



IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

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POLICY	ORIGINAL DATE	LAST REVISION
Personally Identifiable Information	FISCAL YEAR 2017	January 25, 2017

POLICY OVERVIEW:

The purpose of this policy is to communicate requirements for the security of personal and confidential information received from individuals applying for or receiving services as participants through the Workforce Innovation and Opportunity Act (WIOA) or other funding sources.

REFERENCES:

- 2 CFR 200.303(e), Page 78625 – *Office of Management and Budget Uniform Administrative Requirement*
- Executive Order-00-03 – *Public Records Privacy Protections*
- TEGL 39-11 – *Guidance on Handling and Protection of Personally Identifiable Information*
- ESD WIN 0023 – *Management of Medical and Disability Related Information*

POLICY:

The Imperial County Workforce Development Board's (ICWDB) policy is to protect and safeguard personal and confidential information provided by individuals seeking WIOA or other funded services. Individuals seeking services must be informed, in writing via the [Authorization to Share Confidential Information and Records Form](#) (copy attached to this policy), that their personal and confidential information:

- May be shared among the AJCC partner staff and subcontractors;
- Is used only for the purpose of delivering services and that further disclosure of their confidential information is prohibited; or
- Will not be shared among the partners of the AJCC system, if the individual declines to share their confidential information and they decline to share will not impact their eligibility for services.

Whether written or oral and regardless of format, staff must maintain confidentiality of the following:

- Information that was created or received by a healthcare provider, health plan, employer or healthcare clearinghouse. This includes any case notes, chart entries, or treatment notes that relate to health information.
- Information that is related to an individual's physical or mental health or medical condition in the past, present or future; healthcare provided or to be provided to an individual; or payment for healthcare provided to an individual in the past, present or future.
- Information that identifies an individual, employee or participant.

The misuse or unauthorized release of personal and confidential information or records by any WIOA service provider and AJCC staff may be subject to a civil penalty of \$5,000 and other applicable sanctions under state and federal law.

PROCEDURES:

- Every individual receiving WIOA or other services must read, sign and date the "Authorization to Share Confidential Information and Records" form (copy attached).
- Every individual receiving WIOA or other services must be informed of their right to not share

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their personal and confidential information and that this request does not affect their eligibility for WIOA services.

- **Medical and Disability Information:** Personal and confidential information that contains health information related to a physical or mental disability, medical diagnosis or perception of a disability related to the individuals **must be kept in a separate locked file and apart from working files.** Any medical information contained in case notes must be removed from the participant file; the original notes must be placed in the participant's medical file.

To minimize the need for staff to access a medical file, only the portion of the participant's information that reveals the presence of a disability should be included in the medical file. Access to the medical files:

- Must be limited and should only be accessed when such access is necessary to facilitate a WIOA participant's access to services or to support an ongoing service plan; or
- First aid and safety personnel may be provided participant medical information in the event of an emergency; or
- Local, state or federal monitors may have access to medical files for monitoring purposes.

When all services, including follow-up services, are complete and the participant file is ready to be archived, participant medical and disability-related information that had been previously filed away from the active file must be placed in a sealed envelope and marked "Medical and Disability Information" and secured in the participant file.

- Archived boxes must be clearly marked as containing personal and confidential information.
- Staff should avoid communicating personal and confidential information about an applicant/participant to partner agencies of the AJCC system via email. If it is absolutely necessary, staff must ensure that the recipient is the only person who has access to the information and that the recipient understands they also must protect the information.
- Further, participant information must only be communicated through agency approved email addresses and not through third party or personal email addresses such as Hotmail, Yahoo, etc.
- Social security numbers may not be delivered through email. Staff should discourage participants from emailing personal and confidential information, such as social security numbers to their case managers. However, in the event a staff person receives participant confidential information via email, the case manager should immediately delete the email and subsequently delete the email from the "Deleted Items" folder in Outlook.
- Staff should be discreet when verbally communicating personal and confidential information and ensure the receiver(s) are authorized to receive the information.
- Staff must not leave personal and confidential information lying out in the open and unattended (e.g., copies or print jobs left unattended on the copy machine or printers). Personal and confidential information must be stored in a secure location when not in use or shredded if no longer necessary. Personal and confidential information should not be tossed in the regular trash or recycle bins.
- It is the responsibility of users and visitors to any AJCC social media site to read and understand the which includes a Privacy Policy and Disclaimer. Any information posted to the AJCC social media sites are public records and subject to public disclosure under the Public Records Act.

DEFINITIONS:

Personal and Confidential Information - includes but is not limited to an individual's: name; address; telephone number; email address; social security number; date of birth; age; educational records as described in the [Family Educational Rights and Privacy Act of 1974, 20 USC 1232g\(a\)\(4\)](#); gender; race/ethnicity; employment history (e.g.: employer name, wages, work hours, etc.); financial

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information (such as household income and student financial aid information, including award status and amounts); and eligibility for special programs (e.g., disability, veteran, dislocated worker, economically disadvantaged, youth, public assistance, food stamps, or unemployment insurance programs).

MONITORING:

ICWDO is responsible for ensuring oversight of the WIOA Title I funded programs. Monitoring shall ensure federal/state and local policies and regulations are being met by all parties.

ACTION:

Please bring this policy to the attention of ICWED, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959 or the Program and Compliance Manager (442) 265-4963.

Authorization to Share Confidential Information and Records”

Purpose of this Form:

The purpose of this form is to obtain your permission to share your confidential information and records, including your social security number, among the partner agencies of the AJCC system. By sharing your confidential information and records, service partner agencies of the AJCC system will be able to better assist you in identifying and accessing employment, training, and educational services.

PLEASE READ THE FOLLOWING CAREFULLY

I understand that the partner agencies of the AJCC system are requesting my permission to share my confidential information and records in order to facilitate access to programs under the AJCC Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, July 22, 2014.

I understand that I am not required to give permission to share my confidential information and records, including my social security number, among the partner agencies of the AJCC system.

I understand that if I agree to share my confidential information and records, including my social security number, the information will be shared solely with members of the partner agencies of the AJCC system and for the sole purposes of enabling members of the AJCC system to provide me employment and training services.

I understand that if I do not agree to share my confidential information and records, that information, and those records, will only be shared to the extent allowed by Federal and state law.

I understand that my eligibility to participate in AJCC programs does not depend on my agreement to share my confidential information and records including my social security number. If I request that private and confidential information not be shared among the partner agencies of the AJCC system, my eligibility for services will not be affected.

I understand that my confidential information and records may contain information regarding medical diagnosis or treatment for drug or alcohol abuse (42 CFR, Part 2).

I consent and agree to share my records:

I, hereby consent and agree that the partner agencies of the AJCC system may share my confidential information and records including, but not limited to my: name; address; telephone number; email address; social security number; date of birth; age; educational records, as described in the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g; gender; race/ethnicity; employment history (e.g.: employer name, wages, work hours, etc.); financial information (such as household income and student financial aid information, including award status and amounts); and my eligibility for special programs (e.g.: disability, veteran, dislocated worker, economically disadvantaged, public assistance, food stamps, or unemployment insurance programs).

I do not consent to share my records:

I, do not agree to share my confidential information and records with the partner agencies of the AJCC system.

Signature

Date

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