



## Ohio Revised Code Section 4141.211 Disclosure of information.

Effective: October 3, 2023

Legislation: House Bill 33 - 135th General Assembly

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(A)(1) As used in this section, and except as provided in divisions (A)(2) and (3) of this section, "unemployment compensation information" means information maintained by the director of job and family services or the unemployment compensation review commission, or furnished to the director or commission by employers or employees pursuant to this chapter, that pertains to the administration of this chapter.

(2) "Unemployment compensation information" includes a wage report collected under the income and eligibility verification system established in section 4141.162 of the Revised Code only if it is obtained by the department for determining unemployment compensation monetary eligibility or is downloaded to the department's files as a result of a crossmatch.

(3) "Unemployment compensation information" does not include any of the following:

(a) Information in the new hires directory maintained by the department of job and family services under section 3121.894 of the Revised Code or in the national directory of new hires, if the information has not been used in the administration of the unemployment compensation program;

(b) Personnel or fiscal information of the department or commission;

(c) Information that is in the public domain.

(B) Unemployment compensation information may be disclosed under the following circumstances if the disclosure is permitted by federal law:

(1) The information is, or regards, appeal records and decisions or precedential determinations on coverage of employers, employment, and wages, provided that any social security numbers and personal health information have been removed.



(2) The information is about an individual or employer and is disclosed to that individual or employer.

(3) The information is about an individual or employer and is disclosed to an agent of the individual or employer, if the agent presents a written release from the individual or employer or another form of permissible consent if the agent demonstrates that a written release is impossible or impracticable to obtain.

(4) The information is disclosed to an elected official performing constituent services who presents reasonable evidence that an individual or employer has authorized a disclosure about that individual or employer.

(5) The information is about an individual or employer and is disclosed to an attorney who is retained for purposes related to unemployment compensation law and asserts that the attorney represents the individual or employer.

(6) The information is about an individual or employer and is disclosed to a third party who is not an agent, but is providing a service or benefit to the individual or employer or is carrying out administration or evaluation of a public program, if the third party obtains a written release from the individual or employer that is signed and does all of the following:

(a) Specifically identifies the information to be disclosed;

(b) States which files will be accessed to obtain the information;

(c) Specifies the purpose for which the information is sought and that the information will only be used for that purpose;

(d) Indicates all of the parties who may receive the information.

(7) The information is disclosed to a public official, or an agent or contractor of such an official, for use in the performance of official duties, including research related to the administration of those duties.



(8) The information is disclosed to the federal bureau of labor statistics pursuant to a cooperative agreement with the bureau.

(9) The information is disclosed in response to a subpoena or court order, provided the subpoena or order is properly served on the director or the commission, and a court has previously issued a binding precedential decision that requires disclosures of this type or an established pattern of prior court decisions requiring the type of disclosure exists.

(10) The information is disclosed in response to a subpoena by a local, state, or federal government official, other than a clerk of court on behalf of a litigant, with authority to obtain such information by subpoena under law.

(11) The information is disclosed to a federal or state official for purposes of unemployment compensation program oversight and audits or to a federal agency that the United States department of labor has determined to have adequate safeguards to satisfy the confidentiality and safeguard requirements of section 303 of the "Social Security Act," 42 U.S.C. 503.

(12) The disclosure of information is required by law.

(C)(1) For purposes of division (B)(7) of this section, "performance of official duties" does not include solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or a political party.

(2) For purposes of division (B)(10) of this section, the director may also disclose unemployment compensation information to those officials without the issuance or service of a subpoena.

(D) The following information may be disclosed to accredited colleges and universities, accredited educational institutions, nonprofit research organizations, and other organizations conducting research, if the disclosure is for the purpose of assisting in research or for use in providing or improving the provision of government services:

(1) Wage information as that term is defined in division (J) of section 4141.43 of the Revised Code;



- (2) Whether an individual is receiving, has received, or has applied for unemployment compensation;
  - (3) The amount of unemployment compensation an individual is receiving or entitled to receive;
  - (4) An individual's current or most recent home address;
  - (5) Whether an individual has refused an offer of work and, if so, a description of the job offered including the terms, conditions, and rate of pay;
  - (6) 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;
  - (7) Employment and training information;
  - (8) Employer information.
- (E) The director may require recipients of unemployment compensation information to enter into a written agreement to receive the information.
- (F) A recipient of unemployment compensation information, other than an individual or employer receiving information about that individual or employer, shall not redisclose the information without approval to do so from the director and shall safeguard the information against unauthorized access or redisclosure.
- (G) Failure to comply with this section may result in civil or criminal penalties, including the penalties set forward in sections 4141.22 and 4141.99 of the Revised Code, as applicable.