

SUBJECT: Social Security Numbers Collection and Use

REFERENCE: Privacy Act of 1974; Workforce Investment Act of 1998; Federal Register/Vol. 65, No. 156/August 11, 2000; 20 CFR Part 603; Nebraska Employment Security Law; TEGL 5-08 and TEGL 17-05.

BACKGROUND: Nebraska faces the difficult challenge of balancing the need to collect a participant's social security number for performance and reporting requirements with the obligation to limit the burden of data collection and maintain participant privacy. 20 CFR 666.150(a) states: "the use of social security numbers from registered participants and such other information as is necessary to measure the progress of those participants through quarterly wage record information is authorized." In order to measure progress in meeting state and local performance measures, Nebraska must use social security numbers to match a program participant's records with that individual's quarterly wage record information. However, several safeguards are in place to protect the individual's privacy.

POLICY: When requesting a participant's social security number, local area staff must explain how the social security number shall be used and how a participant's privacy will be ensured.

Steps Nebraska Takes to Ensure Privacy Is Protected

1. Social security numbers are maintained in a physically and electronically secure and confidential manner.
 - Staff logging into the Management Information System (NEworks) must have received authorization and a password.
 - Records forwarded to the National Office have a different identifying code rather than using social security numbers.
 - Physical or electronic participant files and performance information with social security numbers must be stored in a secure manner.
2. Nebraska Department of Labor staff are responsible for following the requirements pertaining to the confidentiality and disclosure of state unemployment compensation information (which includes wage records) found at 20 CFR 603 and Nebraska Employment Security Law, §48-612.
3. Disclosure of a participant's social security number (without signed release) is prohibited. This prohibition springs from WIA section 185(a)(4) which states that records maintained by states must be made available to the public upon request with certain exceptions. These exceptions include the disclosure of information that would constitute a clearly unwarranted invasion of personal privacy and privileged or confidential financial information.

Guidelines

It is necessary to request a participant's social security number when offering the following services:

- Staff-Assisted Services related to eligibility determination, job search activities, and employment. These services would include activities such as: staff-assisted career guidance including the development of an employability and/or individual employment plan, assessments, career guidance and counseling, customized labor market information, resume assistance, federal bonding assistance, job search assistance, job referrals, and career workshops.
- All Intensive, Training and Education Services. These services include assessment tests used to ascertain a participant's educational level and/or employability, occupational skills training, on-the-job training, educational and job training counseling, referrals to educational services, and pre-vocational training and related services.
- Youth Services. All youth receiving WIA services in Nebraska are registered in NEworks so the collection of information on each youth participant to support a determination of eligibility is required.

Note: Self-Services are those that an individual accesses independently without staff assistance, either in a physical One-Stop Career Center, or remotely via the Internet. A social security number will be requested if and when a person who accesses self-services requests any staff-assisted service and/or is seeking to access more intensive services. Visitors who wish to review the list of services available through a One-Stop Career Center, who want to access labor market information, or who are conducting a job search without the assistance of staff and do not request a referral to a specific job may take advantage of self-service activities offered through the state's One-Stop Career Centers without providing a social security number.

Refusal to Disclose

This policy does not imply or require that a participant provide a social security number to the state or locals to receive services through WIA or any other workforce investment program, with the exception of a participant filing a claim for unemployment compensation. In instances where a participant does not voluntarily disclose a social security number, the outcomes of this individual may be excluded from performance measures. Section 7 of the Privacy Act [5 U.S.C. Section 552a Note (Disclosure of

Social Security Number)] provides that unless the disclosure is required by Federal statute, "It shall be unlawful for any Federal, state or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number." Again, the one exception is that claimants filing for unemployment Insurance must provide their social security number.