

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-13-05

Rule Type: New

Rule Title/Tagline: Confidential personal information: restricting and logging access to CPI in computerized personal information systems.

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. Â§1347.15, which requires each state agency to adopt rules to regulate employee handling of confidential personal information (CPI). ODA reviewed the current version of 173-13-05 as part of its 5-year review of Chapter 173-13 of the Administrative Code and proposes to rescind it and replace it with this proposed new rule. The differences between the current rule and ODA's proposed new rule are not substantive.

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 requirements for restricting and logging access to CPI.

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

1. "Confidential personal information" appears at the beginning of the 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 the rule (in the absence of a chapter title) and optimizes the title for internet searches.
2. "CPI" replaces occurrences of "confidential personal information," which will shorten the rule.
3. "Person" replaces occurrences of "individual" that refer to the subject of CPI.
4. "Employee" replaces occurrences of "ODA employee."
5. The active voice replaces occurrences of the passive voice, which complies with the Legislative Service Commission's Rule Drafting Manual.
6. The new rule does not require ODA to adopt a policy in addition to this rule.

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.

Not Applicable

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 rule regulates 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 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

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

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

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

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