



Ohio Administrative Code

Rule 4141-43-02 Disclosure of confidential information to public child support enforcement agencies, public assistance agencies, employment and training agencies, prosecuting authorities, and other public officials and governmental agencies.

Effective: April 1, 2020

(A) To the extent not covered by Chapter 4141-16 of the Administrative Code, confidential wage, claim, employer and/or employment and training information furnished to or maintained by the director of the department of job and family services pursuant to Chapter 4141. of the Revised Code may be disclosed or exchanged at the sole discretion of ODJFS, and only pursuant to a signed written agreement with county departments of job and family services, state and county child support enforcement agencies, and governmental agencies administering employment and training and public assistance programs to:

(1) Assist in determining eligibility for benefits and/or services provided by programs administered or funded by the Ohio department of job and family services;

(2) Detect fraud and abuse;

(3) Assist in securing child support;

(4) Verify information on the new hire data base;

(5) Support research and provide information for use in improving employment and training services provided under programs funded by the Ohio department of job and family services; or

(6) Comply with state and federal reporting requirements.

(B) Information referenced in paragraph (A) of this rule may also be disclosed or exchanged with civil and criminal prosecuting authorities with subpoena authority for use in the discharge of their official public duties.



(C) For the purposes of this rule, civil and criminal prosecuting authorities include:

- (1) The Ohio attorney general;
- (2) Ohio county prosecuting attorneys;
- (3) Prosecuting attorneys for Ohio municipalities or other Ohio political subdivisions; and
- (4) The United States attorney.

(D) Except as provided in paragraph (I) of this rule, any disclosure of confidential wage, claim, employer and/or employment and training information under this rule will be made subject to the following conditions:

- (1) The information shall not be used for any purpose not specifically authorized or permitted by state and federal law;
- (2) The information shall be stored in a place physically secure from access by unauthorized persons;
- (3) Information in any electronic format shall be stored, transmitted and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal, or other means;
- (4) Any entity receiving the information shall instruct all personnel with access to the information regarding the confidential nature of the information, the confidentiality requirements of state and federal statutes and regulations, and the sanctions against unauthorized disclosure of information; and
- (5) The entity receiving the information shall permit the department of job and family services to make on-site inspections to ensure that the requirements of state and federal law are being met.

(E) A contractor, grantee, or other federal, state or local entity, other than those listed in paragraphs (A) and (B) of this rule, performing administrative or other duties on behalf of the director of the



department of job and family services or a county department of job and family services may be provided wage, claim, employer and/or employment and training information under this rule when needed for completion of the administrative or other duties if the following confidentiality and security requirements are met:

(1) There must be a signed written agreement with the contractor, grantee, or entity that establishes the purpose and scope of duties to be performed for the department of job and family services or the county department of job and family services;

(2) The agreement shall contain language that the contractor, grantee, or entity may not use the information received pursuant to the agreement for purposes other than those set out in the written agreement; and

(3) The agreement shall include language that establishes that the contractor, grantee, or entity is bound by the rules of the department of job and family services, and that disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the department of job and family services is a breach of the contract and a violation of sections 4141.21 and 4141.99 of the Revised Code.

(F) The director shall prescribe any additional conditions under which disclosure or exchange of information under this rule may be made and may require the reimbursement of costs of disclosure where such costs are not de minimis.

(G) For the purposes of this rule, the terms "wage, claim, employer and/or employment and training information" have the same meaning as provided in rule 4141-43-01 of the Administrative Code.

(H) Notwithstanding paragraphs (D) and (E) of this rule, the director may disclose information described in paragraph (A) of this rule to the wage record interchange system, a public official, contractor, or agent of a public official for the purpose of administration or evaluation of public assistance or employment and training programs. Such disclosure shall be subject to the confidentiality and safeguard requirements of the United States department of labor pursuant to section 303(a) of the Social Security Act, 42 U.S.C. 503(a) (7/2004).



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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(I) Notwithstanding paragraphs (D) and (E) of this rule, the director may disclose information described in paragraph (A) of this rule to a federal agency which the United States department of labor has determined to have in place safeguards adequate to satisfy the confidentiality and safeguard requirements of section 303(a)(1) of the Social Security Act.