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134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Crossman and Sobecki

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SUMMARY

- Requires a state agency that experiences a computer system data breach that compromises the security of an Ohio resident's personal information to provide, at no cost to the affected resident, credit monitoring services for three years.
- Requires the State Chief Information Officer, every two years, to examine each state agency's computer system to assess the risk of a data breach that could compromise the security of a resident's personal information and submit to each agency a report that includes recommendations on how to mitigate any unacceptable risk levels.

DETAILED ANALYSIS

State agency computer system data breaches

Credit monitoring services

Continuing law requires a state or local agency that owns or licenses computerized data that includes personal information to disclose any computer system security breach to an Ohio resident whose personal information was accessed by an unauthorized person if the breach causes a material risk of identity theft or other fraud. The bill requires a state agency that experiences a security breach to ensure that each resident affected by the breach can obtain, at no cost to the resident, credit monitoring for three years after the date the state agency discloses the breach. A state agency must include in the disclosure information on how to obtain the credit monitoring.

The credit monitoring available is a service through which a consumer can obtain, at a minimum, both of the following:

- Electronic notification of material additions or modifications to the consumer's file that is maintained by a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis;

- Following a notification, access to the consumer’s credit report.

A “state agency” includes every organized body, office, or agency established by Ohio law for the exercise of any function of state government. It does not include JobsOhio or any health plan, health care clearinghouse, or health care provider who transmits any health information in electronic form in connection with a transaction covered by federal law.¹

Examination and report

The bill requires the State Chief Information Officer (SCIO) to examine, every two years, each state agency’s computer system to assess the risk of a data breach that could compromise the security or confidentiality of an Ohio resident’s personal information. After an examination, the SCIO must draft and deliver a report to the state agency. If the SCIO finds an unacceptable breach risk, the SCIO must identify all risks and make recommendations on how to mitigate the risks to an acceptable level. A state agency must mitigate all unacceptable risks identified in the report to an acceptable level.

The SCIO’s report is not a public record under the Public Records Law² and cannot be released.³

Personal information

Under continuing law, “personal information” means an individual’s name in combination with and linked to any one or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in a manner that the data elements are unreadable:

- Social Security number;
- Driver’s license or state identification card number;
- Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual’s financial account.

“Personal information” does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or certain news or other media that are widely distributed.⁴

¹ R.C. 1347.12, by reference to R.C. 1.60, not in the bill, and 45 Code of Federal Regulations 160.103.

² R.C. 149.43, not in the bill.

³ R.C. 125.184, by reference to R.C. 1347.12.

⁴ R.C. 1347.12(A).

HISTORY

Action	Date
Introduced	09-23-21
