



Office of Fiscal and Monitoring Services

To: All CDJFS, CSEA and PCSA Directors
All Local WIA Areas

From: Lou Tomlin-King, Assistant Deputy Director
Monitoring Services Division
Office of Fiscal and Monitoring Services

Date: February 13, 2012

Subject: County Monitoring Advisory Bulletin 2012-01
Workforce Investment Act Advisory Bulletin 2012-01:
Audit Data Request by the Auditor of State

As you are aware, in SFY 2010 the Auditor of State (AOS) began to audit all local agencies as subrecipients of ODJFS as part of each county's A-133 audit. These audits require the use of protected health information and other confidential data by the AOS. The AOS is statutorily empowered to receive the data necessary to complete these audits, and it is each auditee's responsibility to provide the information. When provided for oversight purposes, the passing along of protected health care information and other confidential data is in line with the requirements of the county subgrant agreements, specifically Article III (G), which states that subgrantees must:

Make records available to ODJFS, the Auditor of the State, federal agencies, and other authorized governmental agencies for review, audit and investigation.

With this in mind, ODJFS has entered into a written agreement with the AOS on how the transfer of information should take place and how the information must be safeguarded, and is issuing this bulletin to help ensure the safeguarding of any data passed to the AOS by local agencies.

County agency management personnel are obligated to provide the necessary data to the regional auditors or their designees. However, due care must be taken to safeguard the information provided to the AOS and its contractors. Under **no** circumstances should agency management or staff give the AOS audit staff access to **any** ODJFS systems. Each agency must make a reasonable effort to limit the disclosure of protected health information to the minimum necessary to accomplish the intended purpose of the disclosure. The agencies must provide the data to the AOS via encrypted media, i.e. memory sticks, CDs or DVDs, external hard drives etc., in accordance with state guidelines on secure portable media.

The method through which data are transferred is at the sole discretion of each local director. The ODJFS Office of Information Services will not provide any local data to AOS staff. Please note that data security is of paramount concern. The transfer of any sensitive data must comply with the following laws and policies:

- 45 CFR 164.50 – Defines protected health information (PHI)
- 45 CFR 164.502 (b) – Limits disclosure of PHI to the minimum necessary
- 45 CFR 164.312 (e) (1) – Transmission Security
- 42 CFR Part 2
- ODJFS IPP 3001 – Information Security Policy (applies to state and county staff)
- OIT Information Security Framework
- OIT Policies and Procedures

The above list is not all inclusive, but is a partial list of the safeguarding requirements of sensitive data. The security and privacy of confidential personal information is of utmost importance to ODJFS and I know that you share this concern.

Technical Inquiries

The BMCS has established a GroupWise e-mail account for questions related to technical issues. Questions may be submitted through the GroupWise system to BMCS_INQUIRIES or through the Internet to BMCS_INQUIRIES@jfs.ohio.gov.

The e-mail account will be checked frequently for new inquiries. Any inquiries which are appropriate to another ODJFS Office or Bureau will be forwarded to that area.