

North Canton City Council
Ordinance, Rules and Claims Committee

Ordinance No. 36 - 2015

An ordinance implementing the Personal Information Policy section of the City of North Canton Personnel Handbook and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO.

Section 1. That the Personal Information Policy section of the City of North Canton Personnel Handbook, be, and the same is hereby included to read as follows:

A. PURPOSE.

This policy pertains to the City of North Canton's personal information systems and is designed to provide rules that comply with Ohio law and enhance the City's ability to: (1) monitor the accuracy, relevance, timeliness, and completeness of the personal information it maintains; (2) ensure reasonable precautions are taken to protect personal information from unauthorized modification, destruction, use, or disclosure; (3) collect, maintain, and use only personal information necessary and relevant to the functions the City is required or authorized to perform; and (4) eliminate personal information from the system when it no longer is necessary and relevant to those functions. These rules shall not, however, prohibit the release of public records as defined by the Ohio Public Records Act, R.C. 149.43, et seq., or authorize a public body to hold an executive session for the discussion of personal information if the session is not authorized under division (G) of section 121.22 of the Revised Code, as may be amended from time to time.

"Personal information" is any information that describes a person, indicates actions done by or to a person, or indicates a person possesses certain personal characteristics, and which contains a name that may be retrieved from a system by name or other identifier assigned to a person. "Confidential personal information" means personal information that is not a public record for purposes of section 149.43 of the Revised Code.

"System" means a collection or group of related records kept in an organized manner from which personal information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual, and includes paper records and those stored using electronic data processing equipment.

B. APPLICATION.

The Director of Finance is responsible for City's public information systems and serves as the supervisory individual who may authorize employees and public officials' access to personal information beyond the express provisions of these rules, and state certain criteria for determining which public employees and officials may access the personal information system.

C. PERSONAL INFORMATION PROTECTION.

The Director of Finance shall serve as City's data privacy point of contact for personal information systems to ensure it the City's employees' and public officials' confidential personal information is protected in compliance Chapter 1347 of the Ohio Revised Code, Personal Information Systems.

The Director shall ensure that any upgrades to the City's existing computer systems, or the acquisition of any new computer systems, that store, manage, or contain confidential personal information, shall include a mechanism for recording specific access by City employees and public officials to confidential personal information.

The Director shall see that personal information collected, maintained, and used is only the amount necessary and relevant to the applicable department's duties and which it is required or authorized to perform, and shall eliminate personal information when it is no longer necessary and relevant to those functions.

The Director shall insure that a person asked to supply personal information for a City information system is informed whether the person is legally required to supply the information, or if the person may refuse.

The Director shall also establish a training program for all employees and public officials that may obtain access to a confidential personal information system so that they are made aware of all applicable statutes, rules, and policies governing access to confidential personal information.

D. ACCESSING PERSONAL INFORMATION.

The Director of Finance is the person responsible for the personal information system and shall be the supervisory person responsible for access to the City's personal information systems not specifically granted in these rules. Within these rules, access to personal information is as follows:

1. By necessity of their roles, the Directors of Finance and Administration, the Payroll Manager, and the Fire Chief shall have access to their respective department's personal information systems, which include employee personnel records, payroll and benefit data, and emergency medical run information.

2. The Director of Finance may authorize limited access to the personal information systems when necessary to support the Director or Payroll Manager. Authorization shall be in writing and specifically identify the employee by name and position, the scope of access authorized, and the time period. The authorized employee shall access personal information for official use only and not beyond the scope of the authorization. Temporary computer passwords shall be provided for limited access to the payroll system and shall promptly be reset at the end of the temporary period.

3. The Director of Administration, the Director's assistant, the Mayor's assistant, and the Fire Chief's designated EMS run assistant shall have access to the applicable personal information systems when necessary for official use.

4. Members of City Council and the Directors of Administration and Law are authorized access to information for official use and necessary to their investigations, or inquiries regarding employee files that may contain personal information.

5. City employees and officials are authorized access to their own records that contain confidential personal information.

Paper records containing confidential personal information shall be maintained in locked cabinets. Other than the Directors of Administration and Finance, Payroll manager, and Fire Chief, and their designated assistants, which access these files daily, each public employee or official desiring access to a paper record containing

confidential personal information shall obtain such record from the applicable Directors of Administration or Finance, the Payroll Manager, and the Fire Chief, who shall maintain a log of the record obtained, by whom, and the stated purpose.

E. RESPONDING TO REQUESTS.

The Directors of Administration and Finance, the Payroll Manager, and the Fire Chief shall follow R.C. 1347.08, Rights of persons who are subject of personal information, R.C. 1347.09, Disputing information, and R.C. 149.43, Ohio Public Records Act, in responding to requests for personal information. The Directors of Finance and Law shall review any such requests, other than for employees or public officials to view their own personal records. The applicable department shall respond to such a request in writing and within a reasonable time period.

F. IMPROPER ACCESS.

Should any employee or public official have a reasonable belief that personal information has been accessed for other than official use, the discoverer shall promptly advise the Directors of Finance and Law and the affected employee or official in accordance with R.C. 1347.12.

G. DISPUTING INFORMATION.

If a person disputes the accuracy, relevance, timeliness, or completeness of the person's own information that the City maintains in a personal information system, the applicable department shall clearly and conspicuously disclose to the disputant the right to request the department investigate the information. Within a reasonable time, but not later than ninety days after receiving the request, the applicable department conduct a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete, and shall notify the disputant of the results of the investigation and of the action that the department plans to take with respect to the disputed information. The presence of contradictory information in the disputant's file does not alone constitute reasonable grounds to believe that the dispute is frivolous or irrelevant. However, the department shall delete any information that it cannot verify or that it finds to be inaccurate.

If after an agency's determination, the disputant is not satisfied, the agency shall do either of the following:

- (1) Permit the disputant to include within the system a brief statement regarding the disputed information. The department may limit the statement to not more than one hundred words if it assists the disputant in writing a clear summary of the dispute.
- (2) Permit the disputant to include within the system a notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete. The department shall maintain a copy of the disputant's statement of the dispute. The department may limit the statement to not more than one hundred words if it assists the disputant in writing a clear summary of the dispute.

The department shall include the statement or notation in any subsequent transfer, report, or dissemination of the disputed information, and may include with the statement or notation of the disputant a department statement that it has reasonable grounds to believe that the dispute is frivolous or irrelevant, and of the reasons for its belief.

Following the deletion of information found inaccurate or the accuracy of which can no longer be verified, or if a disputant files a statement of dispute, the department shall, at the disputant's written request, furnish notification that the information has been deleted, or furnish a copy of the disputant's statement of the dispute, to any person the disputant specifically designates.

H. DISCIPLINARY MEASURES.

All employees and public officials shall be provided with a copy of these rules, acknowledge receipt thereof, and that they shall promptly read and follow the rules. Violations of these rules subject the offending employee or public official to discipline, civil, and criminal sanctions. An employee or public official who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public evidence of unauthorized use of personal information shall be subject to suspension or possible removal. No collective bargaining agreement entered into under Chapter 4117 of the Revised Code on or after the effective date of this section shall prohibit disciplinary action against or termination of a City employee or public official found to have accessed, disclosed, or used personal confidential information in violation of this policy or as otherwise prohibited by law.

An employee or public official who complies in good faith with a rule applicable to its department is not subject to criminal prosecution or civil liability under this policy.

I. EXEMPTIONS FROM THIS POLICY.

Because of their principal functions relating to enforcing criminal laws, including police efforts to prevent, control, or reduce crime, or to apprehend criminals, the Police Department, and data systems relating to Mayor's Court are exempt from the provisions of this policy.

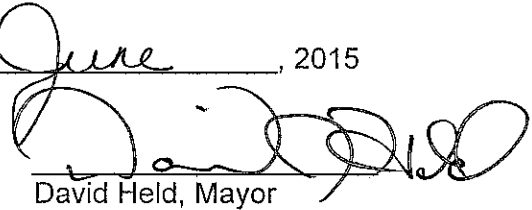
J. POLICY POSTING AND DISTRIBUTION.

The Director of Finance shall distribute the policies included in the rules adopted herein to each employee and public official and shall require that the employee or public official acknowledge receipt of the copy of the policies. The City shall create a poster that describes these policies and post it in a conspicuous place in City Hall, Station 1 - Fire Division, Station 2 - EMS Division, the Service Center, the Water Treatment Plant, and the Civic Center. This policy shall be included in the employee handbook and on the City's Internet web site.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to promptly include the Personal Information Policy into the North Canton Personnel Handbook, and educate all City employees regarding the City's policy to comply or exceed therewith; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

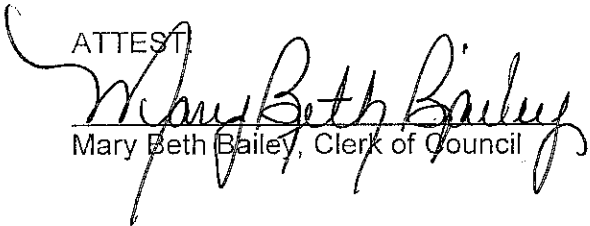
Passed by Council this 1st day of June, 2015



David Held, Mayor

Signed: 6/01, 2015

ATTEST



Mary Beth Bailey, Clerk of Council