

OHIO MANUFACTURED HOMES COMMISSION
ACCESS TO CONFIDENTIAL PERSONAL INFORMATION POLICY

(A) Purpose

This policy is designed to enhance the Ohio Manufactured Homes Commission's ability to protect the confidential personal information maintained by this Commission.

(B) Application of Scope

This policy applies to all records containing confidential personal information kept by the Commission, whether in electronic or paper form. Likewise, this policy applies to all employees and appointed Commission members.

(C) Criteria for Access to Confidential Personal Information

Revised Code 1347(B)(1) requires that every state agency develop criteria for determining which employees of the agency may access, and which supervisory employees of the agency may authorize those employees to access, confidential personal information. For this Commission the following criteria apply:

- (1) The Executive Director of the agency is the individual responsible for the records, and shall be the supervisory employee responsible to delegate all access to the Commission records. Within those records is access to confidential personal information as defined in Revised Code (A)(1).
- (2) By necessity, the Executive Director and Licensing Supervisor shall have access to all confidential personal information including staff and Commission member files.
- (3) Commission members shall have access to confidential personal information submitted by individuals for licensure or certification that is contained within the applicant licensure packet or Commission investigative files directly related to their statutory duties.
- (4) Staff working on enforcement is authorized access to all investigations, inquiries, and licensee's files that may contain confidential personal information.
- (5) All Commission members and staff are authorized access to their own OAKS information and their own personal records that contains confidential personal information maintained by the Commission.

(D) Rational for Access to Confidential Personal Information

Commission members and staff are only permitted to access confidential personal information that is acquired by or in the possession of the Commission for valid business reasons. Specifically, valid business reasons are those matters that reflect the Commission member or staff's execution of their duties as set forth in ORC Chapter 4781 including, but not limited to, initial licensure, renewals, and investigations.

Employees are also permitted to access their individual employment records which contain confidential personal information.

(E) Statutory and Other Legal Authority for Confidentiality

"Confidential personal information" is defined by Revised Code Sections 1347.15 and 149.43. Other state and federal statutes, and even case law, add to the collection of information that is considered confidential i.e. Health Insurance Portability and Accountability Act of 1996 (HIPAA), The Family Educational Right to Privacy Act (FERPA), Revised Code Section 4776-04 stating an applicant's fingerprints are not public record and Revised Code Section 4715.03(D) stating information received by the Commission during an investigation is confidential and not subject to discovery in any civil action.

(F) Existing Computer Systems/Upgrades

The Commission does not currently own any computer system however confidential personal information is contained on the DAS, E-Licensing computer system.

(G) Access for Invalid Reasons

Should any personal confidential information in the possession of this Commission be accessed for an invalid reason by a staff or Commission member, the Executive Director will advise that individual of the breach as soon as reasonably possible. The notification should be done by telephone initially and followed by written correspondence.

(H) Data Privacy Point of Contact

The Executive Director will serve as the data privacy point of contact to work with the chief privacy officer within the office of information technology to ensure that confidential personal information is properly protected and that the requirements of Revised Code 1347.15 are satisfied.

(I) Use of Authentication Measure

The Commission's computers store, manage and contain confidential personal information. Each employee will use a password to gain access to this information. The employee will be responsible for the security and use of that password.

All Commission members and employees must comply with this policy and all provision of law related to maintaining or releasing personal confidential information. Violations are subject to personal discipline civil and/or criminal sanctions.