

# **\*\*\*DRAFT - NOT FOR FILING\*\*\***

## **3770-6-05      Restricting and logging access to confidential personal information in computerized personal information systems.**

For personal information systems that are computer systems and contain confidential personal information, the agency ~~shall~~will do the following:

- (A) Access restrictions. Access to confidential personal information that is kept electronically ~~shall~~will ~~require~~need a password or other authentication measure.
- (B) Acquisition of a new computer system. When the agency acquires a new computer system that stores, manages or contains confidential personal information, the agency ~~shall~~will include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.
- (C) Upgrading existing computer systems. When the agency modifies an existing computer system that stores, manages or contains confidential personal information, the agency ~~shall~~will make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system ~~shall~~will include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.
- (D) Logging requirements regarding confidential personal information in existing computer systems.
  - (1) The agency ~~shall~~will ~~require~~mandate employees of the agency who access confidential personal information within computer systems to maintain a log that records that access.
  - (2) Access to confidential information is not required to be entered into the log under the following circumstances:
    - (a) The employee of the agency 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 agency 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 agency 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 agency 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 agency takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.
  - (3) For purposes of this paragraph, the agency may choose the form or forms of logging, whether in electronic or paper formats.

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(E) Log management. The agency ~~shall~~will issue a policy that specifies the following:

- (1) Who ~~shall~~will maintain the log;
- (2) What information ~~shall~~will be captured in the log;
- (3) How the log is to be stored; and
- (4) How long information kept in the log is to be retained.

Nothing in this rule limits the agency from requiring logging in any circumstance that it deems necessary.