



Montgomery County Workforce Investment Board

Policy: **Confidentiality and Security of Participant Information**

Effective Date: July 1, 2012

Policy Number: 2012-03

SUBJECT: Confidentiality and Security of Participant Information Policy

PURPOSE: The Workforce Investment Act (the Act), requires that all applicant and customer personal information is and remains confidential. Appropriate efforts must be taken to protect the confidentiality of personal information that is attributable to any specific individual (e.g., a telephone number, a Social Security number, address; etc.). The Montgomery County Workforce Investment Board (WIB) must ensure that personal information is collected, used and stored in a manner that will not be accessible to unauthorized users. Personal information is not to be collected unless it is needed for the provision of a workforce service or to determine eligibility for a specific workforce program and that it is not used for any purpose other than the program or service for which it was collected, unless the applicant or enrollee, (if the subject is an adult), or a parent or legal guardian of the applicant or enrollee (if the subject is a minor or dependent), gives specific written consent for the information to be shared. The applicant or enrollee may receive a copy of any information collected from them at their request.

The WIB is committed to protecting the confidentiality of all Workforce Investment Act applicants and enrollees, and customers utilizing the WIB's designated One-Stop Centers and any services for adults, dislocated workers or youth funded by the WIB.

REFERENCES: WIA 136(f)(3) and Section 669.400 20 CFR Preamble, 1232g and pg. 49316;

EFFECTIVE DATE: July 1, 2012

ACTION REQUIRED: Within 15 days of the receipt of this policy it is the recipients' responsibility to ensure all staff are informed of the policy, to create an internal process to ensure accountability, and returned signed Confidentiality Agreements from all staff.

POLICY:

The Montgomery County WIB requires that all Montgomery County WIB members and staff, MontgomeryWorks Center staff and WIA Contract staff, whether operating in a One-Stop center or not and that all WIB Partner Programs recognize and protect the confidentiality of all customer personal information, whether collected in the Montgomery County One-Stop Centers, youth programs or via electronic access to the fullest extent possible. All individuals associated with data collection and with access to the data collected must execute the WIB's confidentiality agreement attached to this policy which stipulates their individual's understanding of the importance of the confidentiality requirements and which serves as acknowledgement that should they come in contact with any customer's personal or proprietary information, it must remain personal and confidential.

Requirements:

Contractors and sub-recipients must request and often collect personal information to determine eligibility for WIA programs, but to also be able to recommend and refer customers to partner and other community based services. Such information collection shall occur as confidentially as possible and should not require open discussion in a public space, i.e. social security number or address, etc. Customers should have the option of providing needed information in written form, which cannot be shared or left unattended by any member of the workforce system, nor shared without the specific written approval of the customer with any other program or service provider not specifically authorized to view such information under the provisions of the Workforce Investment Act.

Authorized Access:

Montgomery County WIB Contractors and sub-recipients shall make available to the WIB Staff, the DLLR (the WIA Administrative Arm), the US Department of Labor and any of their designated agents, access to all files, documents and working papers as is reasonable and necessary to determine compliance with and ensure enforcement of the provisions of the Workforce Investment Act. All customers should receive a statement of confidentially related to the collection and use of their personal information, that must by necessity, include authorized access by those entities listed above for the purpose of audits, monitoring and compliance and enforcement of the provisions of the Workforce Investment Act.

Data and Information Maintenance:

Contractors and sub-recipients must collect and store files and records in secured locked file cabinets, locked file areas or desks that do not permit unauthorized users access. Any documents or data collected in error or that must be destroyed, must be shredded, and not placed in a public or accessible trash receptacle. Additionally, computer screens and access to electronic data should not be left open or unattended while customer information is revealed.

Disclosure of Individual Identity:

The identity of any individual who furnishes information relating to an investigation, compliance review, or customer satisfaction survey, including the identity of any individual who files a complaint, must be kept confidential to the extent possible, consistent with a fair determination of the issue. If it is deemed necessary to disclose an individual's identity, this individual must be protected from retaliation.

Confidentiality Agreement:

All Montgomery County WIB members and staff, partners, MontgomeryWorks Workforce Centers, or WIB staff volunteers, interns, community service workers, and partner staff operating in a One-Stop Center, inclusive of all Resource Contractors and sub-recipients staff members, are required to complete and sign the Montgomery County WIB One-Stop Center Confidentiality Agreement which specifies that the individual is aware of the priority the WIB places on confidentiality and the right to privacy that a customer should expect and has. (See attached) This Confidentiality Agreement must be fully executed at the time the policy is approved by current staff of the workforce system and by new employees as a condition of employment and as included in any partner Memoranda of Understanding with the WIB and its One-Stop Operator.

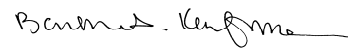
Effective Date:

This policy shall be effective as of the date it is adopted and approved, as an addendum to any Memorandum of Understanding with Montgomery County WIB Partners.

Approved:

March 29, 2012

Date of Board Approval

A handwritten signature in black ink, appearing to read "Barbara Kaufmann".

Barbara Kaufmann, WIB Director

Montgomery County Workforce System: Confidentiality Agreement

I, _____ [print name], understand that, by virtue of my position within the Montgomery County WIB's Workforce System (known as MontgomeryWorks and the Maryland Multicultural Youth Center), I may have access to customer and employer confidential records.

I have reviewed and understand the Workforce Investment Board's Policy #2012-3 on Confidentiality and understand that it is the policy of the Workforce Investment Board to protect the confidentiality of all Workforce Investment Act applicants and enrollees, and customers utilizing the Montgomery County WIB's Designated One-Stop Centers and any affiliated sites and programs.

I understand that in the WIB Workforce System's collection, usage, storage and transmission of customer information, the tenants of confidentiality are to be strictly enforced (see Montgomery County Workforce Investment Board Management Policy #2012-3). I understand that I may discuss, or share, this information within my assigned area of responsibility, as appropriate, with the WIBs, DLLR and other WIB partners personnel only, unless required by law to do otherwise in the discharge of the duties of my position. I understand that violation of this oath could result in disciplinary action, which could include verbal counseling, written warning or termination of my employment. I also understand that violations of confidentiality may be subject to civil and criminal liability under state and/or federal law.

I understand that all individuals associated with data collection and access to data collected within the WIB Workforce System must execute this confidentiality agreement, which stipulates my individual understanding of the importance of the confidentiality requirements and acknowledges that should I come in contact with any customer's personal or proprietary information, it must remain personal and confidential.

By signing below, I acknowledge that I have read and understand this policy and agree to be bound by those terms and conditions throughout my participation in the WIB Workforce System. Montgomery County WIB staff or their designee have answered any questions I may have had regarding this policy.

Employee/Volunteer Signature:

Date:

Witness Signature:

Date:
