

Interim Policy on Logging Access to Confidential Personal Information

Background/Introduction

The State of Ohio is dedicated to developing and implementing information access policies and controls that enhance and ensure the privacy and security of Ohio's citizens who have information stored in the State's personal information systems. In November 2008 and April 2009, Governor Strickland issued Management Directives to Ohio's executive agencies, boards and commissions (collectively, "state agencies") directing them to undertake certain steps designed to lead to the full implementation of sections 1347.15 and 5703.211 of the Ohio Revised Code.

State agencies are continuing their efforts to fully implement ORC section 1347.15, including executing agency implementation plans, evaluating personal information systems, developing information access policies, and finalizing administrative rules governing information use and access. The agencies are being assisted in this effort by several interagency working groups composed of state agency attorneys, data privacy points of contact, human resources professionals and information technology staff.

As state agencies work towards full implementation of the law, this Interim Policy on Logging Access to Confidential Personal Information has been developed by the interagency working group and will ensure that the procedures for logging senior officials' access to CPI are implemented in a standardized fashion across state agencies.

Policy

While state agencies work toward compliance with section 1347.15 of the Revised Code, they shall adopt a standard policy with regard to recording access to confidential personal information by senior officials. At a minimum, each senior official of a state agency, board and commission who accesses or directs an employee of the agency to access confidential personal information (CPI) from a personal information system shall record that specific access whenever it is specifically directed toward a specifically named individual or a group of specifically named individuals. Each employee covered by this policy shall record the access in a standard log(s) adopted by the agency. Consistent with section 1347.15 of the Revised Code, access to CPI that occurs as a result of a request of the person whose information is being accessed is not required to be recorded. Also, access to CPI that is not targeted to a specifically named individual or a group of specifically named individuals is not required to be recorded.

Who and What is Covered

This policy applies to senior officials of executive branch agencies, boards and commissions that fall under the authority of the Governor. For purposes of this policy, senior officials include anyone whose appointing authority is the Governor, and any assistant directors and deputy directors who report to a

gubernatorial appointee. It also includes board and commission members who are appointed by the Governor.

A personal information system is a system of record that contains all of the following attributes:

1. It is a group or collection of records that are kept in an organized manner in either electronic or paper formats. (See the definition of “system” in ORC 1347.01(F))
2. It contains “personal information” which is a person’s name or other identifier (such as SSN or driver’s license number) associated with any information that describes anything about a person or indicates that a person possesses certain personal characteristics. (See the definition of “personal information” in ORC 1347.01(E))
3. Personal information is retrieved from the system by name or other identifier. (See the definition of “system” in ORC 1347.01(F))
4. The agency has ownership of, control over, responsibility for, or accountability for that system of record. (See the definition of “maintains” in ORC 1347.01(D))

“Confidential Personal Information” for the purposes of this policy is personal information that the law prohibits the agency from releasing. Examples of personal information that may fall within the scope of CPI – depending on agency-specific legal requirements – include Social Security Numbers, medical diagnoses, benefit-related information, certain information relating to children and income tax information in certain circumstances. (See also the definition of “confidential personal information” in ORC 1347.15(A)(1) and “public records” in ORC 149.43)

“Access,” for the purposes of this policy, means the retrieval of confidential personal information from a personal information system by name or personal identifier so that CPI is viewed, or so that CPI is copied or retained outside of the personal information system.

What is Not Covered

In limited circumstances, routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person. This applies primarily to internal human resource records on employees as long as the information would not “adversely affect a person.” This type of information is not considered part of a personal information “system” under ORC 1347.01(F).

Content of Logs

The record of access shall be maintained in a log. Each log shall contain the following information:

Information Recorded in Logs	Description
Name of the Personal Information System	Name of the personal information system from which a person's confidential personal information (CPI) is being viewed or otherwise retrieved by name or personal identifier.
Date	The date of the access. Note: The format should be standardized, such as DD-MM-YYYY or MM-DD-YYYY. "DD" means date; "MM" means month; and "YYYY" means year.
Time	The time of the access occurred (HH:MM for manual logs; HH:MM:SS for automated logs). Note: If the log is automated, it should capture U.S. Eastern Time as the default or Greenwich Mean Time with the offset. "HH" means hour; "MM" means minute; and "SS" means second.
Name of the State Official Accessing CPI	The name of the senior official accessing or attempting to access CPI in the personal information system. Note: A system username is sufficient as long as the username is associated only with a single user who is the director, assistant director or deputy director accessing CPI directly or indirectly.
Identification of the Person Whose CPI Was Accessed	The name or identifier of the person whose CPI was accessed. Note: When possible, do not record identifiers that are considered confidential such as Social Security Number, but record an identifier that is not confidential.

Managing the Logs

Each agency shall deploy technical or procedural security controls to support the enforcement of this policy. As a minimum, each agency shall

1. Provide employees covered by this policy with an electronic mechanism or paper form (see sample templates attached) as the log for recording access;
2. Establish a retention schedule for the logs created as a result of this policy; and
3. Establish a written procedure for storing and securing the logs.

Inquiries

This publication is distributed by the Ohio Interagency Legal Working Group on ORC Section 1347.15. Questions should be directed to your agency's legal counsel or to the State Chief Privacy Officer at the Ohio Office of Information Security and Privacy at (614) 752-7204 or chief.privacy.officer@oit.ohio.gov.

[Agency Name] Log of Access of Confidential Personal Information			
Name of Personal Information System:			
Name of Person Accessing Confidential Personal Information (CPI)			
Acknowledgment: I acknowledge that the information on this log is true and complete and that I have accessed CPI only for purposes relating to my job duties or my agency's governmental function. <div style="display: flex; justify-content: space-between; margin-top: 5px;"> _____ _____ </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Initials Date </div>			
	Name (or identifier) of person whose CPI was accessed	Date	Time
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

[Agency Name] Log of Access of Confidential Personal Information				
Name of Person Accessing Confidential Personal Information (CPI)				
Acknowledgment: I acknowledge that the information on this log is true and complete and that I have accessed CPI only for purposes relating to my job duties or my agency's governmental function.				
		_____	_____	
		Initials	Date	
	Name (or identifier) of person whose CPI was accessed	Name of Personal Information System	Date	Time
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				