

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-13-01

Rule Type: Amendment

Rule Title/Tagline: Introduction and definitions.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 6/29/2020
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 121.07, 173.01, 173.02, 1347.15
5. **What statute(s) does the rule implement or amplify?** 1347.15
6. **What are the reasons for proposing the rule?**

ODA adopted Chapter 173-13 of the Administrative Code to comply with R.C. §1347.15, which requires each state agency to adopt rules to regulate employee handling of confidential personal information (CPI). ODA reviewed this rule as part of its 5-year review of Chapter 173-13 of the Administrative Code and now proposes to make non-substantive amendments to it.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule introduces Chapter 173-13 of the Administrative Code and defines terms used throughout that chapter.

ODA proposes to make non-substantive amendments to this rule, including the following:

1. Add "Confidential personal information" to the beginning of this rule's title. Because the Ohio Administrative Code does not have chapter titles and because many readers find rules by internet searches, adding the phrase will give context to this rule (in the absence of a chapter title) and optimizes the title for internet searches.

2. Replace the definition of "ODA employee" with a definition of "employee."

3. Replace the occurrences of "individual" and "he/she" that refer to an employee with "employee."

4. Delete unnecessary division numbers from cross-references to the Ohio Revised Code.

5. Replace 2 occurrences of "Chapter 173-13 of the Administrative Code" with "this chapter" to comply with the Legislative Service Commission's requirements for cross-references in its Rule Drafting Manual.

6. Use the active voice, rather than the passive voice, in the definition of "information owner," to comply with the Legislative Service Commission's requirements for the active voice in its Rule Drafting Manual.

8. Does the rule incorporate material by reference? No

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

ODA made a revised filing of this rule to reschedule the public hearing and to upload a new public hearing notice into the Register of Ohio. In doing so, ODA did not make any revisions to the rule.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

ODA's proposed amendments to this rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.).

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable: This rule merely introduces Chapter 173-13 of the Administrative Code and introduces terms used throughout that chapter.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable: This rule does not impose a fee.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? No**

- 17. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

This rule only regulates ODA and its employees.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

This rule only regulates ODA and its employees.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**

This rule only regulates ODA and its employees.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

This rule only regulates ODA and its employees.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable