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Directive 2007-32

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To: All County Board of Elections

Re: Retention, Privacy and Security of Personal Information

RETENTION AND SECURITY OF VOTER PERSONAL INFORMATION

Voters are required to provide you with identification when they (1) register to vote; (2) apply for an absentee ballot; and (3) vote using an absentee ballot (either by providing the last four digits of a social security number on the identification envelope or by submitting an alternative form of identification with the absentee ballot (e.g., copy of a utility bill). Most forms of identification permissible under Ohio elections law contain "personal information." It is important that you act to protect this personal information from disclosure to the public, loss, misuse or theft. This directive provides steps that all county boards of elections must take with respect to the retention, security, redaction and destruction of voters' personal information.

DEFINITION OF PERSONAL INFORMATION

The following information is deemed to be "personal information" for purposes of this directive:

- Whole or partial social security number;
- Date of birth;
- Driver's license number;
- Financial account number, account balance and account transaction details;
 - "Financial account" includes checking, savings, credit card, money market and any other personal financial account of an elector
 - "Account transaction details" includes the account balance and the amount of deposits, withdrawals and payments
- Utility account number;
 - "Utility account" includes natural gas, heating oil, water, sewer, electric, cellular telephone, internet, telephone satellite television and cable television accounts
- Employee identification number.

A voter may decide to provide identification containing personal information, even if it is not a required or permitted form of identification. For example, a voter may send a photocopy of his or her credit card as a form of identification. Although a photocopy of a credit card is not a permitted form of identification, the credit card account number is personal information, which is subject to this directive.

RETENTION PERIOD FOR VOTER IDENTIFICATION

The identification submitted with voter registration forms, absentee ballot applications, and the absentee ballots and identification envelopes are public records subject to

retention obligations. The following retention periods apply to those records (whether or not the records contain personal information):

- Identification submitted with a voter registration form or an absentee ballot application shall be retained for the longer of the following two periods:
 - Six months from the date you receive the identification or
 - From the date you receive the identification until forty-five days after the election for which the absentee ballots were issued.

This retention period ensures that identification submitted with absentee ballot applications is retained for at least forty-five days after the election for which the absentee ballots were issued. **Note: this retention period does not apply to Federal Postcard Applications from voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The retention period for UOCAVA applications is described below.**

For example, if you receive identification with an absentee ballot application (e.g., a utility bill) one month before the next Election Day, the identification must be retained for six months from the date you received the identification.

However, if you receive identification with an absentee ballot application (e.g., photocopy of a driver's license) seven months before the next Election Day, the identification must be retained until forty-five days after the election.

- Identification submitted by a UOCAVA voter with a Federal Postcard Application shall be retained for:
 - Four years from the date you receive the identification.
- Identification submitted with absentee ballots and identification envelopes shall be retained for:
 - Ninety days from the date you receive the identification.

For example, if a voter submits a copy of his or her utility bill as identification with an absentee ballot, the utility bill must be retained for ninety days from the date you receive the utility bill.

Please note that voter identification documents (e.g., utility bill, account statement) are separate documents and are therefore distinct from the voter registration form, absentee ballot application and the absentee ballot. As a result, separate retention periods apply to voter registration forms, absentee ballot applications and absentee ballots, which are not discussed in this directive. Please see the attached quick reference guide for additional information regarding applicable retention periods.

SECURITY OF VOTER IDENTIFICATION

It is important that you take steps during the retention period to secure the identification provided by voters to prevent public disclosure, loss, theft or misuse of personal information. All county boards of elections shall retain (1) identification submitted with voter registration forms; (2) identification submitted with absentee ballot applications; (3) absentee identification envelopes; and (4) identification submitted with absentee ballots. All identification documentation must be stored and maintained in a secure location.

For purposes of this directive, “secure location” shall mean any of the following:

- A locked filing cabinet to which only authorized employees have a key;
- An unlocked filing cabinet in an office or storage room, if the office or storage room is locked when no authorized employee is present;
- A locked office or storage room to which only authorized employees have access; or
- Another suitable, secure location to which only authorized employees have access.

For purposes of this directive, an “authorized employee” shall mean an employee who must access voter registration forms in their original form, absentee identification envelopes and/or identification submitted with an absentee ballot application or absentee ballot to perform his or her job function(s).

If an unauthorized employee requests access to these records, a designated authorized employee must approve that access and record each of the following:

- The name of the employee requesting access;
- The date of access;
- A description of the records accessed; and
- The reason for access.

REDACTION OF PERSONAL INFORMATION

As public records, identification submitted with voter registration forms, absentee ballot applications, and absentee ballots and identification envelopes are subject to an Ohio Public Records Act request. Each county board of elections shall take the following steps to protect personal information from disclosure before providing copies of these records pursuant to the Ohio public records law:

- Make a photocopy of each record requested;
- Review each photocopied record to determine if it contains personal information. Please keep the following guidelines in mind when reviewing a record for personal information:
 - Personal information may appear in more than one place on the record. For example, a voter’s account number may appear on each page of a bank account statement. Each time the personal information appears in the record, it must be redacted.
 - A record may include more than one type of personal information. For example, a voter’s social security number may appear on a photocopy of his or her driver’s license in addition to the driver’s license number and the voter’s date of birth. Each type of personal information on the record must be redacted.
 - A social security number may appear unformatted (i.e., without the dashes) but must always be redacted from the record.
 - A voter’s paycheck may include his or her employee identification number, which is often the same as his or her social security number. All employee identification numbers should be redacted from the record.
 - An account statement must be redacted so that the account number, account balance and transaction details, in addition to any other personal information that may appear in the statement, are completely redacted.
- If the record contains personal information, redact all personal information from the photocopy of the requested record so that it is no longer readable.

- **Do not redact personal information from the original record and never provide an original in response to a public records request.** As described above, the document is a public record and it must be maintained in its original form for the applicable retention period.
- Review each redacted photocopy to ensure that all personal information in the record is unreadable (for example, determine whether a voter's social security number remains visible when the photocopy is held up to light).
 - If the personal information is still readable, make a copy of the redacted photocopy and ensure that all personal information is unreadable on the new photocopy.
- Provide the fully redacted photocopy of the requested record to the individual making the request.

DESTRUCTION UPON EXPIRATION OF RETENTION PERIOD

An important final step in protecting voter personal information is to ensure that it is destroyed once the retention period has expired.

Upon expiration of the applicable retention periods, all county boards of elections shall destroy: (1) identification submitted with voter registration forms; (2) identification submitted with absentee applications; (3) absentee identification envelopes; and (4) identification submitted with absentee ballots by doing one of the following:

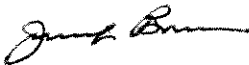
- Shredding each page of each record using a criss-cross shredder; or
- Hiring a qualified, certified and bonded document disposal business to destroy the records.

If you choose to hire a document disposal business to shred the records, you shall do the following:

- Confirm that the National Association for Information Destruction, Inc.© has certified the document disposal business you wish to hire (a list of NAID certified document disposal businesses may be found at the Association's website www.naidonline.org/certification.html);
- If there are no document disposal businesses certified by the NAID in your county, confirm that the document disposal business you wish to hire is well established and reputable before hiring that business;
- Require your document disposal business (whether or not it is NAID certified) to certify, in writing, that the records you send to them (or that they pick up from you) for destruction have been destroyed.

Given the personal information provided in these records, the records should never be placed in a trash bin, trash bag or other trash receptacle before being shredded as provided above.

Sincerely,



Jennifer Brunner