



## Ohio Administrative Code

### Rule 4141-43-01 Exchange and disclosure of information.

Effective: August 12, 2024

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(A) Definitions:

(1) For the purposes of this rule, "claim information" means information regarding:

(a) Whether an individual is receiving, has received, or has applied for unemployment compensation.

(b) The amount of compensation the individual is receiving or is entitled to receive.

(c) The name, address, and social security number and other information provided by the individual when filing an application or claim for benefits.

(d) Any other information contained in the records of the director which is needed by the requesting agency to verify eligibility for, and the amount of, benefits.

(2) "Employer information" is information concerning total and taxable wages, contribution rates, number of individuals in covered employment, and wages, addresses, employer identification numbers and other information on employers that is maintained in systems supporting administration of the unemployment compensation program under Chapter 4141. of the Revised Code.

(B) Any disclosure made pursuant to section 4141.162 of the Revised Code; divisions (B)(4), (B)(6), (B)(7) and (D) of section 4141.211 of the Revised Code; and division (J) of section 4141.43 of the Revised Code, at the discretion of the director, will be made pursuant to an agreement under which state and federal confidentiality requirements, including those requirements protecting federal tax information, pursuant to IRS publication 1075, are maintained. If an agreement to exchange or disclose requested information is necessary, if appropriate, it will contain at a minimum:

(1) The purposes for which requests will be made and the specific information needed.



- (2) A statement that the requesting party will not use the information for any purpose not specifically authorized under the agreement entered into under this rule.
- (3) A demonstration that requested information will be used for the purpose of improving the provision of government services.
- (4) Identification of all officials or employees with authority by position to request and access information.
- (5) The information will be stored in a place physically secure from access by unauthorized persons.
- (6) Information in any electronic format will be stored, transmitted, and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal, or other means.
- (7) The requesting parties are to instruct all personnel with access to the information regarding the confidential nature of the information, the confidentiality requirements of the agreement, and the sanctions against unauthorized disclosure of information.
- (8) The requesting party agrees that it will not make any further disclosure of the information shared with them to their agent, contractor, sub-contractor unless authorized by the director or by statute.
- (9) Methods and timing of the requests for information, including the format to be used, and the period of time needed to furnish the requested information.
- (10) The basis for establishing the reporting periods for which information will be provided.
- (11) Provisions for determining appropriate reimbursement for the costs from requesting parties incurred by the Ohio department of job and family services (ODJFS) in providing data, including any new development costs associated with furnishing data.
- (12) Safeguards to ensure that information obtained from ODJFS will be protected against unauthorized access or disclosure, including a description of physical security and the process for



providing authorized access.

(13) The agreement is to include language that establishes that an agent, contractor or entity is bound by the rules of ODJFS, and that disclosure of the information by the contractor, grantee, or entity in a manner not authorized by ODJFS is a breach of the contract and a violation of sections 4141.21 and 4141.99 of the Revised Code, as well as federal law.

(14) The requesting party is to sign an acknowledgment on behalf of the organization attesting to the organization's policies and procedures regarding confidentiality.

(15) The requesting parties are to permit ODJFS to make on-site inspections to ensure that the requirements of the agreement and state and federal statutes and regulations are being met.

(C) Agreements for the disclosure of wage information to a consumer reporting agency pursuant to division (J) of section 4141.43 of the Revised Code, will at a minimum include the following:

(1) An agreement that the consumer reporting agency and any entity to which wage information, as defined in division (J) of section 4141.43 of the Revised Code, is disclosed and will secure a written statement of informed consent signed by the individual to whom the information pertains prior to requesting wage information about the individual including:

(a) A specific statement indicating that the individual's wage information will be released.

(b) A statement that the release is only for that particular transaction.

(c) A clear statement informing the individual that the consumer reporting agency may use information from wage information files maintained by ODJFS.

(d) A statement indicating who may receive the information released.

(2) An agreement that the consumer reporting agency to which wage information is provided, and any other entity to which wage information is disclosed by the consumer reporting agency, is to use the wage information only for the specific transaction authorized by the individual's statement of



informed consent.

(3) An agreement that the consumer reporting agency or other entity to which wage information is provided permit a periodic audit of sample transactions accessing wage information to assure that the agency or other entity had a written statement of informed consent meeting the requirements of paragraph (A)(1) of this rule for each transaction.

(4) A requirement that the consumer reporting agency will pay all costs associated with the disclosure of wage information under the terms of the agreement.

(5) A requirement that the consumer reporting agency to which wage information is provided will provide a list of the names, addresses and telephone numbers of all entities to which wage information may be disclosed by the consumer reporting agency.

(D) The director will prescribe any additional conditions under which disclosure or exchange of information under this rule may be made and may include the reimbursement of costs of disclosure where such costs are not de minimis.

(E) All applicants for and recipients of benefits under the programs listed in section 4141.162 of the Revised Code are to be notified at the time of application, and periodically thereafter, that information available through the income and eligibility verification system may be shared with agencies that administer such programs and utilized in establishing or verifying eligibility or benefit amounts.

(F) In addition to any consequences outlined in division (G) of section 4141.211 of the Revised Code, the director may cancel the future exchange or disclosure of information to a requesting party if the director finds that information was redisclosed while in the custody of the party. The director may also cancel the future exchange or disclosure of information to any employee or employees of a requesting party if the director finds that information was redisclosed while in the custody of the employee or employees.