

OHIO STATE BOARD OF OPTOMETRY
ACCESS TO CONFIDENTIAL PERSONAL INFORMATION POLICY

(A) Purpose

This policy is designed to enhance the Ohio State Board of Optometry's (the Board) ability to protect and access the confidential personal information maintained by this Board under the authority of Revised Code Sections 4725.12, 4725.121 and 4725.23 and the related rules.

(B) Application and Scope

This policy applies to all records containing confidential personal information kept by the Board, whether in electronic or paper form. Likewise, this policy applies to all employees and appointed Board members.

(C) Criteria for Access to Confidential Personal Information

Revised Code 1347.15(B)(1) requires that every state agency develop criteria for determining which employees of the agency may access, and which supervisory employees of the agency may authorize those employees to access, confidential personal information. For this Board the following criteria apply:

- (1) The Executive Director of the agency, as the individual delegated by rule 4725-11-04 as the person responsible for the records, shall be the supervisory employee responsible to delegate any and/or all access to Board records. Within those records is access to confidential personal information as defined in Revised Code 1347.15(A)(1).
- (2) By necessity, the Executive Director and the Administrative Professional 4, shall have access to all confidential personal information including staff and Board member files.
- (3) Board members shall have access to confidential personal information submitted by individuals seeking optometric licensure that is contained within the applicant licensure packet, Board investigative files and all information directly related to their statutory duties.
- (4) The Board Investigator is authorized access to all investigations, inquiries, licensee's files that may contain confidential personal information and any data directly related to assigned statutory duties.
- (5) All Board members and staff are authorized access to their own OAKS information and their own personnel records that contains confidential personal information maintained by the Board.

(D) Rational for Access to Confidential Personal Information

Board members and staff are only permitted to access confidential personal information that is acquired by or in the possession of the Board for valid business reasons. Specifically, valid business reasons are those matters that reflect the Board member or staff's execution of their duties as set forth in Chapter 4725 including, but not limited to, initial licensure, renewals and investigations.

Employees are also permitted to access their individual employment records which contain confidential personal information.

(E) Statutory and Other Legal Authority for Confidentiality

"Confidential personal information" is defined by Revised Code Sections 1347.15 and 149.43. Other state and federal statutes, and even case law, add to the collection of information that is considered confidential i.e. Health Insurance Portability and Accountability Act of 1996 (HIPAA), The Family Educational Right to Privacy Act (FERPA), Revised Code Section 4776.04 stating an applicant's fingerprints are not public record and Revised Code Section 4725.23(C) stating information received by the Board during an investigation is confidential and not subject to discovery in any civil action.

(F) Existing Computer Systems/Upgrades

The Board does not currently own any computer system nor is any confidential personal information contained in any DAS computer system. However, should this agency ever acquire a computer system of its own or elect to store or manage confidential personal information on any DAS computer system, there shall be a mechanism for recording specific access by employees of this Board to confidential personal information.

(G) Requests for Information from Individuals

The Board will comply with any written request from an individual for a list of confidential personal information that the Board keeps on that individual unless the confidential personal information relates to an investigation about the individual based upon specific statutory authority. Additionally, the Board will follow OAC 4725-13-01 as it relates to personal information systems and Revised Code 1347.08 and 1347.09. Any such requests shall be reviewed by the Executive Director in consultation with legal counsel. All requests will be processed without undue delay with a written response to the requestor.

(H) Access for Invalid Reasons

Should any personal confidential information in the possession of this Board be accessed for an invalid reason by a staff or Board member, the Executive Director will

advise that individual of the breach as soon as reasonably possible. The notification should be done by telephone initially and followed by written correspondence.

(I) Data Privacy Point of Contact

The Executive Director of the Board will serve as the data privacy point of contact to work with the chief privacy officer within the office of information technology to ensure that confidential personal information is properly protected and that the requirements of Revised Code 1347.15 are satisfied. The data privacy point of contact is responsible to complete a privacy impact assessment form.

(J) Use of Authentication Measure

Should the Board acquire a computer system that stores, manages or contains confidential personal information, any access by an employee will require a secure password. The employee will be responsible for the security and use of that password.

(K) Logging Requirements

The Board does not currently have any confidential information contained in a computer system. However, should confidential personal information ever be stored electronically in the future, the Board will require a log to be maintained in accordance with OAC 4725-13-06(E.)

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Each Board member and staff will be provided with a copy of this policy, acknowledge receipt and confirm that they have read the contents. Additionally, the policy will be posted at the Board's website and placed in the Board's policy manual.

All Board members and employees must comply with this policy and all provisions of law related to maintaining or releasing personal confidential information. Violations are subject to personal discipline, civil and/or criminal sanctions.