



**OHIO**  
DEPARTMENT  
OF PUBLIC  
SAFETY  
**ACCESSING CONFIDENTIAL PERSONAL  
INFORMATION (CPI)**

Date of Revision : **5/23/2013**

Priority Review : **All Employees ; Other  
Affected Personnel**

Distribution : **All ODPS Divisions**

## Summary of Revisions

Removal of "Governor's Management Directive on Accessing Confidential Personal Information Maintained by the State".

Removal of "before" and "after" pictures of the modified record or data elements changed within the record under D.2.b. Automated Logging.

Revisions throughout in bold/italicized text.

## Purpose

This policy applies to all employees who access or direct the access to confidential personal information (CPI) and sets forth the requirements for electronic and manual logging or recording of access.

To establish implementation and procedural guidelines that restrict access to CPI in accordance with R.C. §1347.15.

To establish a method for an individual to request and obtain a list of confidential personal information kept by the Department of Public Safety (DPS) about that individual in compliance with R.C. §1347.15.

## Policy

### A. STATEMENT OF POLICY

1. **Logging Access** - Ohio Revised Code §1347.15 requires the Ohio Department of Public Safety (DPS) to include a mechanism for recording or logging specific access by its employees to confidential personal information and the legitimate reasons for DPS to store and maintain confidential personal information.

The DPS Director and each member of the Director's senior advisors who access or direct another employee to access confidential personal information (CPI) from a personal information system shall manually log that access. The access of CPI by all other DPS employees shall be automatically logged or recorded by the computer system.

2. **Exemptions to Logging** - The logging requirements set forth in this policy shall not apply:
  - a. When personal information is accessed as a result of a request of the person whose information is being accessed.

- A request from an individual's authorized representative should

be considered as a request from the individual. An authorized representative can be legal counsel, legal custodian, or legal guardian of the individual.

- If an individual requests that an employee take some action on the individual's behalf, and the employee needs to access the CPI to accomplish the actions; there is an inherent authorization by the individual to access CPI. An example of this is a person filling out an application or renewing a license.
    - b. When the DPS employee comes into incidental contact with CPI and the access of the information is not specifically directed toward a specifically-named individual or a group of specifically-named individuals.
    - c. When access to CPI occurs as a result of routine office procedures and the access is not specifically directed toward a specifically-named individual or group of specifically-named individuals.
      - This exemption will apply primarily to Human Resource (HR) records on employees as long as the information would not adversely affect a person.
      - This is a very narrow exception and applies to HR information about individuals internal to DPS. Medical information in support of an employee's leave request under FMLA would fall under this exclusion, but background checks on job applicants would not be excluded.
3. **Written Requests for CPI** - R.C. §1347.15 requires the Ohio Department of Public Safety (DPS) to respond to a written request from an individual for a list of confidential personal information maintained by DPS about the individual. DPS Legal Services shall accept such requests on Form DPS 0023 and shall send the request to the appropriate Public Records Administrator (PRA) for processing by each DPS Division. Although such requests are not considered public records requests, the PRAs are responsible for processing them. Confidential personal information (CPI) about the individual which is protected from release under R.C. Chapter 1347 shall not be released.
  4. **Public Records Requests** - This policy is not intended to interfere with the administration of requests for public records in accordance with R.C. §149.43. Questions regarding whether a request is a public records request, a request for non-public records, or a request for CPI should be directed to Legal Services.
  5. **Passwords** - Each employee authorized to access CPI shall have a unique user ID and password, and each employee shall be responsible for transactions conducted using that user ID and password. All passwords shall conform to existing federal and state laws, regulations, and Policy DPS-800.10, Password and Personal Identification Number Security.
  6. **CAUTION: Accessing information for any purpose other than as delineated in this policy is strictly prohibited.** This includes, but is not limited to, accessing CPI for "curiosity purposes" in regards to persons or groups of persons that an employee may personally know, or knows of due to the person or groups of persons being in the media, holding elected or appointed positions, or having achieved a certain amount of fame or notoriety.
  7. **Confidentiality Statutes, Rules, and Regulations** - Employees should review Ohio Administrative Code Rule 4501-55-05 to reference a list of federal and state statutes, regulations, and administrative rules that make

personal information maintained or used by the Department confidential. See the "Current Form and Supplemental References" Section of this policy for links to those statutes/regulations/rules.

8. **Paper Documents Containing CPI** - DPS keeps many paper documents that contain CPI. To control access to these documents, the following protective actions are required:
  - a. All documents containing CPI shall be stored in locked file cabinets, locked desk drawers, or other secure storage when not in use. These documents shall not be left on work surfaces, desktops, or unsecured in cubicles when the employee is not in the work area.
  - b. Business unit managers shall issue keys for the cabinets to only those employees having a need to access these documents.
  - c. Treat mass storage devices such as CDs, DVDs, and thumb drives containing sensitive information the same way by placing them in secure storage.
9. **Improper Requests** - Any employee may make a confidential inquiry to Legal Services regarding the appropriateness of direction from a senior official to access CPI about a specific individual or group of specifically named individuals. Any employee who becomes aware of an inappropriate access or direction to access CPI shall follow Policy DPS-800.18, Data Security Incident Reporting and Response, and shall notify the DPS Security Operations Group immediately by calling 614-752-7686.

**Questions** regarding whether access for a specific purpose falls within the Department's powers, duties and responsibilities should be directed to DPS Legal Services.

10. **Definitions** - See Paragraph F for definitions of terms used in this policy.

**B. SCOPE OF ACCESS - Valid Reasons for Accessing CPI (OAC 4501-55-03)**

The requirements of R.C. §1347.15 (B)(2), administrative rules, and this policy contain valid reasons, directly related to the Department's exercise of its powers or duties, for which only DPS employees may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

1. Performing the following functions constitute valid reasons for authorized DPS employees to access confidential personal information:
  - a. Responding to a public records request;
  - b. Responding to a request from an individual for the list of CPI the DPS maintains on that individual;
  - c. Administering a Constitutional provision or duty;
  - d. Administering a statutory provision or duty;
  - e. Administering an administrative rule provision or duty;
  - f. Complying with any state or federal program requirements;
  - g. Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
  - h. Auditing purposes;
  - i. Licensure [or permit eligibility, filing, etc.] processes;

- j. Investigation or law enforcement purposes;
  - k. Administrative hearings;
  - l. Litigation, complying with an order of the court, or subpoena;
  - m. Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);
  - n. Complying with an executive order or policy;
  - o. Complying with Department 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
  - p. Complying with a collective bargaining agreement provision.
2. To the extent that the general processes described in Sub-Section B.1.a-p above do not cover the following circumstances, for the purpose of carrying out specific duties of the DPS, authorized employees would also have valid reasons for accessing CPI in the following circumstances:
- a. **The Office of Administration:**
    - Linking local law enforcement agencies and first responder organizations with federal programs in order to provide support
    - Providing professional and technical service to Department staff and the general public regarding employee benefits, compensation, labor relations, equal employment opportunity, employee development and training.
  - b. **Bureau of Motor Vehicles:**
    - Issuing driver licenses and commercial driver licenses, maintaining individual driving records, and managing driver license suspensions;
    - Issuing vehicle registrations and assisting the clerks of court of common pleas in issuing motor vehicle titles;
    - Working with state, federal, and local law enforcement agencies to investigate and prosecute incidents of identity theft, title, registration, and ID fraud, odometer fraud, and other motor vehicle offenses;
    - Issuing licenses to motor vehicle salespersons and dealers.
  - c. **Ohio Criminal Justice Services:**
    - Identifying, researching, and evaluating programs to assist law enforcement professionals and communities in reducing and preventing crime;
    - Developing technology, training, and products for law enforcement professionals; and
    - Administering grants programs to state and local criminal justice agencies to assist in reducing and preventing crime.
  - d. **Ohio Emergency Management Agency:**
    - Administering federal preparedness and disaster assistance grants to eligible applicants;
    - Developing plans for disaster preparedness, response, recovery,

mitigation and warning and interoperable communications to ensure applicability to all citizens in the state;

- Coordinating with local, state and federal governments, non-governmental organizations, and private sector entities to prepare for, respond to, and recover from disasters and mitigate future damage from disasters;
- Training and preparing first responders and others to improve emergency response capabilities through the state; and
- Administrative oversight of secure areas and communications systems.

**e. Ohio Division of Emergency Medical Services:**

- Educating, certifying, and investigating emergency medical service and fire service providers, instructors, and emergency medical services and fire educational institutions in the state;
- Providing administrative support to the State Board of EMS including, but not limited to, disciplinary actions; and
- Researching and recommending resolutions to assist those it certifies in providing pre-hospital and fire prevention services.

**f. Ohio Homeland Security:**

- Cooperating with state, county, federal, and law enforcement agencies, other government agencies, and private organizations to gather and analyze information in order to protect against, respond to, and recover from catastrophic incidents, including but not limited to, acts of terrorism, natural disasters, and biological incidents.

**g. Ohio Investigative Unit:**

- Enforcing state, federal, and local liquor, food stamp, and tobacco laws; and
- Providing education to law enforcement agencies and the general public regarding federal and state and local laws, regulations, rules, and policies.

**h. Ohio State Highway Patrol:**

- Providing traffic services to maintain safe roadways;
- Providing statewide emergency response services;
- Investigating criminal activities on state-owned property; and
- Providing security for the Governor and other dignitaries

**i. Ohio Traffic Safety Office:**

- Partnering with federal, state, and local traffic safety agencies to utilize the most innovative and efficient methods possible for managing state and federal resources;
- Providing education to law enforcement agencies and the general public regarding federal, state, and local laws, regulations, rules and policies.
- Conducting problem identification using crash citation and conviction data in order to plan and then implement traffic safety initiatives.

**j. Private Investigator and Security Guard Services:**

- Administering and enforcing the laws pertaining to private investigator and security guard service providers and their employees.

**C. RESPONDING TO REQUESTS FOR CPI**

1. **Requests** - An individual may make a written request for a list of the CPI kept by the DPS about the individual by completing and submitting DPS 0023 "Request for CPI Affidavit". If the individual is a legal guardian, the individual must also present a certified copy of the court entry appointing him or her legal guardian. If the individual is an authorized representative, the individual must also present a notarized power of attorney form. Forms may be delivered in person to: Ohio Department of Public Safety BMV Customer Service Center/Shiple Building Information Desk, 1970 West Broad Street, Columbus, OH 43223. Forms may also be mailed to: Ohio Department of Public Safety Legal Services Office, PO Box 182081, Columbus, OH 43218-2081.

If the form is delivered in person, it may be dropped off at the Information Desk in the BMV Customer Service Center on the First Floor of the Shiple Building. The employee at the information desk will then forward the document to Legal Services for processing.

2. **Response** - Upon receipt of the completed request Legal Services shall record the request and review to ensure that it is notarized; and the information required has been provided. If not notarized or if the information is incomplete, the DPS 0023 Form, along with a statement that the request was improperly submitted, shall be sent to the requestor. If the form is notarized and properly completed, Legal Services shall send an acknowledgement letter to the requestor stating that their request has been received and is in the process of being filled. Legal Services shall then send a copy of the request form to the PRA for each applicable Division. The PRA will, within a reasonable time period, coordinate the search and retrieval of the CPI that is on file within their Division and return the results to Legal Services. All results should be forwarded to Legal Services for review regardless of whether such results fall into one of the exceptions listed below.

Once all applicable Divisions have responded to the request, Legal Services shall review the information and determine what information will be released in compliance with R.C. §1347.15. They will then send a response letter containing the information available for release to the requestor. Confidential personal information shall not be released when:

- It relates to an investigation about the individual.
- It is part of a confidential law enforcement record, investigatory record, or trial preparation record.
- It is maintained in a database owned by a Division that is exempted from R.C. Chapter 1347, as indicated in §1347.04 (A)(1)(a) through (e).

If all information relates to an investigation about the person or any of the other exemptions listed above, Legal Services shall inform the requestor that the DPS has no CPI that is subject to disclosure. In all other cases, the response letter from Legal Services will:

- **Outline** the exact CPI on file,
- Notify the requestor that the requestor has the right to dispute

information under R.C. §1347.09,

- Refer the requestor of the requestor's rights under R.C. §1347.08, and
- **Advise** the requestor to refer any questions to Legal Services, who shall provide a contact number and e-mail address in its response.

3. **Costs** - DPS intends to charge all requesters the appropriate costs allowed by law for providing a list of CPI. Such costs do not include the cost of labor involved in preparing the list. Prior to releasing responsive records, Legal Services shall determine whether to require pre-payment.

#### D. LOGGING

##### 1. Automated Logging

- a. The DPS Information Technology Office shall ensure that any upgrades to an existing computer system or the acquisition of any new computer system that stores, manages, or contains CPI include a mechanism for recording specific access by DPS employees to CPI.
- b. The DPS Information Technology Office shall ensure that log entries capture user access events; and at a minimum, include the name of the application generating the log, the date the event occurred, the time the event occurred, the time zone (GMT time and offset or EST/EDT), username, and name/identifier of the person whose CPI was accessed. In addition, logs should also include (whenever feasible and practical) the version of the application, the level of the event (warning, informational, etc.), access type (read, write, update, etc.), the command, options and parameters directly initiated by the user, and the resource accessed.

#### E. PENALTIES FOR UNAUTHORIZED ACCESS AND/OR MISUSE OF CPI

##### 1. R.C. §1347.15 stipulates:

- No person shall knowingly access CPI in violation of a rule of a state agency.
- No person shall knowingly use or disclose CPI in a manner prohibited by law.
- No state agency shall employ a person who has been convicted of or pleaded guilty to a violation of the above-listed offenses.

##### 2. Violations of the Ohio Revised Code and this policy may result in:

- Criminal prosecution
- Civil liability for the employee
- Termination without progressive discipline
- Prohibition of employment with the State of Ohio for the employee's lifetime.

#### F. DEFINITIONS

1. **"Access"** as a noun means an opportunity to copy, view, or otherwise perceive whereas "access" as a verb means to copy, view, or otherwise perceive.
2. **"Computer system"** means a "system," as defined by R.C. §1347.01, that stores, maintains, or retrieves personal information using electronic data processing equipment.
3. **"Confidential Personal Information"** (CPI) has the meaning as defined by

R.C. §1347.15 (A)(1) and identified by rules promulgated by DPS in accordance with R.C. §1347.15 (B)(3) that reference the federal or state statutes or administrative rules that make personal information maintained by the DPS confidential. Examples of CPI include, but are not limited to:

- Name
- Address
- Phone Number
- Driver's license or State ID number
- Social Security Number
- Digital or photographic image
- Medical information

4. **"Department and/or DPS"** means the Ohio Department of Public Safety.
5. **"Division"** means one of the business units that compromise the Ohio Department of Public Safety. Specifically, the term "Division" refers to:
  - Ohio Bureau of Motor Vehicles
  - Office of Criminal Justice Services
  - Ohio Emergency Management Agency
  - Ohio Emergency Medical Services
  - Ohio Homeland Security
  - Ohio State Highway Patrol
6. **"Employee of the Department"** means each DPS employee regardless of whether he/she holds an elected or appointed office or position within DPS.
7. **"Individual"** means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.
8. **"Person"** means a natural person.
9. **"Personal Information System"** means a "system" that "maintains" "personal information" as those terms are defined in R.C. §1347.01. "System" includes manual and computer systems.
10. **"Senior Official"** - includes the Director and all members of Senior Advisors.
11. **"Senior Advisors"** - includes the following positions and any person filling the position on an interim basis:
  - Assistant Director
  - Deputy Director
  - Chief Legal Counsel
  - Director of Communications
  - Director of Legislative Affairs
  - Executive Directors of each Division
  - BMV Registrar
  - Superintendent of the Ohio State Highway Patrol
  - Chief Fiscal Officer
  - Chief Information Officer
12. **"Upgrade"** means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality; e.g., application modifications which would involve substantial administrative or fiscal resources to implement. "Upgrade" does not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.



## Current Form and Supplemental References

**Governor's Management Directive** - Accessing Confidential Personal Information Maintained by the State ([Revised 04/06/2009](#))

### Ohio Department of Public Safety - Forms

Access DPS forms through the Central Repository System (CRS):  
<http://odpsweb.ps.dps.state.oh.us/crs/>

[DPS 0007](#) Log of Access to Confidential Personal Information  
[DPS 0023](#) Request for Confidential Personal Information Affidavit (CPI)

### Ohio Department of Administrative Services

Statewide [Directives](#)

### Ohio Office of Collective Bargaining

Applicable [Labor Agreements](#)

### Ohio Office of Information Technology

Access Ohio Office of Information Technology, Statewide IT policies, at:  
<http://das.ohio.gov/Divisions/InformationTechnology/tabid/79/Default.aspx>

### Ohio Revised Code

[Chapter 149](#): Documents, Reports, and Records

§[149.43](#) Availability of public records for inspection and copying

[Chapter 1347](#): Personal Information Systems

§[1347.04](#) Exemptions from chapter  
§[1347.08](#) Rights of person who are subject of personal information  
§[1347.09](#) Disputing information  
§[1347.15](#) Access rules for confidential personal information

### Ohio Administrative Code

[Chapter 4501](#) Department of Public Safety - Administration and Director  
Rule 4501-55-01 Definitions  
Rule 4501-55-02 Procedures for accessing confidential personal information  
Rule 4501-55-03 Valid reasons for accessing confidential personal information  
Rule 4501-55-04 Recording and logging access to confidential personal information in computerized personal information systems

#### **Rule 4501-55-05 - Confidentiality statutes:**

**DPS** - The following make personal information maintained by DPS confidential and identify CPI within the scope of rules promulgated by DPS in accordance with R.C. §[1347.15](#):

Social Security Numbers: [5 U.S.C. 552\(a\), federal Privacy Act of 1974](#), unless the individual was told that the number would be disclosed;  
R.C. §[4776.04](#), BCI&I criminal records check results;  
Any personal information that is considered confidential under Section R.C. §[149.43](#);

R.C. §[2151.355](#) to [2151.358](#), sealing and expunging juvenile court records;

R.C. §[2953.32](#) to [2953.35](#), sealing records of conviction;

R.C. §[2953.52](#) to [2953.55](#), sealing records of not guilty findings, dismissals, or no bill.

### **The Office of Administration**

[Health Insurance Portability and Accountability Act \(HIPAA\) of 1996, Pub. L. No. 104-191, 29 U.S.C. 1181;](#)

The [Americans with Disabilities Act \(ADA\) of 1990, 5 U.S.C. 8905a;](#)

The [Family and Medical Leave Act \(FMLA\) of 1993, 29 U.S.C. 2601.](#)

**DPS Divisions** - Non-exhaustive list of federal/state statutes/regulations/rules making personal information maintained by DPS Divisions confidential:

### **Ohio Bureau of Motor Vehicles:**

The federal [Driver's Privacy Protection Act \(DPPA\), 18 U.S.C. 2721-2725;](#)

The state driver's privacy protection act (DPPA), R.C. §[4501.27](#) to [4501.272](#) of the Revised Code and OAC Rules [4501:1-12-02](#) and [4501:1-12-03;](#)

R.C. §[4501.15](#), Social Security and credit information obtained in connection with a driver's license or vehicle registration.

R.C. §[4501.81](#) and OAC Rule [4501:1-1-40](#), next of kin database;

R.C. §[4507.20](#), physicians' statements submitted to the Registrar;

R.C. §[4507.53](#), digitalized photographic records of the DPS;

R.C. §[4509.10](#), accident reports submitted pursuant to R.C. §[4509.01](#) to [4509.78;](#)

R.C. §[4517.43](#), motor vehicle dealer, motor vehicle auction owner, motor vehicle distributor, and motor vehicle salesperson license applications and copies of contracts;

R.C. §[4738.14](#) and OAC Rule [4501:1-4-03](#), motor vehicle salvage dealer, salvage motor pool, or salvage motor vehicle auction license applications.

### **Emergency Management Agency:**

The federal Freedom of Information Act applies information in the Homeland Security grant program, [5 U.S.C. Section 552;](#)

Public assistance and individuals and households disaster grant programs administered by FEMA, [42 U.S.C. Chapter 68.](#)

## Emergency Medical Services

R.C. §[149.43](#), Ohio Public Records Act, makes specific exemptions for medical records, EMT and firefighter residential and familial information, and confidential law enforcement investigatory records.

## Ohio Homeland Security

[28 C.F.R. Part 23](#), Protections of criminal intelligence;

R.C. §[109.57](#), protection of information provided to government agencies from BCI&I;

R.C. §[149.43](#), confidential law enforcement investigatory records;

R.C. §[149.433](#), security records and infrastructure records;

R.C. §[1347.12](#), no requirement to notify an individual of a system breach if notification jeopardizes national security.

## OSP Standard References

None

## Policy References

<a href="#">BMV-100.01</a>	PROCESSING PERSONAL AND FAMILY TRANSACTIONS
<a href="#">DPS-200.06</a>	COLLECTION AND DESTRUCTION OF DOCUMENTS AND OTHER MEDIA CONTAINING SENSITIVE INFORMATION (OPSEC)
<a href="#">DPS-400.02</a>	DEPARTMENTAL AND DIVISIONAL POLICIES AND DIRECTIVES AND INTRANET ACCESS
<a href="#">DPS-400.04</a>	ADMINISTRATION OF PUBLIC RECORDS REQUESTS
<a href="#">DPS-400.07</a>	RECORDS MANAGEMENT
<a href="#">DPS-402.02</a>	MULTI-AGENCY RADIO COMMUNICATION SYSTEM (MARCS)
<a href="#">DPS-800.01</a>	USE OF INTERNET, E-MAIL, AND OTHER IT RESOURCES
<a href="#">DPS-800.10</a>	COMPUTER PASSWORD AND PERSONAL IDENTIFICATION NUMBER SECURITY
<a href="#">DPS-800.17</a>	SECURITY NOTIFICATIONS - STATE COMPUTER APPLICATIONS/NETWORKS/TELECOMMUNICATIONS SYSTEMS
<a href="#">INV 401.01</a>	LEADS OPERATIONS & PROCEDURES
<a href="#">OSP-103.16</a>	CRIMINAL INTELLIGENCE