

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 648

Representative Jones

**Cosponsors: Representatives Batchelder, Hottinger, Stebelton, Bupp, Nero,
Grady, Setzer, Adams, Schindel, Wachtmann, Gardner, Widener, Brinkman,
Zehringer, Uecker, Mecklenborg, Wagner, McGregor, R., McGregor, J.,
Combs, Sears, Goodwin**

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A B I L L

To amend section 1347.99 and to enact sections 1
1347.15 and 5703.211 of the Revised Code to 2
require state agencies to adopt rules governing 3
access to the confidential personal information 4
that they keep, to create a civil action for harm 5
resulting from an intentional violation of these 6
rules, to impose a criminal penalty for such an 7
intentional violation, and to require the 8
Department of Taxation to adopt rules to require 9
the tracking of searches of any of the 10
Department's databases. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1347.99 be amended and sections 12
1347.15 and 5703.211 of the Revised Code be enacted to read as 13
follows: 14

Sec. 1347.15. (A) As used in this section, "confidential 15
personal information" means personal information that is not a 16

public record for purposes of section 149.43 of the Revised Code. 17

(B) Each state agency shall adopt rules under Chapter 119. of 18
the Revised Code regulating access to the confidential personal 19
information the agency keeps. The rules shall include all the 20
following: 21

(1) Criteria for determining which employees of the state 22
agency may access, and which supervisory employees of the state 23
agency may authorize those employees to access, confidential 24
personal information; 25

(2) A list of the valid reasons, directly related to the 26
state agency's exercise of its powers or duties, for which only 27
employees of the state agency may access confidential personal 28
information; 29

(3) References to the applicable federal or state statutes or 30
administrative rules that make the confidential personal 31
information confidential; 32

(4) A procedure that requires the state agency to record each 33
specific access by employees of the state agency to confidential 34
personal information; 35

(5) A procedure that requires the state agency to comply with 36
a written request from an individual for a list of confidential 37
personal information about the individual that the state agency 38
keeps; 39

(6) A procedure that requires the state agency to notify each 40
person whose confidential personal information has been accessed 41
for an invalid reason by employees of the state agency of that 42
specific access; 43

(7) A requirement that the director of each state agency 44
designate an employee of the state agency to serve as the data 45
privacy point of contact within that state agency to work with the 46

chief privacy officer within the office of information technology 47
to ensure that confidential personal information is properly 48
protected and that the state agency complies with this section and 49
rules adopted thereunder; 50

(8) A requirement that the data privacy point of contact for 51
the state agency complete a privacy impact assessment form which 52
the office of information technology shall develop and post on its 53
internet web site by the first day of December of each year. The 54
form shall assist each state agency in complying with the rules 55
adopted under this section, in assessing the risks and effects of 56
collecting, maintaining, and disseminating confidential personal 57
information, and in adopting privacy protection processes designed 58
to mitigate potential risks to privacy; and 59

(9) A requirement that a password be used to access 60
confidential personal information. 61

(C) Each state agency shall establish a training program for 62
all employees of the state agency described in division (B)(1) of 63
this section so that these employees are made aware of all 64
applicable statutes, rules, and policies governing their access to 65
confidential personal information; 66

(D) Each state agency shall distribute the policies included 67
in the rules adopted under division (B) of this section to each 68
employee of the agency described in division (B)(1) of this 69
section and shall require that the employee acknowledge receipt of 70
the copy of the policies. The state agency shall create a poster 71
that describes these policies and post it in a conspicuous place 72
in the main office of the state agency and in all locations where 73
the state agency has branch offices. The state agency shall post 74
the policies on the internet web site of the agency if it 75
maintains such an internet web site. A state agency that has 76
established a manual or handbook of its general policies and 77
procedures shall include these policies in the manual or handbook. 78

(E) No collective bargaining agreement entered into under Chapter 4117. of the Revised Code on or after the effective date of this section shall prohibit disciplinary action against or termination of an employee of a state agency who is found to have accessed, disclosed, or used personal confidential information in violation of a rule adopted under division (B) of this section or as otherwise prohibited by law. 79
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(F) The auditor of state shall review the procedures and policies included in a rule adopted under division (B) of this section, shall ensure compliance with this section, and may include citations or recommendations relating to this section in any audit report issued under section 117.11 of the Revised Code. 86
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(G) A person who is harmed by an intentional violation of a rule of a state agency described in division (B) of this section has a cause of action to recover damages and attorney's fees from any person who directly and proximately caused the harm. The action may be commenced in the county where the violation occurred, in the county where the person bringing the action resides, or in Franklin county. 91
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(H)(1) No person shall purposely access confidential personal information in violation of a rule of a state agency described in division (B) of this section. 98
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(2) No person shall purposely use or disclose confidential personal information in a manner prohibited by law. 101
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(3) A state agency shall terminate the employment of an employee of the state agency who is in the unclassified civil service and who the state agency determines has violated division (H)(1) or (2) of this section. 103
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Sec. 1347.99. (A) No public official, public employee, or other person who maintains, or is employed by a person who 107
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maintains, a personal information system for a state or local 109
agency shall purposely refuse to comply with division (E), (F), 110
(G), or (H) of section 1347.05, section 1347.071, division (A), 111
(B), or (C) of section 1347.08, or division (A) or (C) of section 112
1347.09 of the Revised Code. Whoever violates this section is 113
guilty of a minor misdemeanor. 114

(B) Whoever violates division (H)(1) or (2) of section 115
1347.15 of the Revised Code is guilty of a misdemeanor of the 116
first degree. 117

Sec. 5703.211. The director of taxation shall adopt rules 118
under Chapter 119. of the Revised Code that require that any 119
search of any of the databases of the department of taxation be 120
tracked so that administrators of the database or investigators 121
can identify each account holder who conducted a search of the 122
database. 123

Section 2. That existing section 1347.99 of the Revised Code 124
is hereby repealed. 125