



THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

CONFIDENTIALITY POLICY **(Non-EOLWD Employees/Contractors)**

I, _____, an employee of _____, hereby acknowledge that as part of my official duties I may acquire or have access to confidential information including, but not limited to, unemployment insurance information (including wage records), federal tax information (FTI), medical information (including information regarding workplace injuries and treatment), employment service information and personal data or information (the "Information").

I agree to comply with all laws relating to confidentiality of the Information, including, but not limited to, the following:

1. General Laws Chapter 151A, §46 (a) and (e) prohibits the unauthorized use and disclosure of any confidential unemployment insurance information. Violation of this statute is punishable by a fine of up to \$100.00 per offense or by imprisonment for not more than 6 months, or both.

Unemployment insurance (UI) information, which is under the purview of EOLWD's Department of Unemployment Assistance (DUA) includes, but is not limited to:

- name and address of the claimant
- claimant's weekly benefit amount, amount of benefit credit and amount of benefits received
- amount of wages paid by a specific employer
- number of employees reported by a specific employer
- summary UI information at a level in which a claimant or employer could be identified.

2. General Laws Chapter 23H, §6(b) prohibits unauthorized use and disclosure of employment service information. Violation of this statute is punishable by a fine of up to \$100.00 per offense or by imprisonment for not more than 6 months, or both.

Employment service information includes, but is not limited to:

- applicant's name and address
- applicant's demographic characteristics
- applicant's employment history

- employer's name and address
 - specific job order information
3. The Fair Information Practices Act (G.L. c. 66A) prohibits the unauthorized access of personal data. General Laws Chapter 214, §3B provides for injunctive and other nonmonetary relief for violation of this statute. Data subjects may also make a claim for damages under the Massachusetts Tort Claims Act.

Personal data is any information concerning an individual which because of name, identifying number, mark or description can be readily associated with a particular individual. Personal data includes:

- claimant and applicant data but not corporate data
 - personnel information, such as, employee work evaluations, disciplinary documents and medical records.
4. General Laws Chapter 93H, §2 requires the EOLWD to insure the security and confidentiality of personal information, protect against anticipated threats or hazards to the security or integrity of such information, and to protect against the unauthorized access to or use of such information that could result in substantial harm or inconvenience to any resident of the Commonwealth.

Personal information is defined in Chapter 93H as:

- A resident's first name and last name or first initial and last name in combination with any one or more of the following that relate to such resident:
 - (a) Social Security number;
 - (b) Driver's license number or state-issued identification card number; or
 - (c) Financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account; provided, however, that "Personal information" shall not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public.
5. General Laws Chapter 151A, § 14P authorizes EOLWD's Department of Unemployment Assistance to collect Wage Data. Impermissible uses and unauthorized disclosures of Wage Data are prohibited.

Wage Data, includes, but is not limited to:

- employee's name and social security number
 - employee's wages
 - names and federal identification numbers of employers.
6. Internal Revenue Code 6103 regulates the access to and use of Federal Tax Information (FTI), and prescribes felony offenses for state employees who illegally disclose federal tax

returns and return information (s. 7213), a misdemeanor for the unauthorized inspection of FTI (s. 7213A), and imposes civil damages for unauthorized inspection and disclosure of FTI (s. 7431).

- Violation of 7213, Unauthorized Disclosure of Information, shall be a felony punishable by a fine not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the cost of prosecution.
- Violation of IRC sec. 7213A, Unauthorized Inspections of Returns or Return Information, shall be punishable by a fine not exceeding \$1,000, or imprisonment not more than 1 year, or both, together with the cost of prosecution.
- Violation of IRC sec. 7431, Civil Damages for Unauthorized Inspection or Disclosure of Returns and Return Information, allows a taxpayer to bring a civil action against an employee who inspects or discloses FTI without authorization, for the greater of \$1,000 or the cost of the actual damages sustained and the cost of the action.*
- Discoveries and observations of possible improper inspection or disclosure of FTI must be reported immediately to the Office of Internal Control and Security via email address, ICID@massmail.state.ma.us or telephone, 617-626-6680.

I will at all times maintain the confidentiality of the Information. I will not use it for any unauthorized purpose, and I will not, directly or indirectly, disclose or otherwise make the Information available to any unauthorized person or persons or access or use the Information for any unauthorized or illegal purpose. **I will not access the Information for any non-business purpose.** I will not browse information I have no business need to view and I will make every effort to avoid real or perceived conflicts of interest. This includes accessing my account or the accounts of those with whom I am affiliated. I will make no attempt to provide or publish the Information in a format by which it may be identified.

I understand that if I have any questions or concerns about the confidentiality of data, data sharing, or particular data practices or data sharing requests that it is my individual responsibility to bring the matter to the attention of my supervisor and/or to the attention of the Office of Internal Control and Security, and/or to the attention of the DUA's Keeper of the Records at 617-626-5615.

I understand that any unauthorized use or disclosure by me of the Information described in this agreement may result in a fine, imprisonment and if applicable, appropriate discipline, **up to and including immediate termination from employment** and/or my continued access to such information.

Non-Employee/Contractor Acknowledgement

By signing below, I acknowledge that I have read the EOLWD **Confidentiality Policy** and that I understand and agree to abide by the provisions set forth therein.

Signature *Date*

Please Print:

Full Name: _____

Work Location: _____

Work Address: _____

