

Protecting Personally Identifiable Information (PII)

The Occupational Safety and Health Administration (OSHA) published a **final rule** requiring that establishments meeting certain size and industry criteria electronically submit case-specific injury and illness data from their OSHA Form 300 Log of Work-Related Injuries and Illnesses and the OSHA Form 301 Injury and Illness Incident Report. These data will be used to analyze occupational injuries and illnesses and hazardous conditions in workplaces and will be made available for public access. Covered establishments must electronically submit their data through OSHA's secure Injury Tracking Application (ITA) beginning in January 2024. OSHA minimizes the collection of personally identifiable information (PII) during this process and takes steps to protect the data submitted. In submitting this data, establishments should not include certain PII pertaining to worker(s). This fact sheet discusses what PII is, how establishments can avoid submitting PII through the ITA, and what OSHA is doing to protect worker privacy.

Who is required to submit information from the Form 300 Log and Form 301 Incident Report under the new regulation?

Establishments with 100 or more employees in designated industries are required to submit case-specific information from their OSHA Form 300 Log and Form 301 Incident Report. Establishments located in states that are covered by Federal OSHA can determine if they are required to submit through OSHA's [ITA Coverage Application](#). Establishments covered by a State Plan should directly contact their [State Plan](#).

What is PII?

PII, or personally identifiable information, includes any information that could reasonably be expected to identify individuals directly (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or indirectly in conjunction with other data elements (e.g., age, gender, race/ethnicity, occupation, etc.).

Must establishments submit employee PII from the Form 300 Log and Form 301 Incident Report to OSHA through the ITA?

Covered establishments must submit an injured or ill employee's date of birth through the ITA but the ITA automatically converts this information to "age". Covered establishments are required

to submit through the ITA other information about an injured or ill employee, such as job title, date hired, and gender, that, in some limited circumstances, could be used to identify individual employees in conjunction with other data. **Do not submit non-mandatory information if it could reasonably be used to identify individuals directly.**

What PII should not be submitted to OSHA through the ITA?

When electronically submitting data through the ITA, establishments should not include the following information:

- Names
- Social Security numbers
- Telephone numbers
- Home addresses
- Email addresses
- Healthcare provider information
- Family member information

What can establishments do to help keep employees' data private?

Establishments should review Form 300 Log and Form 301 Incident Reports and remove unnecessary PII from the narrative fields before submitting them to the ITA. In addition, for privacy concern cases as defined by [29 CFR 1904.29\(b\)\(7\)](#), establishments should enter "privacy concern case" on the Form 300

Log instead of the employee's name, and keep a separate, confidential list of case numbers and employee names for privacy concern cases so that the establishment can update the cases and provide the information to the government if asked to do so. See 29 CFR 1904.29(b)(9) for additional recordkeeping requirements for privacy concern cases.

How will OSHA protect the identity of the injured or ill workers whose data is submitted to OSHA through the ITA?

OSHA will protect worker privacy by taking the following steps with data submitted through the ITA:

- OSHA will not collect worker names or addresses;
- OSHA will remind employers not to submit information that could directly identify workers, such as names, Social Security numbers, addresses, telephone numbers, etc.;
- OSHA will automatically convert all birth dates to age upon submission through the ITA and discard birth date data;
- OSHA will not make publicly available ITA data it receives concerning employee age, gender, date hired, and whether the worker was treated in an emergency room and/or hospitalized overnight as an inpatient;
- OSHA will use automated information technology and some manual review to detect and remove remaining information that could reasonably be expected to identify an individual directly.

For additional information see:

- [OSHA's Information Tracking Application](#)
- [OSHA's ITA Fact Sheet](#)
- [OSHA ITA Privacy Impact Assessment](#)

Workers' Rights

Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards, methods to prevent them, and the OSHA standards that apply to their workplace.
- Review records of work-related injuries and illnesses.
- File a complaint asking OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA's rules. OSHA will keep all identities confidential.
- Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or OSHA. If a worker has been retaliated against for using their rights, they must file a complaint with OSHA as soon as possible, but no later than 30 days.

For additional information see OSHA's Workers page (www.osha.gov/workers).

How to Contact OSHA

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's workers by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov or call OSHA at 1-800-321-OSHA (6742), TTY 1-877-889-5627.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

