



## Ohio Administrative Code

### Rule 4733-40-03 Valid reasons for accessing confidential information.

Effective: September 8, 2010

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Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the boards exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure [permit, eligibility, filing, etc.] processes;



- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approval/issues);
- (14) Complying with an executive order or policy;
- (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
- (16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees would also have valid reasons for accessing CPI in these following circumstances:

- (1) By necessity for office management, the executive director, assistant director, and employees in human resource positions shall have access to confidential personal information contained in personnel files.
- (2) The executive director, assistant executive director, and employees in investigative positions shall have access to confidential personal information of individuals who are subject to investigation. Such employees shall have access to confidential personal information of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation.
- (3) By necessity for licensure and office management, all employees of the board shall have access to confidential personal information contained in e-licensing, application documents, and any other correspondence or documents retrieved while performing their duties for the board.



(4) By necessity for licensure, discipline, and office management, the board members shall have access to confidential personal information contained in applications, investigative files, and personnel files. The board members shall also have access to confidential personal information contained in continuing education waiver requests.