

Procedure Name: Request to Inspect Personal Information

Procedure No: P 512

Issue Date: April 23, 2012

1. Purpose

This standard operating procedure includes guidance and instructions that must be followed by the employees or contractors of the Department of Administrative Services (DAS) when responding to written requests to inspect Personal Information (PI) contained in a system managed by DAS.

2. Overview

In accordance with Ohio Revised Code (ORC) 1347.08(A), upon the request of a properly identified person, every state agency that maintains a personal information system must:

- inform that person of the existence of any personal information about him or her in the system;
- permit the person to inspect that personal information in the system(s); and
- inform the person about the types of uses made of the personal information and the identity of users granted accessed.

Exceptions to ORC 1347.08 also exist and must be considered.

ORC Section 1347.15(B)(5) requires state agencies to comply with a written request from an individual for a list of Confidential Personal Information (CPI) about the individual that the state agency keeps, unless the CPI relates to an investigation about the individual based upon specific statutory authority by the state agency.

“Individual” means a natural person, an authorized representative, legal counsel, legal custodian or legal guardian of the individual.

“Personal information,” as defined by Ohio Revised Code (ORC) 1347.01, means any information that describes anything about a person, or that indicates actions done by or to a person, or that 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. Some examples of personal information are:

- names
- Social Security numbers
- resumes
- contracts
- correspondence
- addresses
- phone numbers
- driver’s license numbers
- state identification numbers
- professional license numbers

- financial account information
- medical and health information
- physical characteristics and other biometric information
- education information
- tax information
- individuals' job classifications and salary information
- performance evaluations
- employment application forms
- timesheet

“Sensitive personally identifiable information” includes personally identifiable information that DAS has discretion not to release under public records law, and it also includes “confidential personal information,” which DAS is restricted or prohibited from releasing under Ohio’s public records law. Examples of “sensitive personally identifiable information” that DAS keeps includes:

- Social Security numbers
- a person’s financial account numbers and information
- beneficiary information
- tax information
- employee voluntary withholdings
- passwords
- employee home addresses and phone numbers
- security challenge questions and answers
- employees’ non-state-issued email addresses
- medical and health information
- fingerprints and other biometric information
- driver’s license numbers
- state ID card numbers (as issued by the Ohio Bureau of Motor Vehicles)
- confidential personal information (see below)

“Confidential personal information” is personal information that falls within the scope of section 1347.15 of the Revised Code and that DAS is prohibited from releasing under Ohio’s public records law. It applies to Social Security numbers, fingerprint data and medical and health information that is maintained in the following five personal information systems only:

- Criminal History Reports – MARCS (paper-based system)
- County Job Audits – Human Resources Division (paper-based system)
- County Lay-Off Records – Human Resources Division (paper-based system)
- County Probation Extension Requests – Human Resources Division (paper-based system)
- County Unclassified Designations – Human Resources Division (paper-based system)

3. Requests to Inspect Personal Information

A. Evaluate the Request:

As a standard practice, general requests from individuals to review their own personal information should be routed to the appropriate DAS division records manager for evaluation. The requester must put the request for personal information in writing. Individual DAS offices may have specific business processes that involve the collection, verification or communication with customers regarding their personal information. This procedure does not supersede those business processes as long as those business processes are consistent with chapter 1347 of the Revised Code in providing individuals with an opportunity to review their personal information.

B. Verify the Identity of the Requester

If the personal information entirely constitutes a public record subject to disclosure under ORC 149.43, then it will be disclosed in accordance with DAS Policy 900-01, Public Records Policy. For personal information that is not a public record, however, the subject of the information still has a right, with some limitations, to review his or her own information under ORC Chapter 1347.

The records manager must verify the identity of the requester of sensitive or confidential personal information to ensure that fulfilling the request for those types of personal information is appropriate. To verify the requester's identity, the requester must appear in person and present a valid driver's license, official state identification card or passport. In the event an individual cannot present one of those three photo IDs, the department may accept a similarly trustworthy form of verification. Use of an alternative form of verification shall be approved by a deputy director prior to release the sensitive or confidential personal information.

C. Limitations on Disclosure

The records manager must notify the DAS Office of Legal Services of each request for personal inspection of sensitive or confidential personal information. The records manager, in consultation with the DAS Office of Legal Services, must determine if there are any requirements pertaining to the disclosure of the personal information or any legal restriction that limits the release of personal information to the subject of the information. Some examples include:

- DAS is not required to release any confidential personal information under ORC 1347.15 that relates to an investigation about that individual.
- The records manager, in consultation with the DAS Office of Legal Services, must disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person. In this case, the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian.
- DAS must not release a confidential law enforcement investigatory record or trial preparation record as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.
- DAS is not required to release any personal information about an individual if the information is excluded from the scope of Chapter 1347 of the Revised Code.

D. Dispose the Request

Personal information is to be available for inspection during regular business hours, with the exception of published holidays. Personal information must be made available for inspection promptly. Copies of personal information must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of personal information requested; the proximity of the location where the information is stored; and the necessity for any legal review of the information requested.

Each request should be evaluated for an estimated length of time required to gather the personal information. All requests for personal information must be satisfied within a reasonable time. Requests for personal information should be coordinated with the Office of Communications and the DAS Office of Legal Services.

4. Costs for Personal Information.

Those seeking personal information will be charged only the actual cost of making copies.

- The standard charge for paper copies is 5 cents per page.
- The charge for computer files placed on a compact disc is \$1 per disc.

Requesters may ask that records be mailed to them. Electronic sensitive personally identifiable information shall be sent to the requester in an encrypted format. The means of decrypting the information shall be sent through a separate communication. They will be charged the actual cost of the postage and mailing supplies. The office may require the requester to pay the cost of providing the information in advance.

5. Questions

For questions regarding this procedure, please contact the DAS Office of Legal Services at 614-644-1773.

6. Maintenance of this Procedure

This procedure will be reviewed at least once annually to ensure it remains compliant with ORC Sections 1347.08 and 1347.15 and with any corresponding DAS policy.

7. Revision History

Date	Description
04/23/2012	New standard operating procedure