



Ohio Administrative Code

Rule 5101:12-1-20 Confidentiality of information.

Effective: April 1, 2018

(A) This rule and its supplemental rules describe the requirements for authorized access to, use, disclosure, and safeguarding of information contained in a person's case record.

(B) A reference guide for this rule and its supplemental rules are contained in the JFS 01709, "Confidentiality of Information Reference Guide" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code.)

(C) The following definitions apply to this rule and its supplemental rules:

(1) "Agent of a court" means a person authorized to act for and under the direction of a court with the authority to issue an order for the support and maintenance of child, or to serve as the initiating court in an action to seek a child support order.

(2) "Alleged father" means a man who is believed to be or believes himself to be the natural father (also known as putative father).

(3) "Attorney of a child" means a licensed lawyer who has entered into an attorney-client relationship with either the child or the child's resident parent to provide legal representation to the child or resident parent related to the establishment of paternity, or the establishment, modification, or enforcement of child support. An attorney-client relationship imposes an ethical and fiduciary duty upon the attorney to represent the client's best interests under applicable rules of professional responsibility.

(4) "Case record" has the same meaning as in rule 5101:12-10-05 of the Administrative Code.

(5) "Case participant" means any person who is identified by a participant number in the support enforcement tracking system (SETS).



- (6) "Confidential information" means any personal information, as defined in this rule, relating to a specified person or a person who can be identified by reference to one or more factors specific to him or her, including but not limited to the person's social security number, residential and mailing addresses, employment information, and financial information.
- (7) "Custodial parent" means a parent of a minor child who lives in the same household as the child.
- (8) "Federal parent locator service (federal PLS)" means the parent locator service established and operated by the federal office of child support enforcement.
- (9) "Independent verification" or "independently verified" means the process of acquiring and confirming confidential information through the use of a second source.
- (10) "IV-D case" has the same meaning as in rule 5101:12-1-10 of the Administrative Code.
- (11) "Non-custodial parent (NCP)" means a parent of a minor child who does not live in the same household as the child.
- (12) "Non-IV-D case" has the same meaning as in rule 5101:12-1-10 of the Administrative Code.
- (13) "Person" means an applicant or recipient of IV-D services or an individual or entity who is a case participant in a IV-D or non-IV-D case.
- (14) "Personal information" means any information that describes anything about a person, or indicates action done by or to a person, or indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by a name, identifying number, symbol, or other identifier assigned to a person.
- (15) "Representative of a child" means a custodial parent, legal guardian, attorney of a child, guardian ad litem, or a caretaker relative having custody of, or responsibility for the child.
- (16) "Requestor" means any individual or entity who has requested information.



(17) "State parent locator service (state PLS)" means the parent locator service established and operated by the office of child support (OCS) within the Ohio department of job and family services (ODJFS).

(18) "Support enforcement program services" has the same meaning as in rule 5101:12-1-10 of the Administrative Code.

(D) Use of the term "information" throughout this rule and its supplemental rules refers to confidential and personal information as defined in this rule, unless indicated otherwise.

(E) A request for information from a case participant may be made in person with proper identification. The child support enforcement agency (CSEA) at its discretion may require that the case participant complete the JFS 04001 "Request for Case Information" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code) to affirm that the information being released is utilized for a valid purpose in accordance with this rule and its supplemental rules.

(F) A request for information from an individual or entity other than the case participant shall be made in writing via the JFS 04001. A public children services agency (PCSA) requests for location shall be made using the JFS 07713, "Child Welfare Agency Locate-Only Request" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code.)

(G) The following individuals or entities have the responsibility to maintain the confidentiality of and to safeguard all information contained in a person's case record, whether the information is contained on paper, film, computer, or any other electronic medium:

(1) Any individual with authorized access to the information contained in SETS or any other information contained in a person's case record, including a requestor who has been provided information in accordance with this chapter;

(2) A court or agent of a court who has the authority to issue an order against an NCP for the support and maintenance of child, or to serve as the initiating court in an action to seek a child support order;
or



(3) An agent or attorney of the United States.

(H) No individual or entity described in paragraph (G) of this rule shall disclose any information concerning a person except for an authorized purpose in accordance with this rule and its supplemental rules.

(I) Information requests related to parental kidnapping, child custody, or visitation purposes shall be handled in accordance with rule 5101:12-20-10 of the Administrative Code.

(J) In accordance with section 3125.99 of the Revised Code, anyone who discloses information to any person or for any purpose not specifically permitted by this rule or its supplemental rules is subject to a fine of up to five hundred dollars or a prison term of up to six months or both.

(K) A CSEA, OCS, or contractor may disclose information about a person subject to the provisions and limitations described in this rule and its supplemental rules in the following manner:

(1) Disclosure of information that the CSEA, OCS, or contractor obtains from the state or federal parent locator service (PLS).

The CSEA, OCS, or contractor may use and disclose the following information about a non-custodial parent, alleged father, custodial parent, or child when the CSEA, OCS, or contractor obtains the information from the state or federal PLS in order to perform the functions necessary to carry out the child support program:

(a) Name;

(b) Social security number;

(c) Address;

(d) Employer's name;



(e) Employer's address;

(f) Employer identification number;

(g) Wages;

(h) Income;

(i) Employment-related benefits, including health care coverage; and

(j) Type, status, location, and amount of assets or debts owed by or to the person.

(2) The CSEA, OCS, or contractor may disclose any information obtained from a source other than the state or federal PLS in order to perform the functions necessary to carry out the child support program.