

“Sensitive personally identifiable information” includes personally identifiable information that the Ohio Arts Council has discretion not to release under public records law, and it also includes “confidential personal information,” which the Ohio Arts Council is restricted or prohibited from releasing under Ohio’s public records law. Examples of “sensitive personally identifiable information” that the Ohio Arts Council keeps includes:

- Social Security numbers
- a person’s financial account numbers and information
- beneficiary information
- tax information
- employee voluntary withholdings
- passwords
- employee home addresses and phone numbers
- security challenge questions and answers
- employees’ non-state-issued email addresses
- medical and health information
- fingerprints and other biometric information
- driver’s license numbers
- state ID card numbers (as issued by the Ohio Bureau of Motor Vehicles)
- confidential personal information (see below)

“Confidential personal information” is personal information that falls within the scope of section 1347.15 of the Revised Code and that the Ohio Arts Council is prohibited from releasing under Ohio’s public records law. It applies to any information identified as “Personally Identifiable Information” or Sensitive Personally Identifiable Information.” that is maintained in the following personal information systems only:

- OAKS – Fiscal Office - computer based
- Personnel files – Director’s Office - paper and computer based
- Hard-copy individual artist records, Individual Artist office

NOTE: The OAC also maintains an electronic grant management system; however, this system does not contain any confidential personal information on OAC grant applicants.

2. POLICY

Ohio Arts Council employees and contractors as outlined above must follow these rules on handling all personally identifiable information and handling sensitive personally identifiable information whenever they know or have reason to know that the information is personally identifiable information or sensitive personally identifiable information.

A. Handling All Personally Identifiable Information

- i. Use personally identifiable information only for official, lawful purposes.
- ii. Do not access systems with personally identifiable information – whether electronic or paper – if you have not been authorized to do so. Contact your supervisor if you need access.

- iii. Enter personally identifiable information accurately. Make a good faith effort to correctly enter data. Never intentionally enter false data.
- iv. Take reasonable precautions to protect personally identifiable information from unauthorized modification, destruction, use or disclosure. Follow the Ohio Arts Council information security policies and procedures.
- v. Whenever individual requests information that the Ohio Arts Council maintains about that individual, employees and contractors shall follow the Ohio Arts Council Standard Operating Procedure – Request to Inspect Personally Identifiable Information.
- vi. Only collect personally identifiable information when you have been authorized to do so by the proper the Ohio Arts Council manager. Do not create an electronic or paper system of record with personally identifiable information unless you have the Ohio Arts Council authorization and follow the Ohio Arts Council-mandated privacy and security requirements
- vii. Destroy personally identifiable information securely in accordance with records retention schedules and following the Ohio Arts Council data destruction procedures for particular systems or records.
- viii. Do not initiate or otherwise contribute to any disciplinary or other punitive action against any individual who reports evidence of unauthorized use of personally identifiable information.
- ix. The Ohio Arts Council monitors its information, systems, other IT assets, employees and contractors for compliance with this policy. Therefore, employees and contractors have no expectation of privacy when they use state information, systems and IT assets.

B. Handling Sensitive Personally identifiable information

- i. Only access sensitive personally identifiable information for a valid reason directly related to the exercise of an Ohio Arts Council power or duty. Valid reasons include:**
 - Responding to a public records request;
 - Responding to a request from an individual for the list of personally identifiable information the agency maintains on that individual;
 - Administering a constitutional provision or duty;
 - Administering a statutory provision or duty;
 - Administering an administrative rule provision or duty;
 - Complying with any state or federal program requirements;
 - Processing or payment of grants or otherwise administering a program with individual participants or beneficiaries;
 - Auditing purposes;
 - Carrying out grant award, eligibility, filing, certifications or other similar processes;
 - Carrying out or assisting with an authorized investigation or law enforcement purposes;
 - Conducting or preparing for administrative hearings;
 - Responding to or preparing for litigation, or complying with a court order or subpoena;

- Administering human resources, including but not limited to hiring, promotion, demotion, discharge, salary and compensation issues, leave requests and related issues, time card approvals and related issues, performance evaluations;
 - Administering an information system;
 - Complying with an executive order or policy;
 - Complying with an agency policy or a state administrative policy issued by the Department of Administrative Services, the Office of Budget and Management or other similar state agency; or
 - Complying with a collective bargaining agreement provision.
- ii. **Do not access or use sensitive personally identifiable information for any reason other than those listed above.** For example, do NOT access or use sensitive personally identifiable information:
- for gain or personal profit for yourself or someone else,
 - out of simple curiosity or personal interest,
 - to commit a crime,
 - for retribution, use in a personal conflict, or promotion of a personal point of view, or
 - to harass or embarrass.
- iii. **You always have a duty not to disclose sensitive personally identifiable information without proper agency authorization.** As you do your work, you may inadvertently or unintentionally come in contact with information that you know or have reason to believe is sensitive personally identifiable information. In those circumstances, you have a duty not to disclose that sensitive personally identifiable information to anyone except properly authorized persons.
- iv. **If you suspect that sensitive personally identifiable information has been improperly accessed or disclosed, you shall report the incident to your manager or another manager or contact the Ohio Arts Council Data Privacy Point of Contact at 614/728-4469.**
- Report quickly and do not disturb evidence.
 - Allow the Ohio Arts Council response team to preserve evidence, eliminate any ongoing risks and make a determination that violations have occurred.
 - To ensure that any investigation is not compromised and that an accurate evaluation of the incident is conducted, only the director, assistant directors or deputy directors of the Ohio Arts Council may authorize notifications to affected individuals.
 - Upon a finding that confidential personal information has been access for an invalid reason in violation of a confidentiality statute, section 1347.15 of the Revised Code or rules 3379-15 of the Administrative Code, the executive director and deputy director of the Ohio Arts Council will notify affected individuals.
- v. Because confidential personal information (CPI) requires a higher standard of care, employees accessing the following **CPI systems** shall follow the privacy procedure specific to that system:

- o See the Ohio Arts Council Process for Accessing CPI in the OAKS systems and Process for Accessing Confidential and Personal Information in a Paper-Based System
- vi. Nothing in this policy restricts the release of public records. Personally identifiable information is only sensitive if Ohio law gives the agency discretion on its release. Personal information is only confidential if Ohio law prohibits the agency from its release.

3. Violations

- i. Any employee who violates this policy is subject to disciplinary action up to and including termination.
- ii. Any employee who violates a confidentiality statute or the Ohio Arts Council rules 3379-15 of the Ohio Administrative Code is subject to criminal charges, civil liability arising out of the employee’s actions, employment termination and a lifelong prohibition against working for the State of Ohio.
- iii. Any violation of this policy by a contractor may be considered a material breach of the contract and may subject the contract to termination. Any contractor who violates a confidentiality statute may also be subject to criminal charges and civil liability arising out of the contractor’s actions. The vendor may also be subject to vendor debarment.
- iv. An employee or contractor who complies in good faith with this policy is not subject to discipline under this policy.
- v. This policy does not prohibit an employee from accessing information about himself or herself as long as the person has been granted access to the system and uses authorized processes, or makes a request to the Ohio Arts Council for a list of the personally identifiable information that the department maintains about himself or herself.

4. Maintenance of This Policy

This policy will be reviewed at least once annually to ensure that it remains compliant with federal and state privacy laws including ORC Section 1347.15 and that it accurately reflects the Ohio Arts Council personally identifiable information and systems.

5. Questions

For questions regarding this policy, please contact the Ohio Arts Council Data Privacy Point of Contact at (614) 728-4469.

6. Revision History

Date	Description
03/29/2012	Policy on Protecting Privacy
7/1/2013	Review