

DRAFT

District of Columbia Department of Employment Services Program Standard Operating Procedures (SOPs)		
DOES-Policy No.	Subject	Date
XXX-2012	Identity Protection	September 2012

SCOPE

The Workforce Investment Act (WIA) 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. The purpose of this policy is to protect sensitive information provided by job seekers, employers, and employees from improper use, disclosure, or transmission. Federal and state laws must be strictly adhered to by DOES staff.

PURPOSE

To establish guidance for staff's use of sensitive information, and to protect customers and employees from compromises of protected information and/or invasion of privacy. This policy will provide appropriate procedures to ensure that sensitive information (especially complete names and Social Security numbers) is not exposed to unknown users or sources after being entrusted to DOES employees.

REFERENCES

- The Privacy Act of 1974, Public Law 93-579
- Workforce Investment Act (WIA), Section 136(f)(3)

BACKGROUND

The Privacy Act of 1974 (Public Law 93-579) safeguards individuals against invasions of privacy when sensitive information is required for official use. In addition, protection of identity has become a critical component of customer care, whereas unauthorized access to and use of sensitive information is prohibited. DOES considers sensitive information to include, but not be limited to, full names associated with complete Social Security numbers, drivers license numbers, identification card numbers, account numbers (to include credit or debit cards), account security codes, associated passwords, case numbers, or information, when connected, which provides unauthorized persons with identity of protected individuals. Federal and state law stipulate that agencies (e.g., DOES) that are authorized to collect Social Security numbers must provide, upon request, a statement of purpose for which the Social Security numbers are being collected and used. Social Security numbers cannot be used for any other purpose than that stated in the statement of purpose.

PROGRAM PROCEDURES/IMPLEMENTATION

DOES policy is to protect sensitive information provided by job seekers, employers and employees from improper usage, disclosure, or transmission. Federal and state laws must be strictly adhered to by DOES staff. DOES staff will use sensitive information, including Social Security numbers, only for the purposes

for which it is intended and as explained to the provider of the information. Additionally, DOES staff will protect sensitive information in a manner that would not allow compromise of the provider's identity to unauthorized persons within or outside DOES. DOES will ensure that any requests from outside agencies for protected private information are accompanied by appropriate request forms as prescribed by federal and state law.

The term "confidentiality" is not defined under WIA, although WIA provides guidance and requirements on this issue. The WIA 136(f)(3) requires compliance with Title 20 of the U.S. Code 1232g (General Education Provisions Act 444). Similarly, WIA regulations (Title 20 of the Code of Federal Regulations Preamble) provide several discussions of confidentiality, and one reference specific to individual employment plans in Section 669.400.

In general, WIA requires that any personal information that can, directly or by reasonable inference, identify a specific individual (e.g., a telephone number, a Social Security number):

- Is collected, used, and stored in a manner that ensures that it will not be accessible to anyone not authorized to access it
- Is not collected unless needed for the provision of some service or to determine eligibility for a program
- Is not used for any purpose other than the program or service for which it was collected, unless the subject of the information (if the subject is an adult), or a parent of the subject (if the subject is a minor or dependent), provides consent for the information to be shared
- Can be released to the subject of the information upon his or her request
- Is not accessible to anyone other than those authorized to access it (including agents of oversight and regulatory entities, and in cases in which the information has been subpoenaed, parties to the legal matter)
- Is published only in aggregate form, preventing readers from being able to identify, or reasonably infer the identity of, any individual subject

In addition, DOES policy, in conjunction with applicable federal and state laws, requires that:

- a. Benefits cannot be denied to persons for not disclosing information other than federally prescribed mandatory disclosures of Social Security numbers.
- b. DOES staff will ensure that requests for sensitive information whether verbal, printed, or electronic are accompanied by Privacy Act statements.
- c. DOES staff will use the first and last name and last four digits of Social Security numbers when reporting Unemployment Compensation claimants to appropriate agencies to report non-participation in re-employment activities, refused referrals, etc.
- d. Email must not be sent with full Social Security numbers or other sensitive information which separately or combined may put persons and identifying information together.
- e. For candidates who desire not to provide Social Security numbers, the following steps should be used to provide a pseudo number (artificial Social Security number) to complete data entry:
 - i. Enter 9 as first digit

- ii. Enter last two digits of candidate's birth year as next two numbers
- iii. Enter 0 as next two digits.
- iv. Enter last four digits as numeric month and day of birth (Example: October 12, 1972: 972-00-1012). If the pseudo number is already in use, alter the middle two digits ("00") until a unique number is created. American Job Center managers establishing pseudo numbers in lieu of Social Security numbers must annotate case files to include the pseudo number created and appropriate comments describing why entering the pseudo number was chosen by the candidate.
- f. If outside organizations reference Social Security numbers, use only last name and last four digits of the referenced Social Security number.
- g. Instant messaging services cannot be used for transmitting full Social Security numbers or other complete identifying numbers.
- h. Lists of candidates, clients, or employees with full Social Security numbers will not be copied on paper, downloaded to disc, or copied to other types of electronic storage.
- i. Requests for sensitive information must reflect whether disclosure is mandatory or voluntary.
- j. Sensitive information shared between American Job Centers will be hand delivered or transmitted using DOES authorized encryption programs.
- k. Sensitive information shared between DOES staff and any outside organization must be thoroughly edited to prevent putting persons and indentifying information together beyond what is minimally required.
- l. Staff should report any requests for sensitive information which are not in compliance with standard policies (e.g., no "Privacy Act Statement" included) or requested from sources outside of normal DOES activities (e.g., subpoenas, legal office requests) to supervisors.
- m. Staff will not submit sensitive information to any request concerning a job seeker or employer without specific consent from that job seeker or employer.
- n. Use last name only with other identifying credentials such as student and voucher numbers.
- o. Web site information, training presentations, and printed materials will not contain full Social Security numbers. Full Social Security numbers must not be stored on laptop computers, personal digital assistants (PDAs), or other portable devices.
- p. When referencing persons and case numbers, use only last name and case number when communicating to outside organizations.

ACTION: This is the District's official policy and should be kept in your permanent policy issuance file. Share this information with your staff and anyone else who would benefit from these policies.

APPROVAL

Director's Signature
Lisa María Mallory

Date

Remove & Destroy: None
Effective Date: Date of Signature
Review Date: Two-Year Anniversary of Signature
Distribution: All DOES American Job Center Employees, Office of Program Performance
Monitoring Employees, Office of Unemployment Compensation Employees

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