

A public hearing will be held by the Office of Attorney General Mike DeWine on Friday, October 9th, 2015 at 10:00 a.m. in the B-1 Hearing Room of the Rhodes State Office Tower, located at 30 East Broad Street, Columbus, Ohio 43215.

The purpose of the hearing is to solicit comment on amended rules **109:5-7-01**.

109:5-7-01 Ohio law enforcement gateway.

(A) Definitions.

(1) "BCI" is the Ohio bureau of criminal identification and investigation of the office of the Ohio attorney general as created pursuant to section 109.51 of the Revised Code.

(2) "OHLEG" is the web portal known as the Ohio law enforcement gateway, created pursuant to division (C) of the section 109.57 of the Revised Code, to create a linkage to criminal justice information from various sources collected in a single portal for the use of law enforcement agencies, and for other uses as permitted by the superintendent or as provided in this rule.

(B) The attorney general shall appoint individuals to an advisory body which shall be known as the OHLEG steering committee. The attorney general may appoint such number of individuals as may be considered appropriate. These individuals shall generally serve three year terms, staggered to expire in alternate years. The individuals shall be subject to the attendance requirements of three-fifths of the meetings over a two-year period, pursuant to section 3.17 of the Revised Code. The OHLEG steering committee shall advise the attorney general in the operation of OHLEG, and shall be comprised of persons who are representatives of the criminal justice agencies in this state that use OHLEG. The attorney general may appoint any other advisory body for informal guidance in the policies and operation of OHLEG as the attorney general may consider to be helpful.

(C) The superintendent of BCI may designate an employee of BCI to serve as the director of OHLEG. OHLEG shall operate under the administrative leadership of the director of OHLEG. The director of OHLEG shall prescribe written guidelines for users stating the conditions and limitations on the use of OHLEG. The director shall approve the addition or deletion of data sources to the portal, direct any audits of the use of OHLEG and direct other administrative functions as necessary for the operation of this resource. The director of OHLEG shall have authority to review and decide requests for access for purposes of sections 109.57 and 2913.04 of the Revised Code.

(D) The use of OHLEG is extended as a courtesy by BCI for the convenience of the criminal justice agencies, and is subject to conditions, modifications, cancellation or withdrawal at the discretion of the director of OHLEG. No individual user and no law enforcement agency shall be considered to have an entitlement to or expectation of ongoing access to OHLEG. Access to OHLEG will typically be granted to the following entities for the purposes stated:

- (1) Ohio law enforcement agencies for the administration of criminal justice.
- (2) Ohio agencies who are not law enforcement agencies if needed for the administration of criminal justice.
- (3) Out-of-state law enforcement agencies for the administration of criminal justice, upon application to and approval by the director of OHLEG.
- (4) Research entities, public offices or educational institutions for research purposes consistent with the provisions of this rule, upon the approval of the superintendent of BCI.
- (5) Any governmental entity, agency or individual for a stated purpose, upon the approval of the superintendent of BCI.

(E) Access may be conditioned or limited according to the needs of the user or agency and the applicable conditions imposed by the data owners.

(F) Persons and agencies who have access to OHLEG shall be permitted to use this resource for criminal justice purposes. Utilization of and access to OHLEG may be suspended or terminated for an individual user or for an agency at the discretion of the director of OHLEG. Written notice of the suspension or termination shall be provided to the affected individual or agency in writing as soon as it is feasible under the circumstances.

(G) The director of OHLEG or that person's designee shall create and maintain a list of persons and agencies whose access to OHLEG has been suspended or terminated. The suspension or termination of an individual shall continue and not expire, even if the affected individual obtains new employment and seeks to obtain access to OHLEG through another criminal justice agency. Reinstatement of an individual's access to OHLEG shall occur if at all at the discretion of the director of OHLEG.

(H) Requests to conduct research using information available in OHLEG may be approved by the superintendent of BCI upon the recommendation of the director of OHLEG, for purposes related to criminal justice objectives. The superintendent of BCI shall consult with the OHLEG steering committee on the subject of research generally, and may seek their input on specific research requests. Before approving the request the director shall require the requesting research entity to seek the approval of an appropriate institutional review board to consider the nature of the human subjects research being requested.

(I) The superintendent of BCI shall limit dissemination of the information available from OHLEG as follows.

- (1) Subject to such conditions as the superintendent of BCI may impose, the superintendent may disseminate OHLEG information, including statistics, reports or data to governmental agencies as necessary for the government agency or BCI to carry out the official business of their respective agencies.

(2) Information, statistics, reports, or data disseminated to other governmental agencies are not public records pursuant to section 149.43 and division (D) of section 109.57(D) of the Revised Code.

(3) An agency or individual receiving OHLEG information may be asked to sign a memorandum of understanding, agreeing to the confidentiality of the OHLEG information and prohibiting the disclosure or further dissemination of the OHLEG information, subject to such conditions as the superintendent may impose.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Amber Aimar, Policy and Public Affairs Section, Office of the Ohio Attorney General Mike DeWine, 30 East Broad Street, Columbus, Ohio 43215, or Amber.Aimar@OhioAttorneyGeneral.gov no later than Thursday, October 8th, 2015 by close of business.