



## Ohio Administrative Code

### Rule 3773-9-04 Valid reasons for accessing confidential personal information.

Effective: November 30, 2017

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(A) Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the commission's exercise of its powers or duties, for which only employees of the commission may access confidential personal information regardless of whether the personal information system is a manual system or computer system.

(B) Any of the following functions normally performed by the commission constitute valid reasons for authorized employees of the commission to access confidential personal information:

(1) Responding to a public records request;

(2) Responding to a request from an individual for the list of confidential personal information the commission maintains on that individual;

(3) Administering a provision of the United States constitution or Ohio constitution directly applicable to the operations of the commission;

(4) Administering a provision of Chapter 3773. of the Revised Code;

(5) Administering a provision of agency 3773 of the Administrative Code;

(6) Complying with any state or federal program requirements;

(7) Processing or payment of claims;

(8) Auditing purposes;

(9) Licensure processes, including determination of eligibility and filing requirements;



- (10) Investigation or law enforcement purposes;
  - (11) Administrative hearings;
  - (12) Litigation, complying with an order of the court, or subpoena;
  - (13) Human resource matters, including but not limited to, hiring, promotion, demotion, discharge, salary or compensation issues, leave requests or issues, and time card approvals or issues;
  - (14) Complying with an executive order;
  - (15) Complying with an official commission 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
  - (16) Complying with a collective bargaining agreement provision.
- (C) In addition to the general processes described in paragraph (A) of this rule, in the following specific processes of the commission, authorized commission employees would have valid reasons for accessing confidential personal information:
- (1) Investigators, attorneys, and staff may review confidential personal information of individuals who are subject to investigation for alleged misconduct which may result in discipline.
  - (2) These same employees may review confidential personal information of individuals who are not the subject of the investigation, but may be witnesses with information related to the investigation.
  - (3) Confidential personal information may also be reviewed by these employees and members of the commission in professional conduct matters which become the subject of administrative hearings.