

# Preliminary Checklist for Applying “Confidential Personal Information” to Priority Systems

## Ohio Revised Code Section 1347.15

### STEP ONE

#### Is the information the agency maintains Personal Information?

- **Personal Information** defined at ORC §1347.01.
- Summary of **Personal Information**:
  - Describes anything about a person, *or* indicates actions done by or to a person, *or* indicates that a person possesses certain personal characteristics; and
  - Contains a name, identifying number, symbol or other identifier assigned to a person; and
  - Can be retrieved from a **System** (see Step Two).



**STOP:** If the information is not **Personal Information**, it is not **CPI**.



**PROCEED:** If your agency maintains **Personal Information**.

### STEP TWO

#### Is any **Personal Information** part of a System?

- **System** defined at ORC §1347.01.
- Summary of **System**:
  - Collection or group of related records;
  - Kept in an organized manner;
  - **Maintained** by a state agency (see Step Three); and
  - Personal information is retrieved by one of the following:
    - Name of the person,
    - Identifying number,
    - Symbol, *or*
    - Other identifier assigned to the person
- NOT considered part of a **System**:
  - Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person.
  - **Historical** Society archival records;
  - **Published** directories;
  - Reference materials; or
  - Newsletters.



**STOP:** If the **Personal Information** is not part of a **System**, or is specifically exempted, it is not **CPI**.



**PROCEED** if the **Personal information** is part of a **System**.

### STEP THREE

#### Is the **Personal Information** Maintained in the System?

- **Maintained** defined at ORC §1347.01.
- Summary of **Maintained**:
  - Ownership of,
  - Control over,
  - Responsibility for, *or*
  - Accountability for systems.
- The definition of **Maintained** specifically includes, but is not limited to:
  - State agency depositing of information with a data processing center for storage, processing, or dissemination; and
  - All systems of records that are required by law to be kept by the agency.



**STOP:** If the **Personal Information** is not **Maintained** within the **System**, it is not **CPI**.



**PROCEED:** If the **Personal Information** is **Maintained within the system**

### FINAL STEP

#### Is the **Personal Information** Maintained in the System a Public Record?

- **CPI** defined at ORC §1347.15
- Summary of **CPI**:
  - **Personal Information** (see Step One); and
  - Not a **Public Record** for purposes of section 149.43 of the Revised Code.
    - As a priority, agencies should take particular care to identify “personal information” that the state agency is prohibited from releasing under Ohio’s public records law.
    - Examples of “not a public record” under the Revised Code 149.43:
      - Medical records,
      - Confidential law enforcement investigatory records, *or*
      - Records the release of which is prohibited by state or federal law.



**STOP:** If the **Personal Information** **Maintained** in the **System** is a **Public Record**, it is **NOT** **CPI** subject to ORC 1347.15.



**CAUTION:** At a minimum, if the **Personal Information** **Maintained** in the **System** is not a **Public Record**, it is **CPI**. Please note that the state agency, working through its legal counsel, will need to determine if there is additional information that falls within the definition of “confidential personal information” as set forth in section 1347.15(A)(1) of the Revised Code.

**Version:** Beta (to be updated based on agencies’ experiences and feedback)

**Developed by:** The Ohio Interagency Working Group on ORC 1347.15 in consultation with Ohio Attorney General’s Office. Questions? Contact State Chief Privacy Officer

**Available at:**  
<http://privacy.ohio.gov/government>