

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-13-02

**Rule Type:** Amendment

**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? Yes**

**A. What is the rule's five year review date? 5/8/2025**

**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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No**

**A. If so, what is the citation to the federal law or rule? Not Applicable**

**7. What are the reasons for proposing the rule?**

This rule exists to comply with RC§1347.15, which requires each state agency to adopt rules to regulate employee handling of confidential personal information (CPI).

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

Chapter 173-13 of the Administrative Code to comply with RC§1347.15, which requires each state agency to adopt rules to regulate employee handling of CPI. This rule establishes procedures for accessing CPI.

ODA proposes to amend this rule to achieve the following:

1. Replace "require" and "required" with "need" and "needed" when the intent is "need" and "needed." Artificial intelligence will interpret "require" and "required" as regulatory restriction words even if RC§121.95(E)(5) establishes an exemption in Ohio from unnecessary use of "require," when used to comply with RC§1347.15. Due to the exemption, the deletion of "require" won't affect ODA's inventory under RC§121.951.
2. Allow ODA to revise an employee's access to CPI without requiring ODA to first establish procedures for revising the employee's access to CPI. The procedure is the rule itself so it makes no sense for ODA to adopt a rule that requires ODA to adopt a procedure.
3. Allow, rather than require, ODA to revise an employee's access to CPI upon a change in duties, since the employee may need to access CPI before and after the change in duties and because the next sentence covers a requirement to end access to CPI when the job duties no longer require access to CPI.
4. Make non-substantive improvements to eliminate the passive voice, replace "whenever" with "if," and replace "upon" with "on."

9. **Does the rule incorporate material by reference? No**
10. **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*

11. **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**

12. **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

Amending this rule will not impact the biennial budget that the Ohio General Assembly established for ODA.

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

This rule regulates only ODA itself. There is no cost of compliance to any person or organization other than ODA.

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

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

**16. 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

**III. Common Sense Initiative (CSI) Questions**

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

**18. 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**

This rule regulates only ODA itself.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. 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 to this rule?**

Not Applicable

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

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable