STATE BOARD OF PSYCHOLOGY of OHIO
POLICY AND PROCEDURE MANUAL
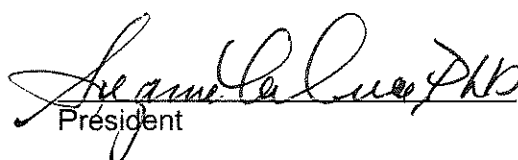

SECTION 10: ADMINISTRATIVE POLICIES

POLICY 10.16: LOGGING ACCESS TO CPI

PRIOR DATE EFFECTIVE: DECEMBER 1, 2010

AMENDED AND EFFECTIVE: APRIL 29, 2013

REVIEWED AND APPROVED:

signature 7/15/13		_signature_	5/9/13
President	Date	Executive Director	Date

References: ORC 1347.01 (definition is existence prior to the amendments in HB648)
ORC 1347.15 (amended law pursuant to HB648)
Training by the State's Chief Information Officer and members of the Interagency
   Working Group held and attended by the Psychology Board's Executive Director
   on May 6, 2009
OAC 4732-1-09; 1-10; 1-11; 1-12; and, 1-13 (eff. 12/6/2010)
Meeting minutes April 29-30, 2013

POLICY:

It is the policy of the State Board of Psychology to comply with requirements for logging access to electronic systems containing Confidential Personal Information (CPI), in accord with OAC 4732-1-13 and ORC 1347.15. This policy sets forth procedures relative to Board employees' (which includes members of the Board) access to CPI as that term is defined in ORV 1347.15 (A)(1).

DEFINITIONS:

"Personal Information" (PI) as defined in ORC 1347.01 means characteristics, attributes or actions about a person combined with the name or personal identifier of the person and it is retrievable from a "system." PI describes anything about a person that indicates actions done by or to a person; that indicates a person possesses certain personal characteristics; that contains and can be retrieved from a system by name or ID number assigned to a person; and/or carries a higher risk to the subjects of the information if such information is misused or placed in the wrong hands.

"Confidential Personal Information" (CPI) as defined in ORC 1347.15 (A)(1) means "personal information" that is not a public record for the purposes of ORC section 149.43. Examples of CPI include:

    a. Social security numbers (SSN)

    b. Federal Tax ID numbers

    c. Financial Account numbers

    d. Information in a system related to allegations of violations of the laws and rules governing psychologists before and unless a formal public action is taken in the form of a Notice of Opportunity for Hearing or a negotiated settlement by, for example, Consent Agreement. At that point, some information specific to the allegations that was previously CPI is no longer CPI, although other information might remain CPI such as those in (a) through (c) above.

The Board maintains CPI in the following electronic systems:

1) The Ohio eLicensing Database;
2) The Board's Enforcement Database, a password protected electronic system in Microsoft Access;
3) The "SRS" database, which was the precursor to the Ohio eLicensing System.

A **"System"** is a collection of records that an agency maintains, either paper or electronic.

"Maintains" means that the agency has ownership, control over, responsibility for, or accountability for systems and includes, but is not limited to, depositing information with a data processing system for storage (e.g., the Ohio eLicensing Database) for storage, processing, or dissemination. An agency "maintains" all systems of records that are required by law to be kept by the agency.

The Board hereby sets forth these policies and procedures in accord with OAC 4732-1-13.

1) The Ohio eLicensing Database

Description: This database contains each license applicant's and each licensee's identifying information, including license number, address, telephone number and Social Security Number (only the "last 4" numbers appear on the front page of each person's data). Access to this database is password protected, and password updates are accomplished by an auto-reminder system that is programmed into the database.

Access: Each employee of the Board shall have access to the Ohio eLicensing system. Access is part and parcel of each employee's position description. Examples include, but are not limited to: the AA1 updating the application fields as information is received pertaining to an applicant demonstrating that he/she should be admitted to examination for a license; an investigator reviewing information for the identification of mailing addresses and registered supervisees, which are linked by scanned pdf files to the system; the Executive Director and each staff member accessing a licensee's screen to add a "History" note memorializing a telephone conversation or email exchange with a licensee; and, an applicant who made contact with the Board office for reference to rules or general information.

Procedures: All Board employees shall only access the Ohio eLicensing Database in the course of his or her employment with a defined goal consistent with the discharge of job responsibilities.

Prohibitions: Under no circumstances shall any employee use CPI from the Ohio eLicensing Database for reasons other than the fulfillment of legitimate Board business.
Employees who access CPI for reasons other than those required to meet the objectives of one's job duties, after investigation and any due process hearings or considerations, may be subject to disciplinary action up to and including suspension or termination (depending on context and circumstances) for violation of, for example, rules governing, but not necessarily limited to: 2)

Insubordination; 5) Misuse or unauthorized use of State property; and 16) Violation of Computer policy. Civil and criminal sanctions may also apply.

Logging Requirements: The Ohio eLicensing Database is programmed such that any Board employee's access to the page containing the SSN is automatically recorded by employee name, subject name, and date. This automatic logging is triggered when an employee clicks on the "Update" button on the "Contact" screen of a licensee or applicant, which shows the SSN and affords the employee the ability to update contact information. As part of testing the reporting/logging functionality of the system, the Executive Director ran and compiled reports for each employee for the time period of July 2010 through November 2010. The Executive Director shall generate monthly reports of employees' access to the screen containing the SSN by the tenth day following the month in question. The first reports/logs of employees' access, for December 2010, shall be completed by the Executive Director on or before January 10, 2011.

Log Maintenance and Retention: The Executive Director shall maintain the logs electronically, in spreadsheets, on his/her desktop computer. Logs shall be maintained until they have been subject to review by the Auditor of State's office during biennial audits of the Board.

2) The Board's Enforcement Database

Description and Absence of CPI: The Enforcement Database is a Microsoft Access database developed for the purpose of documenting complaints of misconduct against licensees and applicants for licensure. It contains complaint allegations, investigative work products including complaint summaries and investigation case notes, and content subject to attorney-client privilege (i.e., between the Board and its legal counsel from the Ohio Office of the Attorney General). All of the information in this database is confidential. Information in this database is exempt from the Ohio Public Records Act. If a given case results in a formal action of the Board, all public records relative to the case are identified from the paper records on hand and the "public record" is formed, while the database would not contain any information deemed "public" unless deemed such via legal advice or legal action.

Access: Board investigators, the Executive Director, and members of the Board shall have access to this password protected database, with the password being intricate and updated at minimum every 45 days based on a tickler system controlled by one of the investigators. This database is held on an internal server and is not accessible to persons outside of the office or to employees without access to the password. In some circumstances, a member of the State Board of Psychology, when in the office for the purpose of working on a specific enforcement case, may be granted access to the Enforcement Database for the purpose of reading case notes, adding case notes, or other highly infrequent and atypical activities (staff typically take care of these activities, while the Supervising Member of an investigation serves as the leader/consultant on the investigation). This database contains highly confidential information related to investigations of alleged violations of the laws and rules governing psychologists, and employees other than the investigators and the Executive Director do not have a compelling reason to access it.

Procedures to Limit Access: Access to CPI in the Enforcement Database shall be limited to instances which clearly advance a specific, legitimate Board of Psychology objective in the course of their employment with a defined goal consistent with the discharge of job responsibilities.

Prohibitions: Under no circumstances shall any employee use CPI from the Enforcement Database for reasons other than the fulfillment of legitimate Board business.

Employees who access CPI in the Enforcement Database for reasons other than those required to meet the objectives of one's job duties, after investigation and any due process hearings or considerations, may be subject to disciplinary action up to and including suspension or removal (depending on context and circumstances) for violation of, for example, rules governing, but not necessarily limited to: 2) Insubordination; 5) Misuse or unauthorized use of State property; and 16) Violation of Computer policy. Civil and criminal sanctions may also apply.

Logging Requirements: Employees with access to the Enforcement Database shall log their access to each case in the database, which does not have an automatic logging feature. A logging form shall be developed by each employee with permission to have access and approved by the Executive Director, who shall also develop and retain a log. At a minimum, the log shall include: name of subject in database whose CPI is being accessed; the case number; the name of the employee; and, the date of access. Board members accessing the Enforcement Database shall use a log maintained by one of the investigators or the Executive Director as necessary to document access. Logs shall be maintained by month and shall be given to the Executive Director within ten days following the end of the month in question. The first log is due on or before January 10, 2011 for the month of December 2010.

Log Maintenance and Retention: The Executive Director shall maintain the paper logs in a file in his/her office. The logs may be scanned to electronic data files. Logs shall be maintained until they have been subject to review by the Auditor of State's office during biennial audits of the Board.

LOGGING NOT REQUIRED UNDER CERTAIN CIRCUMSTANCES

Access to CPI is not required to be logged under the circumstances specified in OAC 4732-1-13 (D) (2):

(a) The employee of the board is accessing confidential personal information for official agency purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

APPOINTMENT OF DATA PRIVACY POINT OF CONTACT

During a public meeting of the Board in 2010 the Executive Director was appointed Data Privacy Point of Contact (DPPOC).

APPOINTMENT OF CHIEF PRIVACY OFFICER

During a public meeting of the Board in 2010 the Executive Director was appointed Chief Privacy Officer.

TRAINING PROGRAM TO BE ESTABLISHED

Each employee of the State Board of Psychology shall participate in training conducted by the Executive Director. Said training shall occur prior to the end of November 2010, and shall include distribution of the governing rules and this policy, and shall include each employee signing an acknowledgement of receipt of said materials.

ACCESS TO POLICY ON BOARD WEBSITE AND VIA POSTING IN BOARD OFFICE

This policy shall be posted on the Board's website and a summary thereof shall be posted in a conspicuous place in the office of the Board.

REQUIREMENT THAT NEW OR UPGRADED COMPUTER SYSTEMS BE ABLE TO RECORD ACCESS TO CPI BY STATE EMPLOYEES

It is the policy of the State Board of Psychology to ensure that future computers purchased or upgrades to any electronic systems include functionality to allow for the system to automatically record that the system has been accessed by an employee of the Board (or other person accessing the system without authorization). The Board's Executive Director will work with the Board's IT specialists and the DAS OIT service delivery personnel in an effort to ensure compliance with this policy insofar as it is feasible, and will consult with the administrators of other board and commissions for benchmarking data in this regard.

REQUESTS BY AN INDIVIDUAL TO REVIEW THEIR OWN CPI

Pursuant to Board Rule OAC 4732-1-08 (A)(5), there are procedures in place, first effective in 1981, specific to allowing persons (supposedly licensees and applicants) to have access to said personal information, pursuant to the original version of the recently amended statute, ORC section 1347.08.

PROCEDURE FOR NOTIFYING INDIVIDUALS WHOSE CPI HAS BEEN IMPROPERLY ACCESSED

Although numerous safeguards and security measures are established in the rules of the Board and in this policy, there exists the possibility that an employee of the Board could access CPI for invalid reasons or access CPI without authorization. Requirements for notification that CPI of a person has been improperly accessed are outlined in OAC 4732-1-10 (C).

RECEIPT AND ACKNOWLEDGMENT OF THE STATE BOARD OF PSYCHOLOGY POLICY 10.16: LOGGING ACCESS TO CPI

As an employee/member of the State Board of Psychology, I:

➤ Attended CPI training conducted by the Executive Director on November 30, 2010
➤ Will not disclose any CPI without authorization of the Executive Director;
➤ Will not share my password with any unauthorized individual;
➤ Will not access CPI unless authorized by this policy or rule;
➤ Understand the duty to protect CPI to which I have access;
➤ Will not store CPI on electronic devices that are personally owned and not the property of the state of Ohio;
➤ Agree that the state has the right to access, inspect, and monitor any files or; communications on devices on which the employee has or appears to have placed CPI whether the device is state-owned or not;
➤ Understand the possible penalties associated with violating this policy and rules established in OAC 4732-1-09, 4732-1-10, 4732-1-11, 4732-1-12, and 4732-1-13.

I have read Policy 10.16 and the above-referenced rules of the Board, understand, and agree to abide by said policy and rules.

_____

Printed Name

_____   _____

Signature   Date