Access to Confidential Personal Information

Information Security

EXIS-12-09 HB 648.1

EFFECTIVE DATE: October 8, 2010

1.0 BACKGROUND

The Ohio Lottery Commission (OLC) is committed to protecting the privacy and confidentiality of information contained in the multiple databases and hard copy files maintained by the OLC. The OLC has established this Policy to ensure only the authorized access and use of confidential personal information (CPI) maintained by the OLC, in furtherance of Revised Code Chapter 1347.

2.0 PURPOSE

Employees at the OLC by nature of their positions will gain access to CPI. The purpose of this Policy is to ensure proper handling of CPI in accordance with state and federal laws, and OLC policies.

This Policy has been developed to provide OLC employees, temporary personnel and contractors of the OLC with adequate guidance to ensure only the authorized access and use of CPI maintained by the OLC.

This Policy is not intended to diminish the public's access to public records as provided by Ohio law.

3.0 DEFINITIONS

3.1 "Access" as a noun means an instance of copying, viewing, or otherwise perceiving, whereas "access" as a verb means to copy, view, or otherwise perceive. "Access" does not include CPI that is not targeted to a specifically named individual or a group of specifically named individuals, and is the result of official OLC purposes, a routine office procedure, or incidental contact; or occurs as a result of a request by the person whose information is being accessed.

3.2 "Computer system" means a "system," as defined 3.11, that stores, maintains, or retrieves personal information using electronic data processing equipment.

3.3 "Confidential personal information" (CPI) has the meaning as defined by Revised Code Chapter 1347 and identified by rules promulgated by the OLC in accordance with Revised Code Chapter 1347 that reference the federal or state statutes or administrative rules that make personal information maintained by the agency confidential. Examples of

personal information that may fall within the scope of CPI collected and maintained by the OLC include:

- Social Security Numbers;
- Medical information;
- Criminal background information;
- Name, address, and social security number of a beneficial owner of a lottery prize award using a trust except where the beneficial owner otherwise consents in writing; and
- Driver's license number or state identification card number when in combination with and linked with an individual's first name or first initial and last name

3.4 "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

3.5 "Information" means any document, file, database, device or item in electronic or paper format that may contain data or records.

3.6 "Personal information" means any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person.

3.7 "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in 3.6. "System" includes manual and computer systems.

3.8 "Research" means a methodical investigation into a subject.

3.9 "Routine" means common place, regular, habitual, or ordinary.

3.10 "Sensitive data" is that which does not meet the definition of CPI including, but not limited to, financial institution account numbers, financial institution routing numbers, and personal information contained in systems that are not maintained by the OLC.

3.11 "System" means any collection or group of related records that are kept in an organized manner and that are maintained by a state or local agency, and from which personal information is retrieved by the name of the person or by some identifying number, symbol, or other identifier assigned to the person. "System" includes both records that are manually stored and records that are stored using electronic data processing equipment. "System" does not include collected archival records in the custody of or administered under the authority of the Ohio historical society, published directories, reference

materials or newsletters, or routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person.

4.0 POLICY

Employees are obligated to maintain the confidentiality of CPI that is accessed and used in the regular course of business.

The OLC expects all employees with access to CPI and/or sensitive data to deal with that information in a respectful and professional manner, and in accordance with state and federal laws, and in compliance with OLC policies.

Access and release of any CPI or records must be in accordance with federal and state law, and OLC policies.

Any CPI accessed by an employee through OLC systems or records is not to be shared or released to others unless there is a legally permissible purpose for doing so. Inappropriate disclosure of CPI may violate applicable laws and regulations.

4.1 Violating or attempting to circumvent procedures pertaining to CPI is strictly prohibited.

4.2 In accordance with the Ohio Administrative Code, each OLC employee must ensure that access to CPI is limited to the following valid reasons for accessing CPI:

(1) Responding to a public records request;

(2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;

(3) Administering a constitutional provision or duty;

(4) Administering a statutory provision or duty;

(5) Administering an administrative rule provision or duty;

(6) Complying with any state or federal program requirements;

(7) Processing or payment of claims or otherwise administering a program;

(8) Auditing purposes;

(9) Licensure processes;

(10) Investigation or law enforcement purposes;

(11) Administrative hearings;

(12) Litigation, complying with an order of the court, or subpoena;

(13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, leave requests/issues, time card approvals/issues);

(14) Complying with an executive order or policy;

(15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or

(16) Complying with a collective bargaining agreement provision.

4.3 Accessing or disseminating CPI without proper authorization is strictly prohibited.

4.4 Accessing files, networks, or systems; or an account of another person without proper authorization is strictly prohibited.

4.5 OLC employees, temporary personnel and contractors must have no reasonable expectation of privacy in conjunction with their use of OLC information maintained by an OLC employee, temporary personnel, or contractor. The contents of OLC computers may be subject to review and investigation at any time. The OLC reserves the right to view any files and electronic communications on OLC computers, monitor and log all electronic and physical activities and report findings to appropriate supervisors and authorities.

4.6 Any misuse or unauthorized use of or unauthorized access to any OLC information that interferes with or compromises the security or operations of any computer system or filing system is strictly prohibited.

4.7 Pursuant to the OLC's procedures for notification of unauthorized access, the OLC shall notify each person whose CPI has been accessed for an invalid reason by OLC employees, temporary personnel or contractors.

5.0 PERSONAL INFORMATION SYSTEMS

5.1 This Policy applies to the following OLC personal information systems that may be accessed by OLC employees:

- Claims Information System (CIS)
- Integrated Agent Database (IAD)
- Employee Information System (EIS)
- Timesheet
- Record Retention System
- Back Office System (BOS)
- BridgeTrak
- OrderPad
- Hard copy systems that contain confidential personal information

5.2 The remainder of the OLC's personal information systems are exempted from the application of this Policy as the information contained within such systems do not meet the above definition of CPI and/or such systems are specifically exempted from the application of Revised Code Chapter 1347. In the event that it is later determined that other systems meet the above definition of CPI and/or that such systems are not specifically exempted from the application of Revised Code Chapter 1347, this Policy will be revised and updated accordingly.

6.0 LOGGING ACCESS TO CPI GUIDELINES

Except as provided in Sections 6.0.1 and 6.0.2, each OLC employee who accesses confidential personal information (CPI) shall record that specific access in the appropriate CPI Log maintained and governed by this Policy.

6.0.1 Consistent with Revised Code Chapter 1347, access to CPI that is not targeted to a specifically named individual or a group of specifically named individuals and is a result of official agency purpose, a routine office procedure or incidental contact is not required to be recorded.

6.0.2 Consistent with Revised Code Chapter 1347, 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.

6.1 The record of access shall be logged electronically or manually entered into a log maintained on the OLC's intranet and thereafter maintained in an electronic format. Each log shall contain the following information:

- Name of the employee;
- Name of person(s) whose CPI was accessed;
- Information System Accessed;
- Date; and
- In addition to the above information which shall be included, each reporting employee may add comments regarding the specific

access.

6.1 The access logs created pursuant to this Policy shall be maintained by the Office of Information Technology (with the exception of the Back Office System (BOS), which shall be maintained by the Lottery's gaming vendor), and shall be subject to the Office of Information Technology's Retention Schedule No. 4-05-16 which provides, in pertinent part, that CPI logs for each fiscal year will be kept in the Office of Information Technology' operating area for a period of two (2) years after completion of the annual state audit for that fiscal year, after which time they will be deleted from the system.

7.0 DISCIPLINE

Violation of this policy may result in discipline up to and including termination. In addition, employees, temporary personnel, contractors and agents of the OLC may be subject to civil action or criminal prosecution as a result of inappropriate use or misuse of information. The Ohio Revised Code also prohibits a state agency from employing a person who has been convicted of or pleaded guilty to certain violations described in Revised Code Chapter 1347.

8.0 EDUCATION AND AWARENESS

The OLC will provide training to OLC employees regarding restrictions and controls on the use of CPI.

9.0 IMPLEMENTATION

This policy becomes effective immediately and rescinds previous memoranda, directives or policies on the subject.

10.0 REVISION HISTORY

Version	Change Date	Author(s)	Section(s)	Description of Change and Comments