

Q & A Policy Issuance 05-76

Policy to Protect Confidential Information

Issuance

Q 1. Given the growing concern regarding the confidentiality of personal data and protecting individual's privacy rights, are staff who have access to personal data under greater scrutiny as to how they use such data?

A Yes, organizations (whether public or private) have a vested interest in assuring that personal information/data to which they have access is used in such a manner as to comply with all confidentiality and privacy statutes and regulations.
As publicly funded resources and by the nature of the types of information/data to which they have access, the organizations that comprise the workforce investment system need to be particularly cognizant of confidentiality/privacy requirements. To maintain public confidence and trust, workforce investment entities must assure that staff are knowledgeable of and carry out their official duties in a manner consistent with all legal requirements relating to access and use of customer information.

Q 2. Are there plans to provide notification to Career Center customers and potential Career Center customers of the policies relating to protecting the confidentiality and privacy of their information, possibly through a website posting?

A DWD, its member organizations (DCS and DUA) and other workforce investment institutions are exploring potential options that will assist customers and potential customers to be informed of the commitment to maintaining the confidentiality of information provided by them.

Q 3. Will training regarding the information confidentiality be provided to staff?

A In conjunction with the implementation of the policy an e-learning training module has been developed specifically covering the issues of information confidentiality and security. The training module is currently available to all Massachusetts workforce investment system staff. As cited in [WIA Communication No. 05-76](#) the e-learning module can be accessed via the internet or intranet by going to the

- MassWorkforce website at massworkforce.org/ResourceCenter/Training/Policy.htm or
- the DCS/DUA website at intranet.detma.org/training/e-learning_page.htm.

Training specifically for executive/management level staff of LWIBs, One-Stop Career Centers, and other local workforce investment entities will also be scheduled. Notification of the training schedule for executive/management level staff will be forwarded under separate cover.

Q 4. What organizations, specifically, are considered the 'workforce' investment entities' whose employees and/or contracted personnel are subject to signing the Confidentiality Policy form by virtue of their position or responsibilities must or may have access to the types of information covered under the Confidentiality Policy?

A Local entities include: Workforce Investment Boards, One-Stop Career Centers, Title I Administrators, Fiscal Agents, Career Center Partners, local organizations with access to MOSES, workforce investment service providers who serve customers under Title I and/or Title III (Wagner-Peyser) or other funding sources administered through the Department of Workforce Development, the Division of Career Services, the Division of Unemployment Assistance or the Commonwealth Corporation.

Q 5. Should One-Stop Career Centers initiate/implement written information release forms to be signed by customers authorizing use of their information and data for official duties?

A A signed release form does not necessarily protect an organization (or a staff member) from sanction should a customer's information be improperly used or accessed. Generalized release forms that do not fully specify the exact uses for which information may be accessed or used by an organization's staff may not pass legal scrutiny in meeting the requirements of a customer's 'informed consent' that may likely be applied in a legal action relating to an alleged breach of information confidentiality and/or privacy.

Q 6. If a customer signs an information release form, what specific information can be released?

A While the release form signed by the customer should fully specify the information elements for which release is authorized, only information that is relevant to the specific service or action being considered at that time by the staff person should be accessed or released. For instance, if a customer is an ex-offender and that information is recorded in the case management notes in MOSES, if a staff person is looking to access child care services (under supportive services) for the individual while going on job interviews it would not appear that the customer's status as an ex-offender is relevant and should not be divulged. However, if in the course of conducting job development on behalf of the individual it might be relevant to discuss the customer's status as an ex-offender with a potential employer in light of a specific job requirement that the employee be 'bondable' in relation to the availability of the federal Bonding Program.

[Note: see previous Q & A]

Q 7. Is personal information that is already part of a 'public record' (such as a customer's status as a Level III sex offender) subject to the confidentiality and privacy requirements described in this policy? What about in terms of a personal safety issue for the career center staff, themselves' should the career center staff be made aware of the individual's status?

A To the extent the information is not relevant to carrying out the official duties and responsibilities of the staff person accessing the information, such information is subject to the confidentiality/privacy requirements covered under this policy issuance.

Regarding the personal safety issue of career center staff, the situation should be dealt with in accordance with the policies and procedures as implemented under the career center's Workplace Safety Plan.

Q 8. Can customer information, such as sensitive personal information discussed as part of the case management process, be kept confidential in MOSES?

A While MOSES is not configured to automatically keep all customer information 'confidential', staff should use the 'Confidential' button to secure the confidentiality of case management 'notes' where sensitive personal information should be recorded in MOSES. Use of the 'Confidential' button restricts access to the information to the 'case manager' and to supervisory staff with a higher MOSES security level.

It should be noted that recording of any customer's sensitive personal information should be recorded in MOSES only if it is relevant to effectively serving the customer's needs.

Q 9. How far reaching is the Confidentiality Policy?

A Anyone who, by the nature of his/her position may acquire or have access to confidential information, including access through MOSES must sign the Confidentiality Policy form.

Q 10. If a 'boilerplate' Confidentiality Statement is already included in vendor contracts, will that suffice?

A All staff of subcontractors who, by virtue of their position may access confidential information in carrying out their official duties under the terms of the contract must sign and submit the Confidentiality Policy form.

Q 11. Must ITA (Individual Training Account) vendors sign the Confidentiality Policy form?

A Generally, by virtue of a WIA customer having chosen the ITA vendor from the state listing of approved ITA training vendors, it may be inferred that the customer has authorized the sharing of pertinent information. If, however, an ITA approved training vendor has MOSES access, vendor staff who would have access to information through MOSES must sign the Confidentiality Policy form.

Q 12. Are One-Stop Career Center partners able to share any confidential information with each other in the center?

A The WIA Communication [No 05-76](#) provides the parameters that govern access to and the sharing of information among the various workforce partners and stakeholders that comprise the Massachusetts workforce development system, including One-Stop Career Centers.

Q 13. Should there be two distinct and separate policies ` one for One-Stop Career Center employees and another for contractors, other partners and vendors

A No. While all forms of data/information described in the Confidentiality Policy may not apply to everyone, the characteristics of the data do not change depending upon who has possession of the data. The data remains confidential and, therefore, a single, uniform policy regarding accessing this information is appropriate.

Q 14. Title I is not mentioned in this policy; thus there is no mention of WIA income/eligibility information. Is that confidential?

A WIA income/eligibility information linked to a particular person would be considered confidential under G.L. c. 66A (State Privacy Act).

Q 15. If WIA vendors collect eligibility information on behalf of customers (including income information and UI status if necessary) are they allowed to give it to the One-Stop Career Center/WIB/other?

A This question is outside the scope of this Confidentiality Policy. What vendors may disseminate would depend upon the contract between the vendor and the contracting entity.

Q 16. What is the definition of `non-workforce development entities`?

A A `non-workforce development entity` is an entity that is not part of the Massachusetts workforce development system. Examples may include, but are not limited to marketing companies, fraternal veterans` organizations, proprietary training schools.

Q 17. Hypothetically, if a career center staff person is working with an ex-offender (who happens to be a convicted murderer, rapist or otherwise dangerous person) and under some circumstances, such as through a CORI check or other legal avenue, this background is discovered or comes to light, are we allowed and/or obligated to share this information with staff? Or, by law are we forbidden to share this information with staff. What about our obligation to employers? Also, is there a difference in `handling` this information if the person self-certifies to the information?

A Access to information regarding the specific nature of an individual`s criminal history acquired as a result of a CORI check is specifically limited to individuals who have an approved `Individual Agreement of Non-Disclosure` form on file with the Massachusetts Criminal History Board. However, should the specific nature of an individual`s offense become known through either the results of a CORI check performed by staff of a career center (or other local workforce development organization covered by WIA Communication No. 05-76) or through other, legal means such information is to be considered `personal` information subject to the same confidentiality protections/limitations as other `personal` information or data and said information should only be accessed or conveyed by a staff person if necessary to carry out his/her professional duties and responsibilities. Staff should take caution to convey only the level of information (such as to a potential employer) that is minimally required to perform and complete their duties in a professional manner.

Regarding the personal safety issue of career center staff, the situation should be dealt with in accordance to the policies and procedures as implemented under the career center`s Workplace Safety Plan.

Q 18. This policy communication appears to establish distinct silos in which One-Stop Career Center partners do not and will not have access to information. Please clarify?

A [WIA Communication No 05-76](#) provides the parameters that govern access to and the sharing of information among the various workforce partners and stakeholders that comprise the Massachusetts workforce development system, including One-Stop Career Centers.

Q 19. Must One-Stop Career Center employees use only a private setting to discuss a customer's personal information?

A Yes, whenever possible One-Stop Career Center employees should use a private setting to discuss a customer's personal information. An office type setting is best, but if only cubicle type settings are available to conduct business, employee cubicles should be located far enough away from public areas of the OSCC so that conversations may not be overheard by visitors or customers. In centers where space does not permit a sufficient separation of employee areas from public areas, offices or conference rooms should be used when circumstances require or a customer so requests. One-Stop Career Center operators (as well as any other Massachusetts workforce development entity) must take all reasonable care to assure the confidentiality of customer information consistent with statutory requirements. The policy assumes that reasonable care is being taken to protect the confidentiality of the information and to ensure that confidential information is not discussed or conveyed in an inappropriate setting or manner.

Q 20. My staff are already covered under the MOSES Confidentiality Agreement, why must they also sign the Confidentiality Policy form?

A MOSES is only one data source of confidential information. This policy is broader and intends to raise awareness concerning proper information practices and procedures designed to ensure customer confidentiality with paper records, telephone conversations, meetings, etc. To assure that individuals, who by the nature of their position and functional responsibilities have read, understand and agree to comply with the policy it is necessary to initially obtain, and maintain on file, a hard copy of the individual's signature. The MOSES Confidentiality Agreement does not provide for acquisition of an original signature.

Q 21. Under the policy, why is the DCS Field Manager in charge of getting employees on and off the list? It makes more sense that this should be centralized at the local One-Stop Career Center or other city entity. This way it would eliminate an extra step and prevent employees from possibly being incorrectly added or deleted from the list. The list should be managed by someone on-site. If kept locally then policies and procedures would be written and internal reports compiled to ensure that the data access and the use privileges of employees and contractors are reviewed annually by the local One-Stop Career Center staff.

A While the policy places overall responsibility for the identification of staff who must sign the Confidentiality Policy form and the collection/maintenance of Confidentiality Policy form signatures on the local DCS Field Manager, nothing in the policy prohibits local areas from assigning or delegating specific procedural tasks to other local staff under the overall oversight and responsibility of the Field Manager to see that those tasks are carried out and that the overall policy is followed. The local workforce partners are encouraged to work together under the leadership and guidance of the Field Manager to implement procedures that most effectively meet the needs of the local area in complying with the requirements of the policy.

Q 22. Local Workforce Boards have access to MOSES data and would need to be under the same policies as other partners. Under the UI data it is impermissible to provide claim information to the LWIB

A Employees may access UI information identifying a single individual or business only in connection with the performance of their official duties. As a volunteer Board charged with the planning and oversight responsibility of the One-Stop Career Center system in their areas, the LWIBs do not require identifying UI information as part of their official responsibilities. LWIBs may still be furnished with summary UI Information unless a specific aggregated data element or elements are sufficient to identify a specific individual or business entity.

Q 23. With regard to wage record data, is it the DCS One-Stop Career Center staff or the state level DCS staff that would provide the cross-matching of U.I. claimants' information against wage records to detect claimants who are working and collecting UI benefits at the same time?

A The cross-matching of UI claimant information against wage records to detect claimants working and collecting is a DUA function. DCS employees are not involved.

Q 24. If we have specific questions about confidentiality that we may need answered in a timely manner, who do we call?

A Specific questions regarding information confidentiality and security may be submitted to PolicyQA@detma.org. A timely response will be provided.

Q 25. What if a staff person of a partner organization does not want to sign (the language about imprisonment and fines might scare some away)?

A Failure to sign the Confidentiality Policy form does not exempt a staff person from the statutory provisions. The purpose of the policy is to provide basic information about the statutes that pertain to release and access of information and data and to provide a number of examples to illustrate permissible and impermissible uses. Signing the form acknowledges receipt and understanding of the policy and agreement to abide by its provisions.
A staff person who is a registered MOSES user jeopardizes his/her MOSES access if a signed Confidentiality Policy form is not submitted.

Q 26. I have some concerns that specific UI information needed to assist a career adviser in evaluating the ability of a customer to sustain him or herself during training may not be requested in planning individual services.

A One-Stop Career Center employees may continue to have access to UI information for the purpose of providing claimants with employment and training related services.

Q 27. am also concerned that we should be given positive examples of permissible information that we could give to LWIBs, etc. in their role of review and oversight of services. Our local Workforce Issues Committee occasionally asks for general trends and non-specific information to better serve target populations including UI recipients. What is allowable?

A Generally, the related statutes, regulations and the WIA Policy Communication, itself do not prohibit the use of aggregated, non-specific information/data to allow for the analysis of local, regional or national trends pertinent to the operation of the Commonwealth's workforce development system either at the state or local level. However, in the case where the cohort used to produce the aggregated data is so small that the data element, itself would in fact allow for the identification of a specific individual or employer, that data element must be kept confidential.

Q 28. As a local DCS manager I receive requests from my Title I/NEG/Trade partners for printouts of the QSGN screen for U.I. status verification in determining an individual's program eligibility. May I provide them with the QSGN printouts?

A Employees whose official responsibilities require them to verify UI status as a condition of eligibility under Title I/NEG/Trade programs may receive UI information.

Q 29. May staff of the Food Stamp Unit and TAFDC caseworkers request information from DCS if the customer has filed a claim or is collecting U.I?

A G.L. c. 151A, '46 authorizes disclosure of U.I. information to the Department of Transitional Assistance in order to carry out its official duties.

Q 30. May DUA or DCS staff comply with a local City/Town Veterans' Agent's request as to the status of a veteran's U.I claim, specifically if the veteran has exhausted his/her claim in order to determine eligibility for other locally provided services?

A DCS employees, including Local Veterans' Employment Representatives (LVERs) and Disabled Veterans' Opportunities Program staff (DVOPs) working in OSCCs, are authorized to receive U.I. information in the performance of their official duties. DUA or DCS staff may also provide UI Claims information/data to City/Town Veterans Agents if the agents need such data in the performance of their official duties.

Q 31. If a claimant calls the One-Stop Career Center and requests that a copy of his/her claim history be mailed to him/her at the address shown on the claim, can this be done?

A Such a request should be forwarded to Lisa Soltero, Director of Internal Control and Security, C. F. Hurley Building, 4th floor, Boston, MA 02114. Ms. Soltero will respond to the request.

Q 32. We mail out employer follow-up letters every month with a list of individuals who had been referred to the employer to determine whether or not they were hired. The follow-up letters lists the referred customers by name and includes their Social Security Numbers. Is this allowable?

A For the purpose of determining the outcome of a referral, DCS/OSCC employees may send a follow-up letter to the prospective employer. However, the follow-up letter should not contain the Social Security Number unless authorized by the customer.

Q 33. Will we be provided with a consent form that could be used by the customer when requesting U.I. information for other program services?

A Yes. The Legal Department in conjunction with the Department of Internal Control and Security (ICS) will be drafting a Model Consent Form.

In the interim, career centers may continue to use existing release forms. Please note that no release form will protect against possible sanction for impermissible use. A release form only authorizes the data holder to release the information to another person for the purpose specified on the form.

Q 34. We receive requests from Housing Authorities for U.I. information on a release form signed by the customer. The Housing Authorities use the information in determining eligibility for low-income housing and fuel assistance. Is this method acceptable?

A U.I. Claimants may authorize the release of the U.I. information to third parties. We understand that some of the forms used by Housing Authorities and other organizations may not be specific enough to constitute an authorized release. Consideration is being given to centralizing with Internal Control and Security (ICS) the handling of these requests and to standardizing the release forms.

ICS will be working with the Housing Authorities and other entities that request data on a regular basis to standardize the request and response process.

Q 35. Several CBOs that JCS contracts with have staff members who will be trained on MOSES in the near future (Nov., Dec., Jan). Should those staff members sign a confidentiality form now, or will that be handled at their training?

A There is nothing in the Confidentiality Policy that prohibits an individual from signing the Confidentiality Policy form in advance of MOSES training and gaining MOSES access. Conversely, neither are they required under the provisions of the policy to sign the Confidentiality Policy form at this time unless they currently have access to confidential information/data through another media source (emails, customer conferences, etc.) in which circumstance they should sign and submit the form immediately.

Q 36. Who should an employee contact with any questions or concerns about the confidentiality of data, data sharing, particular data practices or data sharing requests?

A The employee should address their questions or concerns with his/her manager. If the manager needs assistance in responding to those questions or concerns, the manager should contact the Director of Internal Control and Security at gsoltero@detma.org.

Q 37. What are the limits on a Release of Information (ROI) form used by a Career Center either to request information or share information with another One-Stop partner or agency?

A In addition to the customer's name, signature and date, the ROI form must contain sufficient information to constitute an 'informed consent.' This means that the form must inform the customer what information will be requested and from whom; what information will be shared and with whom; the purpose of such request or sharing; and the consequences if the customer does not authorize the release of information. The Legal Department is working with ICWS in developing a Model Consent Form.

Q 38. It would help if more clarification could be provided on what we can share and/or not share with each other in the Career Center. For example, Case Example #10 indicates that we cannot ask the UI Walk-In claims taker to use QDOR to determine if a customer has returned-to-work.

A Confidential information may be shared within a Career Center only if authorized either through informed consent or by statute. The Unemployment Insurance Law allows for the sharing of UI information with DCS

and OSCC employees. The Employment Service Law allows for the sharing of ES data for the purpose of administering the public employment service program. Finally, the Privacy Act allows the holder of personal data to share that data with another entity provided that such sharing is authorized by statute. In all cases, employees may request and receive confidential data only in the performance of their official duties. Wage record information is furnished to DUA and DCS by the Department of Revenue pursuant to an Agreement that contains strict confidentiality provisions. DUA employees may use the wage record information in administering the UI program. DCS employees may use the wage record information for the purpose of evaluating the employment and earnings outcomes of its programs. Without a release from the customer, DUA and DCS employees may not share wage record information.

Q39. Of the partner agencies, like Project ABLE, Mass Rehab, or where our staff use offices of a partner agency, are the employees of the partner agency covered by the terms of the Confidentiality Policy and are they required to sign the Confidentiality Policy form? Do the terms of the Confidentiality Policy and the requirement to sign the Confidentiality Policy form apply to staff/personnel who merely see the information (such as on an open MOSES screen or from a memorandum viewed on another staff person's desk), or do they apply only to individuals who have direct access to MOSES?

A As stated in Policy Communication No. 05-76 all MOSES users must sign the Confidentiality Policy form. All employees of the Department of Workforce Development, including DCS and DUA must sign the Confidentiality Policy form. In addition, staff of Local Workforce Investment Boards, One-Stop Career Centers, and other career center partners and any subcontractors to each who, by virtue of their position may, in carrying out their official duties, may access any forms of information covered under the policy must sign and submit the Confidentiality Policy form.

The information covered under the policy is not limited only to that accessed through MOSES. In addition to MOSES, information covered under the policy may become known or communicated to an individual staff person through a variety of methods that include but are not limited to written reports, official organization notices, memoranda or emails, personal conversations with other staff or customers, themselves (both job seeker and employer customers). Notwithstanding the source or form of confidential information or data, if the information or data is generated as a function of the individual job seeker's or the employer's status as a customer of the workforce development system staff of any of the aforementioned organizations or entities who, in the course of conducting their official responsibilities may receive or access covered information are subject to the provisions of the policy to protect the confidentiality of such information/data and are required to sign and submit the Confidentiality Policy form.

Q40. Are employers that are provided job seeker information in the course of discussing or making a referral to one of its job openings required to sign the Confidentiality Policy form?

A No, generally speaking employers are not required to sign the Confidentiality Policy form.

While there would be no requirement to sign the Confidentiality Policy form based on the 'job referral' scenario described, theoretically, the circumstance might arise, such as in the case of a 'dislocated worker' situation where workforce investment services might be provided on-site at a company location in a 'partnership' arrangement with the employer. In such cases, the provisions of the policy would be applicable to any workforce investment staff working at the on-site location. Depending upon the nature of the 'partnership' the circumstances may warrant that at least some of the employer's staff would be required to sign the Confidentiality Policy form.

For instance, if a service center was established at the company location that included co-management and co-staffing with both workforce investment and company personnel, and in regular service review meetings that included company personnel in which the discussion of individual cases would likely include a review of an individual's UI claim information related to the individual's pursuit of training opportunities, it would be necessary for any company personnel who would access such information (per the discussion) to have signed the Confidentiality Policy form. Or, if a company staff person was assigned the responsibility for entering all participant information into MOSES (based on MOSES access being established at the on-site location) the staff person would also have to sign the Confidentiality Policy form.

Q41. In conducting 'job development' activity can a career center staff person provide 'Employment Service Information' (e.g., an applicant's name & address, demographics, employment history, etc.) to an employer without the applicant's knowledge or prior authorization? When we run job matches based on employers' job orders and we match people to these job orders, can we provide information to the employer without the applicant's prior knowledge/approval, even if, in MOSES, the Confidential YES button (which relates to

JobQuest searches - see below) has been selected?
Do you want your contact information confidential?*

- ☒ **Yes** - Your contact information will not be displayed to employers when they browse your profile via the internet. Employers will not be able to contact you directly about possible job openings.
- ☐ **No** - Your contact information will be displayed to employers when they browse your profile via the internet. Employers will be able to contact you directly about possible job openings.

A If the 'applicant' is a registered customer of the Massachusetts One-Stop Career Center system at the time the job development activity is being conducted, the Confidentiality Policy does not prohibit the use of customer 'Employment Service Information' in conducting the 'job development' activity (defined in the classic sense as 'cold calling' potential employers on behalf of a specific job seeker to identify possible employment opportunities without benefit of a specific, job order from the employer) as long as the information elements are relevant to the job development transaction process.

In the case of a career center staff person generating through the MOSES 'matching' functionality a list of job seekers that potentially meet the requirements of an employer's job order, again there is no prohibition from utilizing the customer information, so derived, in the course of transacting a referral to the employer as long as only that information relevant to the referral process is used.

In generating such MOSES job matching lists, a special circumstance regarding the Massachusetts JobQuest functionality warrants discussion in relation to the provisions of the Confidentiality Policy. JobQuest is an internet based application available to any person with internet access. A JobQuest user is not required to be a registered One-Stop Career Center customer in order to utilize JobQuest (although the JobQuest website provides the capacity for an individual to register as a One-Stop Career Center customer, if he/she so chooses). When an individual registers as a JobQuest user, the personal profile information that he/she submits automatically populates the data fields in the MOSES 'Basic' and 'Full' registration tabs and creates a MOSES customer record for that individual (the JobQuest user is not notified of this occurrence and he/she is not automatically registered as a One-Stop Career Center customer).

Because the individual has a MOSES record, it is possible for the individual to 'match' against an employer's job order when a career center staff person conducts a MOSES job seeker match (generating a list of individuals who may meet the listed job requirements), even if the individual is not a registered career center customer. In such cases, is the staff person who is utilizing the 'match' list to generate possible referrals to the employer's job opening required to obtain the individual's authorization to provide information to the prospective employer prior to transacting the referral?

The answer is yes. The JobQuest customer who is not a registered One-Stop Career Center customer is not informed through the JobQuest website that profile information he/she submits may be used in any context other than an employer conducting a search for potential job applicants. Until such time as the JobQuest website is updated to include such notification, One-Stop Career Center staff generating MOSES 'Match' lists must determine if any individual in the list is not a current One-Stop Career Center customer and must receive the individual's express authorization to provide profiled information to a prospective employer in advance of any communication with the employer about the individual.

Q42. What information, if any, can be discussed or provided to a training provider prior to a customer enrolling in the vendor's program? Once a customer has enrolled in a training program, must written authorization be obtained in order to communicate with the vendor regarding the customer?

A In carrying out one's professional/official duties, discussion of information appropriate to transacting a potential referral to a training program on behalf of a job seeker customer is consistent with the provisions of the Confidentiality Policy as described in WIA Communication No. 05-76. However, only information relevant to carrying out the transaction should be discussed. In this scenario, it might be appropriate to discuss the person's name, city or town of residence (if a commuting issue existed), educational or prior training experience and former job title or work history. It would not likely be appropriate to discuss the individual's telephone number, specific street address, age, birth date, marital status or UI claim status in transacting the referral process.

Additionally, as cited in a prior response, if the training vendor in question is an ITA approved training vendor, and the customer's choice of that vendor from the state listing is the basis for the discussion, the act by the customer 'choosing' the vendor implies authorization to discuss relevant information with the training vendor. Furthermore, even in the case where the training vendor is not an ITA approved provider, and whether or not the discussion occurs prior to or post enrollment, if the discussion is conducted in the course of carrying out one's official workforce investment duties, the inclusion in the discussion of relevant customer information is consistent with the permissible uses of information as described in the Policy.

Q43. As a staff person who is a MOSES user, why do I have to use the 4 digits of my Social Security number to obtain MOSES access? I believe my SS# should be protected as well.

A There is no technical requirement that a MOSES user employ his/her Social Security number to obtain MOSES access. Use of any 9-digit identifier is technically feasible and permissible as long as the user follows the established annual procedures for activating MOSES access. If you so choose, you may change the 9-digit identifier the next time you are scheduled to renew your MOSES user registration.

Q44. I used to be a career center customer and am now a career center employee. What provisions if any is the state undertaking to protect my identity as a previous career center customer? My UI and MOSES case management notes are available to all staff members including my salary, home address, home phone number, etc.

A Federal regulations pertaining to One-Stop Career Center performance require career center customers to be tracked for two years following exit from a WIA funded program or from the last receipt of a WIA funded service. This requirement necessitates that a customer's record be retained in MOSES for the required tracking period, whether the record remains 'active' or 'inactive'. Additionally, per the request of the entities that comprise the Massachusetts One-Stop Career Center system, current policy related to the administration of MOSES does not provide for 'archiving' customer records after a specified time period.

Q45. Does our Career Center Membership form need to be updated to include a clause giving us permission to discuss the information with other internal resources and outside training vendors?

A What information is included in a One-Stop Career Center's membership form is not within the purview of the provisions of the Confidentiality Policy as delineated in WIA Communication 05-76. As cited in a prior response, information release forms (or clauses) do not necessarily protect an organization (or individual) from potential sanction if a customer's information is used in an impermissible way. The pertinent statutes already allow for the use of customer information in carrying out one's official workforce investment duties and responsibilities without the need for the customer's authorization to do so.

Q46. Do outside vendors who conduct workshops and networking events in a One-Stop Career Center need to sign the confidentiality policy? What information can we share with them?

A To the extent that an 'outside' vendor may access customer information covered under the provisions of the Confidentiality Policy delineated in WIA Communication No. 05-76, in the course of conducting its workforce investment related business in agreement with (or under contract to) a Massachusetts workforce investment entity subject to the provisions of the confidentiality policy, the vendor's representative must sign the Confidentiality Policy form.

Q47. What is the policy on identifying ourselves when initially contacting a customer to schedule an appointment? If the spouse of the customer or other family member answers and asks the purpose of the call or would like additional information as to why I am calling, or what services are available, etc. what is allowable? Does the policy impose any specific limitations as to what information may be left in a telephone message if the customer is not available?

A With regard to sharing a customer's information with the customer's spouse or family members (such as in the case of a telephone inquiry to the customer's home), the 'Unemployment Insurance Information/Data' section of the Confidentiality Policy delineated in WIA Communication 05-76 as well as 'Case Example # 11' specifically cite the prohibition of sharing a customer's UI claim information with any individual (including a spouse and family members) without express written authorization from the customer. With regard to customer personal information/data that is not UI claim related, WIA Communication No. 05-76 also specifically states that 'the same permissible and impermissible use and disclosure limitations that apply to both employment service and unemployment insurance data also apply to personal data'.

Q48. May we slightly alter the Confidentiality Policy form by adding producing it on our Career Center letterhead for our staff to sign?

A No, the form itself may not be printed on career center (or other organizational) letterhead. You may, however attach a cover page printed on your career center letterhead.

Q 49. May we add numbering to the pages of the Confidentiality Policy form such as 'one of four', 'two of four', etc. and have staff initial each page?

A The Confidentiality Policy form as posted on the Massachusetts Workforce System website at www.massworkforce.org includes page numbers. The Confidentiality Policy includes no requirement that each staff person initial each page in addition to signing the form. As long as the initialing of each page is 'requested' and not 'required' and there is no sanction implied or imposed against an employee or staff person for not initialing each page the Commonwealth has no reason to prohibit such a request. However, while there is no prohibition from making such a request, such a request is not advised in order to lessen any apprehension on the part of employees and/or staff with regard to signing the Confidentiality Policy form.

Q 50. If EAS staff see in MOSES that an EAS customer has attended a Career Center Seminar, indicating that the customer is receiving U.I. benefits, can the EAS staff person furnish this information to DTA?

A An EAS customer's attendance in a Career Center Seminar does not necessarily indicate that the individual is also receiving U.I. benefits as EAS customers are regularly encouraged to attend Career Center Seminars as part of their case management activities in order to learn about employment related services available through the One-Stop Career Center system. Additionally, under certain circumstances, it is possible that a U.I. eligible individual, because of his/her low weekly U.I. benefit rate, may in fact also be eligible for DTA benefits, and would not constitute an issue of potential fraud.

However, if in carrying out his/her official responsibilities an EAS staff person learns that a current EAS customer is, in actuality, concurrently receiving UI benefits and notwithstanding if a clear issue of fraud is evident, MGL c.151A 46 authorizes disclosure of UI information to the Department of Transitional Assistance in order to carry out its official duties (see response to Question # 29, above).
