

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Filing of Rule 5537-9-01 Procedures and Criteria for Accessing E-ZPass® Customer Account Information with the Joint Committee on Agency Rule Review

WHEREAS, the Ohio General Assembly passed Substitute House Bill 648 (127th General Assembly) which amended Ohio Revised Section 1347.15.15, 1347.99 and 5703.211, which required all state agencies to develop administrative rules and related policies, procedures and criteria for accessing confidential personal information (“CPI”); and

WHEREAS, the General Counsel has determined that the statutory requirements for the securing of CPI imposed by the amended statute apply to the information maintained by the *E-ZPass* Customer Service Center in order to manage and administrate the customer accounts; and

WHEREAS, the Commission required its Engineering Consultant/System Integrator for the new toll collection system and *E-ZPass* Customer Service Center to design, install and implement the required data security requirements and protocols necessary to comply with the statutory requirements imposed by the amended statute, which policies and procedures are still being reviewed and tested for compliance by the Information Systems Department; and

WHEREAS, the General Counsel in conjunction with the Executive Director, Director of Information Systems, and CFO/Comptroller has developed a drafted administrative rule applicable to the operations of the *E-ZPass* Customer Service Center as it relates to the collection of and access to *E-ZPass* customer account information as required by the provisions of O.R.C. Section 1347.15; and

WHEREAS, the Executive Director and General Counsel have recommended that the Commission begin the process for adopting the attached Administrative Rule 5537-9-01, which rule is attached in preliminary draft form to this Resolution; and

WHEREAS, the General Counsel has advised the Commission that it is required to submit the drafted rule to the Joint Committee on Agency Rule Review in accordance with the requirements of O.R.C. Section 111.15 and 119.032 prior to implementation by the Commission, and has recommended that the Commission begin the process for promulgating and finalizing the drafted rules prior to the implementation of electronic tolling; and

WHEREAS, in accordance with applicable statutory provisions, including Sections 111.15 and 119.032 of the Ohio Revised Code, the Commission must file with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State any new rule or amended rule in accordance with the procedures set forth in the statutes and the Commission wishes to comply with the procedural requirements necessary to implement the rule.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel to finalize the attached Rule 5537-9-01 for filing either in its current form or as may be modified in order to comply with the requirements imposed by the Joint Committee on Agency Rule Review; and

FURTHER RESOLVED that the Commission hereby authorizes the General Counsel to initiate the process necessary to adopt the attached rule in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code.

(Resolution No. 24-2010 adopted June 21, 2010)