

D-R-A-F-T for Public Review



Workforce Investment Act Administrative Policy #202

Subject: Confidentiality and Document Retention

Effective Date: July 1, 2012

References: USDOL Training and Employment Guidance Letter 39-11
Virginia Workforce Letter #11-03

Policy Statement:

The Region 2000 WIB is committed to ensuring that its WIA Title I service providers protect the Personally Identifiable Information (PII) and other confidential information as may be obtained and recorded in the course of determining WIA eligibility and in providing services, to include follow up. Likewise, minimum record retention requirements are established as part of an effective internal and external control program to ensure that WIA-produced documents can be provided if and when requested by any federal and state agencies within the statutes of limitations.

Part 1 – Confidentiality and Protection of Personally Identifiable Information (PII)

Definition: Protected PII is defined by the US Department of Labor as that which if disclosed could result in harm to the individual whose name or identity is linked to that information. Examples include social security numbers, credit card numbers, bank account numbers, home telephone numbers, ages, birthdate, marital status, spouse names, educational history, biometric identifiers (fingerprints, voiceprints, iris scans etc.), medical information, financial information and computer passwords.

The following steps will be taken by any service provider working on behalf of the Region 2000 WIB.

1. Prior to collection of PII or sensitive personal information:
 - a. Individuals shall be notified that such information will only be used for purposes of service under the WIA-funded grant program and its attendant regulations; and as part of the WIA program application sign a release acknowledging such.

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- b. Individuals shall also be notified that with written consent, such information may be shared with other Virginia Workforce Network partner organizations for purposes of referral and potential coordination of services beyond WIA.
 - c. The individual may agree in writing to release all or portions of their information and be provided the opportunity to indicate what information may and may not be shared. The individual may also indicate if there are specific organization(s) to which their information may not be shared. The consent may be modified or revoked by the individual at any time by providing written notice. Customer initials should be obtained to document customer designations and subsequent changes.
 - d. Unless modified or revoked by the individual, written consents shall remain in effect 4 years from the date of last signature.
 - e. WIA-paid staff and unpaid volunteers and other personnel who will have access to sensitive/confidential/proprietary/private data must be advised by the service provider management of the confidential nature of information, the safeguards required to protect the information as described in Section 2 of this policy below and the safeguards in handling such information. Written acknowledgements from staff and other partner personnel shall be kept by the WIA service provider(s).
2. Safeguarding of PII and sensitive information once obtained:
- a. PII of WIA participants shall not be transmitted by email or stored on CDs, DVDs, thumb drives etc. unless it can be encrypted using federally approved standards. Only the WIB may grant such permission with advance written approval, at the time of the request will convey the necessary standards to be followed.
 - b. All PII data of WIA participants shall be stored in an area that is physically safe from access by unauthorized persons at all times.
 - c. Electronic data will be processed only through the state WIA system of record as communicated. (Currently the Virtual One Stop, or VOS, that is part of the Commonwealth's Virginia Workforce Connection). Accessing, processing and storing of WIA grant PII data on personally owned equipment, at off-site locations and non-grantee managed IT services is strictly prohibited unless approved by the Commonwealth of Virginia.
 - d. PII and sensitive data will only be retained for the retention period outlined in Part 2 of this policy, and then destroyed.
 - e. No PII or sensitive information will be used for any purpose other than necessary under the WIA. Any information collected for customer service or continuous improvement efforts will be aggregated, reported anonymously without any connection to an individual.
 - f. No third-party market opinion surveys, research, panel or focus groups shall be granted access to PII and other sensitive WIA participant information without prior written consent of the WIB.

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Part 2 – Record Retention Requirements

1. General Provisions

- a. WIA service providers must establish and maintain adequate accounting books, records and controls sufficient to accurately track and report all financial transactions related to work performed and costs incurred relative to WIA Title I-funded activities.
- b. WIA service providers must keep and maintain original source documentation as evidence of all work performed and costs incurred. All records, data or information related to WIA Title I funds are to be retained separately and distinctively from the other records of the service provider entity.
- c. All records relating to WIA Title I funds must be kept in a secured location with controlled access only for authorized individuals.
- d. When records with one retention period are combined with and cannot be separated from records having a longer retention period, such records should be retained for the longer of the periods.

2. Required Retention Periods

- a. All financial, statistical, property, applicant and participant records and supporting documentation must be retained by the service provider for a period of at least three (3) years subsequent to the date of submission of final grant expenditure report, close-out package or the date all audits are complete and findings/all claims have been resolved, whichever occurs last. For participant records, this shall typically mean if a participant exits the program on 3/15/13, the three year period for record retention will start on 7/1/2013 (not 3/15/13).
- b. If any litigation, claim, or audit is started before the expiration of the three-year period, the associated records must be retained until such litigation, claims or audit findings have been resolved and final action taken.
- c. Records documenting real property and equipment acquired with WIA funds must be retained for three years after the final disposition.

3. Miscellaneous Provisions

- a. Logs shall be maintained by service providers indicating the records that are retained, in what location(s) and the record destruction dates.
- b. Should a service provider determine it is unable to retain records as required; the WIB must be notified so that alternate arrangements can be made.
- c. If there is a change in service provider arrangements, original files must be transferred to the entity as designated by the WIB. Such records must be transmitted within the time frame directed by the WIB, and for acceptance of the new service provider in an orderly fashion with documents properly labeled and filed in good condition for use and/or storage.
- d. At the end of the retention period, records must be destroyed by the service provider. Prior notice must be given to the WIB director, who shall be provided a list of records to be destroyed and the manner of destruction to be used.
- e. All WIA records maintained by service providers must be made available to authorized WIB, state and federal representative with oversight or regulatory authority during normal business hours.