collects and maintains confidential information on individuals. OOD, and anyone with access to the confidential information, shall keep such information confidential. OOD shall destroy individual information when the information is no longer necessary and relevant to the lawful functions of OOD, and when the destruction is permitted in accordance with other state and federal regulations that govern OOD.

Throughout this rule, the individual's legal guardian (court-appointed with authority to act in this area, or a parent for a minor) shall have the same rights as the individual. The individual's legal guardian shall sign any consent to release information.

(A) "Confidential information" means any information received about any individual who has been referred to OOD, has applied for services, is currently receiving services, or has received services.

(B) Within fifteen days of the individual's written request, OOD shall release any information contained in the individual's case record except for that information listed in paragraphs (D) to (D)(2) of this rule, and shall inform the individual of the individual's right to disagree with information that has been collected and how the individual may register the disagreement. The individual shall receive one copy of information on a one-time, no-cost basis.

(C) An individual may request in writing to review the individual's case record. On receiving the individual's request, OOD shall schedule a mutually convenient time for the individual to review the individual's case record.

(1) A counselor or supervisor shall be present during the individual's review.

(2) On request, the individual shall receive one copy of information on a one-time, no-cost basis.

(D) The individual shall not have access to the following information:



(1) Medical, psychological, or other information that an OOD medical or psychological consultant determines may be harmful to the individual or is marked confidential. Such information shall be released only to a third party designated by the individual, in writing, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information shall be released to the court-appointed representative. OOD shall not assume the cost for the interpretation of any information to the individual. The individual shall be informed of the procedure for obtaining the release of information to a third party if any information is removed from the case record under this section for the individual's review.

(2) OOD shall not release unpurchased information, or information which otherwise indicates the information shall not be shown to the individual. If the individual requests such information, the individual shall be referred to the source where the information was obtained.

(E) An individual may object to any information in the individual's case record. On receiving an objection, OOD shall review the disputed information for accuracy, relevance, timeliness, and completeness. OOD shall inform the individual of the results of the review and the action taken, if any, within ninety calendar days of the individual's objection.

(1) Unverified or inaccurate information about eligibility or justification for services provided or not provided shall not be destroyed, but shall not be used for any further purpose in evaluating eligibility or services..

(2) Information that cannot be verified or is inaccurate, and does not concern eligibility or services, shall be destroyed, or when possible, redacted or corrected. .

(a) At the individual's written request, OOD shall inform any person the individual designates that the disputed information has been removed.

(3) An individual not satisfied with the review and the action taken may submit a written rebuttal about information not destroyed, redacted or corrected. OOD shall place the individual's rebuttal in the individual's case record. OOD may add a statement explaining why the information was not



destroyed.

(a) At the individual's written request, OOD shall provide the rebuttal, or corrected record, to any person the individual designates.

(F) The individual, or the individual's legal guardian, may sign a general consent permitting OOD to provide confidential information to third parties to obtain or provide services to the individual. This includes, but is not limited to, obtaining services from service providers, vendors, other agencies, and facilities; to obtain placement from employers; to report to the referral source; and to provide information requested by law enforcement agencies. OOD shall inform the provider or cooperating agency the following on the release of confidential information:

(1) Whether any information shall only be released pursuant to the provisions in paragraph (D) of this rule;

(2) That the information shall not be released to others without the individual's consent; and

(3) That the information shall be used only for the purpose provided.

(G) OOD shall obtain the individual, or the individual's legal guardian, specific written consent to release confidential information for the following purposes.

(1) To permit any other person to have access to the individual's case record to which the individual has access. Any person so designated by the individual shall receive one copy of the individual's case record at no cost.

(2) To release information to the media, but OOD shall release only information that may be released to the individual.

(3) For a purpose not covered elsewhere in this rule.

(4) To respond to a subpoena request for an individual's records. The attorney who subpoenaed the records shall be responsible for obtaining the individual's written consent.



(H) OOD does not require consent from the individual to release confidential information for investigations in connection with law enforcement, fraud, or abuse (except where expressly prohibited by federal or state laws or regulations); to protect the individual or others when the individual poses a threat to the individual's safety or to the safety of others; in response to a court order; to report a felony as required by law; or when required by state or federal law.

In addition, OOD does not require the individual's consent to release individual confidential information to an organization, agency, or individual engaged in audit, evaluation, or research for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for persons with disabilities, and both of the following conditions are met:

(1) If the organization, agency, or individual assures that:

(a) The information shall be used only for the purposes for which it is being provided;

(b) The information shall be released only to persons officially connected with the audit, evaluation, or research;

(c) The information shall not be released to the individual;

(d) The information shall be managed in a manner to protect confidentiality;

(e) The final product shall not reveal any personal identifying information without the written consent of the individual, or the individual's legal guardian or legal representative; and

(2) The OOD executive director or designee has approved the release.

(I) This rule is designed to implement the Workforce Innovation and Opportunity Act, 29 U.S.C. 32, and resulting regulations.