



## Ohio Administrative Code Rule 901-10-04 Confidentiality statutes.

Effective: December 12, 2024

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The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the department confidential within the scope of rules promulgated by this department in accordance with section 1347.15 of the Revised Code:

- (A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.
- (B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code.
- (C) Financial statements submitted for agricultural commodity handler licenses: section 926.06 of the Revised Code.
- (D) "Federal Drug Administration"
  - (1) Title 21 C.F.R. part 20.
  - (2) Title 18 U.S.C. 1905.
- (E) Information furnished to or procured by the director pursuant to section 917.17 of the Revised Code.
- (F) Information contained in the individual reports filed with the director of agriculture by producers, handlers, or processors of any Ohio agricultural commodity for which a marketing program is proposed: division (B) of section 924.05 of the Revised Code.
- (G) Any record submitted to the department of agriculture that indicates how an individual has voted in a referendum to establish or amend an agricultural commodity marketing program, or how



an individual has voted in an election of the members of the operating committee for an agricultural commodity marketing program: section 924.17 of the Revised Code.

(H) "Horseracing Integrity and Welfare Unit (HIWU) and Federal Horseracing Integrity and Safety Act (HISA) of 2020 as amended" and rules promulgated under HISA including HISA anti-doping and medication control program, 15 U.S.C. 3057 (C)(1)(2) records associated with personal information relating to the alleged violation of these two programs.

(I) Data or records of a person's agricultural operations, conservation or water quality improvement practices, or proposed utilization of such practices collected or maintained by the department of agriculture, a soil or water conservation district, an institution of higher education, as defined in section 3345.12 of the Revised Code, or any other state agency: section 940.42 of the Revised Code.

(J) Information, data and any associated record used in the development, approval, implementation, review of, or contained in a voluntary nutrient management plan or used to determine compliance with such a plan: division (C) of section 905.324 of the Revised Code.

(K) Personal information in an annual tonnage report (agricultural liming material sold or distributed) and certain other personal information maintained by the department of agriculture: section 905.57 of the Revised Code.

(L) Personal financial information in the department of agriculture's records identifying commodity handler license applicants: division (D) of section 926.06 of the Revised Code.

(M) Any additional information provided to the propane council that was requested of a retailer seeking a refund of assessments: division (D) of section 936.08 of the Revised Code.

(N) Pursuant to a measurement of understanding between Ohio department of agriculture and the United States department of agriculture the compilation of statistical data related to the production, processing and marketing of agricultural products within Ohio, information collected from individual respondents or objective measurements made in the field for and data collection effort may be protected from disclosure under the following provisions:



- (1) Title V (CIPSEA) of the E-Government Act of 2003, public law 107-347, section 512, "Limitations on Use and Disclosure of Data and Information."
  - (2) Title 7 U.S.C., section 2276, "Confidentiality of Information."
  - (3) Title 18 U.S.C., section 1902, "Disclosure of Crop Information and Speculation thereon."
  - (4) Title 18 U.S.C., section 1905, "Disclosure of Confidential Information."
  - (5) Title 18 U.S.C., section 2072, "False Crop Reports."
- (O) As applicable, any other statues, rules or court decisions that make personal information retained by the department confidential pursuant to the Ohio public records law as set out in section 149.43 of the Revised Code.