

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-13-02

Rule Type: New

Rule Title/Tagline: Confidential personal information: procedures for accessing CPI.

Agency Name: Department of Aging

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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 adopt this new rule to replace a substantially-similar rule of the same number.

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

This proposed new rule will establish procedures for accessing CPI.

This proposed new rule differs from the current rule in non-substantive ways, including the following:

1. "Confidential personal information" appears at the beginning of the 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. "CPI" replaces 19 occurrences of "confidential personal information," which will shorten this rule.
3. "Requirements" replaces an occurrence of "criteria."
4. "Before" replaces "prior to" (just as ODA would replace "posterior to" with "after").
5. "Person" replaces 11 occurrences of "individual" that refer to the subject of CPI (and represents the "P" in "CPI").
6. The active voice replaces occurrences of the passive voice in paragraphs (A), (B), (C)(1), (C)(2), and (C)(3) of this rule, which complies with the Legislative Service Commission's requirement 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 this proposed new 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

Adopting this proposed new rule will not affect the biennial budget that the Ohio General Assembly established for ODA in H.B. 166 (133rd G.A.) especially because it will replace a substantially-similar rule of the same number which ODA proposes to simultaneously rescind.

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

Not applicable: This proposed new rule will only regulate ODA and its employees.

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 proposed new rule will 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 proposed new rule will only regulate 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 proposed new rule will only regulate ODA and its employees.

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

This proposed new rule will only regulate 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 proposed new rule will only regulate 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