

POLICY MATTERS OHIO

E-MAIL EXCHANGE: OHIO DEPARTMENT OF JOBS AND FAMILY SERVICES POLICY MATTERS OHIO

Below is the e-mail exchange between Policy Matters Ohio and the legal department of the Ohio Department of Job & Family Services. Please contact Zach Schiller, research director, Policy Matters Ohio, if you have questions at (216) 931-9923.

X-Mailer: Novell GroupWise Internet Agent 6.5.3
Date: Tue, 13 Sep 2005 11:16:12 -0400
From: "RAMESH THAMBUSWAMY" <THAMBR@odjfs.state.oh.us>
To: <zschiller@policymattersohio.org>
Cc: "JON ALLEN" <ALLENJ@odjfs.state.oh.us>,
"BOB MULLINAX" <MULLIB@odjfs.state.oh.us>,
"MARCIA SLOTNICK" <SLOTNM@odjfs.state.oh.us>
Subject: Re: Schiller Request for PA recipient employer data
X-MessageScreenMessageID: 1126624382.761931.1359.221610
X-MessageScreenContentScore: Score of 0 assigned to Content
X-MessageScreenUCEScore: Score of 0 assigned to UCE
X-MessageScreen: Analyzed by IntelliReach MessageScreen(tm)
href="http://www.intellireach.com"
X-MailHub-Apparently-To: <zschiller@policymattersohio.org>

Mr. Schiller:

The department is receptive to the information needs of the public and carefully reviews all such requests. Thus far I believe that ODJFS has responded twice to your data request, once through the Office of Communications and once through the Office of Legal Services. At this time, we have nothing further to add to the responses that have already been provided to you.

Ramesh Thambuswamy
ODJFS Office of Legal Services

>>> Zach Schiller <zschiller@policymattersohio.org> 9/9/2005 6:11 PM
>>>

Mr. Thambuswamy:

I am hoping that we can find a way to constructively allow the department to provide information that is of substantial public interest. While I am not a lawyer and have not yet sought a legal

opinion on the subject, I am quite puzzled by your conclusion that the recent Ohio Supreme Court decision should be construed so broadly as to cover my request. Have you done specific legal analysis you can share with me that supports this conclusion? It seems fairly clear to me that employer names meet the test of the law; why is it that the state collects such information?

It is not clear to me why you consider my request to be overly broad, but as I hoped to outline in my original request, I would hope to work with you to make it feasible. Please let me know why you believe it to be too broad and I'm sure we can structure it so it does not pose such a problem.

Thirdly, it is clear this information is of significant public interest. Major newspapers in the state have made requests for similar information, and a dozen other states have released information of this kind, the results of which have been widely disseminated. While ODJFS may not be legally required to create the computer software program you say is required, I would think the agency would be interested in the results itself. Has the agency not produced any report for its own use regarding employer data? I would assume that ODJFS officials would find this of use given the national trend for health care costs to be increasingly absorbed by the government. I hope you will take these points into consideration in considering my request. Please contact me if I can provide further information that would allow you to do so. Thank you.

Zach Schiller

At 09:19 AM 09/09/2005, RAMESH THAMBUSWAMY wrote:

>Mr. Schiller:

>

>ODJFS Legal Services has reviewed your records request and has
>concluded that (1) pursuant to the Ohio Supreme Court's recent decision
>in State Ex rel Dispatch Printing Co v Johnson, 106 Ohio St. 3d 160
>(2005), employer names and addresses are not "records" for the purpose
>of Ohio's public records law, because they do not document the
>organization, functions, policies, decisions, procedures, operations, or
>other activities of the state and its agencies and therefore, are not
>subject to disclosure; (2) even if employer names and address were
>considered "records," your particular records request would be overly
>broad; and (3) the non-record data you are seeking is inextricably
>intertwined with confidential client data, and in order to comply with
>your non-record data request, ODJFS would have to create a computer
>software program to either extract the non-confidential portion of each
>client file, or to give you access to just the data you are seeking,
>which ODJFS is not required by law to do.

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>If you have any questions, feel free to contact me.

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>Ramesh Thambuswamy
>Senior Staff Attorney
>ODJFS Office of Legal Services
>(614) 466-4605
>
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> >>> Zach Schiller <zschiller@policymattersohio.org> 8/19/05 4:11:21 PM
> >>>
>To Mr. Robert Mullinax or whomever else it might concern:
>
>I would like to obtain records from the department that would allow
>me to learn the number, by employer, of persons (including children
>and adults for each case) receiving public benefits administered by
>ODJFS (including Healthy Start/Healthy Families, Medicaid, food
>stamps, OWF and child care). I have spoken previously with Dennis
>Evans, who provided me with a fact sheet explaining why the agency
>has no report that would allow it to provide such
>employer-identification data. However, I would like to request the
>raw data, through the AEIEI screen of CRIS-E or other forms, that
>would allow us to compile a report. I understand that such a volume
>of forms would be large and would like to begin with the Healthy
>Start/Healthy Families recipients (or all Medicaid if possible).
>Please let me know in advance if records for such a request would
>cost more than \$200.
>
>I am happy to discuss this with you and go over any issues that might
>stand in the way of honoring this request. Thank you for your
>attention. Zach Schiller
>
>Zach Schiller
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>Policy Matters Ohio
>2912 Euclid Avenue
>Cleveland, OH 44115
>216.931.9923
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[Update - ODJFS to Produce Employer Data](#)

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10/06/2005