OHIO BOARD OF DIETETICS
ACCESS TO CONFIDENTIAL PERSONAL INFORMATION POLICY

(A) Purpose

This policy is designed to enhance the Ohio Board of Dietetics' (the Board) ability to protect and access the confidential personal information maintained by this Board under the authority of Revised Code Sections 4759.06 and 4759.061.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 Board, as the individual delegated by rule 4759-3-02 as the person responsible for the records, shall be the supervisory employee responsible to delegate 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, the Board Investigator/Administrative Assistant III and the Secretary, shall have access to all confidential personal information including staff, Board member and licensee files.

(3) Board members shall have access to confidential personal information submitted by individuals seeking dietetic licensure that is contained within the applicant licensure packet or Board investigative files directly related to their statutory duties.

(4) The Executive Director and Board Investigator/Administrative Assistant III are authorized access to all investigations, inquiries, complaints and licensee's files that may contain confidential personal information.

(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) Rationale 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 4759 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.)

(F) Existing Computer Systems/Upgrades

The Board currently operates on DAS computer system. 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 4759-1-03 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) Compliance with Revised Code Section 1347.15(C)(1)

The Board will utilize a log in sheet for each employee to record pertinent, non-incidental information relative to their access to confidential personal information. This log will be maintained in ink or computer data base and will be reviewed by the Executive Director each time a log sheet is filled. The completed filled sheets will be maintained at the Board office in accordance with the Board's records retention plan.

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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.
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