

4141-43-01

**Exchange and disclosure of information.**

- (A) The director may exchange or disclose wage information, claim information, employment and training information, employer information or other confidential information, to state departments, other governmental agencies, or service providers for the purpose of providing and improving employment and training services. The director may also exchange or disclose such information pursuant to paragraph (G) of this rule.
- (B) This rule does not apply to entities identified in rule 4141-43-02 of the Administrative Code.
- (C) Definitions:
- (1) For purposes of this rule, "wage information" means the name, social security number, quarterly wages paid, and weeks worked by individual employees and the state employer identification number that is provided to the department of job and family services by employers and individuals and maintained in the wage record system.
  - (2) For the purposes of this rule, "claim information" means information regarding:
    - (a) Whether an individual is receiving, has received, or has applied for unemployment compensation;
    - (b) The amount of compensation the individual is receiving or is entitled to receive; and
    - (c) The name, address, and social security number and other information provided by the individual when filing an application or claim for benefits.
  - (3) "Employer information" is information concerning total and taxable wages, contribution rates, number of individuals in covered employment, and wages, addresses, employer identification numbers and other information on employers that is maintained in systems supporting administration of the unemployment compensation program under Chapter 4141. of the Revised Code.
  - (4) "Employment and training information" means information produced by or for the department of job and family services concerning the employment and training services provided to or for individuals and employers.
  - (5) "State departments" means departments established in the state by the constitution or the Revised Code.

- (6) "Other governmental agencies" means agencies, including public colleges and universities, that are established by federal or state law for a public purpose and subject to regular audits by the state and/or federal government, and includes contractors or agents performing services for governmental agencies.
  - (7) "Employment and training services" means services such as assessment of workforce needs and requirements of employers and the aptitudes, abilities, and skill levels of individuals seeking work; economic development and job creation activities; education and training in preparation for employment; placement assistance in matching individuals with available jobs; and referral of workers to employment or training opportunities or to those support services necessary to gain or sustain employment.
- (D) Any disclosure under this rule may be made only pursuant to an agreement between the director and state departments, other governmental agencies, or requesting parties, under which state and federal confidentiality requirements are maintained. The agreement under which information will be exchanged or disclosed must contain at a minimum:
- (1) The purposes for which requests will be made and the specific information needed;
  - (2) A demonstration that requested information will be used for the purpose of assisting in providing and improving employment and training services;
  - (3) Identification of all officials or employees with authority by position to request information;
  - (4) Methods and timing of the requests for information, including the format to be used, and the period of time needed to furnish the requested information;
  - (5) The basis for establishing the reporting periods for which information will be provided;
  - (6) Provisions for determining appropriate reimbursement from state departments, governmental agencies or requesting parties for the costs incurred by the department of job and family services in providing data, including any new developmental costs associated with furnishing data; and
  - (7) Safeguards to ensure that information obtained from the department of job and family services will be protected against unauthorized access or disclosure, including a description of physical security and the process for providing authorized access.

- (E) State departments, governmental agencies, and parties requesting the exchange or disclosure of information must comply with the following measures to protect the confidentiality of the information against unauthorized access or disclosure:
- (1) The information shall be used only to assist in providing and improving employment and training services;
  - (2) The requesting state departments, governmental agencies, or parties shall not use the information for any purpose not specifically authorized under the agreement entered into under this rule;
  - (3) The information shall be stored in a place physically secure from access by unauthorized persons;
  - (4) Information in any electronic format shall be stored, transmitted and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal, or other means;
  - (5) State departments, governmental agencies or requesting parties shall instruct all personnel with access to the information regarding the confidential nature of the information, the confidentiality requirements of the agreement, and the sanctions against unauthorized disclosure of information;
  - (6) The head of each state department, governmental agency or requesting party shall sign an acknowledgment on behalf of the organization attesting to the organization's policies and procedures regarding confidentiality; and
  - (7) State departments, governmental agencies or requesting parties shall permit the department of job and family services to make on-site inspections to ensure that the requirements of the agreement and state and federal statutes and regulations are being met.
- (F) Redisclosure of wage information, claim information, employment and training information, and employer information by state departments, governmental agencies or requesting parties is strictly prohibited. Individuals who redisclose information may be subject to fine and imprisonment as provided by sections 4141.22 and 4141.99 of the Revised Code. The director may prohibit the future exchange or disclosure of information to a state department, governmental agency or requesting party if the director finds that information was redisclosed while in the custody of the party. The director may also prohibit the future exchange or disclosure of information to any employee or employees of a state department, governmental agency or requesting party if the director finds that information was redisclosed while in the custody of the employee or employees.

- (G) Subject to requirements and limitations provided in paragraphs (D), (E), and (F) of this rule, the director may make wage information, claim information, employment and training information, and employer information available to nongovernmental agencies limited to accredited colleges and universities, accredited educational institutions, non-profit research organizations, and other organizations conducting research, if such disclosure is for the purpose of assisting in research or for use in providing or improving the provision of employment and training services. No person associated with such agencies, organizations or institutions shall disclose said information in any manner which would reveal the identity of an individual or employing unit from or concerning whom such information was obtained by the director.

Effective:

Five Year Review (FYR) Dates: 5/10/2018

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Certification

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Date

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