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Ohio Administrative Code

Rule 4731-8-03 Procedures for accessing confidential personal information.

Effective: October 31, 2026

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Establish criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Respond to an individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) Inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request if all information maintained by the board relates to an investigation about that individual.

(C) Notify an individual whose confidential personal information maintained by the board is accessed for an invalid reason.

(1) Upon discovery or notification that confidential personal information of an individual has been accessed by an employee for an invalid reason, the board shall notify the individual whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall not notify the individual if the information is possessed and maintained pursuant to division (F) of section 4730.26, division (F)(5) of section 4731.22, division (B)(5) of section 4759.05, division (E) of section 4760.14, division (E)(5) of

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section 4761.03, division (E) of section 4762.14, division (E) of section 4772.21, division (E) of section 4774.14, and division (E) of section 4778.18 of the Revised Code.

(a) The board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation of invalid access or jeopardize homeland or national security.

(b) The board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the manual or computer system that contains the confidential personal information that was invalidly accessed.

(2) Notification provided by the board shall inform the individual of the type of confidential personal information accessed and, if known, the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appoint a data privacy point of contact. The executive director of the board shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the state of Ohio's office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Complete a privacy impact assessment. The data privacy point of contact for the board shall timely complete the privacy impact assessment form developed by the office of information technology.