

TRIDENT

TO: Trident Workforce Investment Area Contractors and Staff

ISSUANCE DATE: May, 19, 2009

EFFECTIVE DATE: Immediately

SUPERSEDES: N/A

SUBJECT: Collection and Use of Social Security Numbers for WIA and TAA Participants

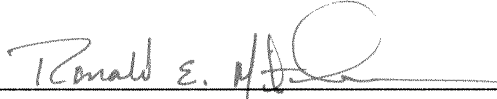
PURPOSE: To provide guidance in adhering to the State WIA Instruction Letter 08-05, TAA Instruction Letter No. 09-02 and Training and Employment Guidance Letter (TEGL) number 05-08 regarding the collection and use social security numbers for WIA and TAA participants.

BACKGROUND: See attached TEGL #05-08.

POLICY: All staff and contractors should comply with the attached TEGL and State Instruction Letter as it relates to all programs and services offered in the SC Works Trident area.

PROCEDURES:

Effective immediately, all staff and contractors of the SC Works Trident area must comply with the attached TEGL #05-08 and State WIA Instruction Letter No. 08-05/State TAA Instruction Letter No .09-02.



Ronald Mitchum, Executive Director
BCDCOG

May 21, 2012

Date



Mark Sanford
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Joe E. Taylor, Jr.
Secretary

STATE WIA INSTRUCTION NUMBER: 08-05
STATE TAA INSTRUCTION NUMBER: 09-02

TO: Local Workforce Investment Areas

SUBJECT: Collection and Use of Social Security Numbers for WIA and TAA Participation

ISSUANCE DATE: May 18, 2009

EFFECTIVE DATE: Immediately

PURPOSE: To provide policy guidance regarding the collection and use of social security numbers for individuals accessing Workforce Investment Act (WIA) and Trade Adjustment Assistance (TAA) programs.

REFERENCES:

- USDOL Training and Employment Guidance Letter (TEGL) No. 5-08
- Privacy Act of 1974, Section 7(b)
- South Carolina Financial Identity Fraud and Identity Theft Protection Act (Act No. 190, 2008)

BACKGROUND: Workforce programs in South Carolina have had a long-standing policy requiring a social security number for participation (excluding self-service and information). The social security number facilitates coordination of services and benefits, and enables statistical evaluation of performance measures and overall return on investment. However, federal and state laws restrict the collection, use, maintenance, and disposal of social security numbers. This State Instruction is written to communicate such restrictions and ensure compliance with federal and state laws in the operation of workforce programs.

POLICY: The following procedures relevant to social security numbers are effective immediately:

- Workforce staff will continue to request social security numbers from individuals seeking services other than self-service and information. However, staff cannot require a social security number or deny participation in a workforce program based on an individual's refusal to provide a social security number. In completing the WIA/TAA application, staff will:

State WIA Instruction Number: 08-05

State TAA Instruction Number: 09-02

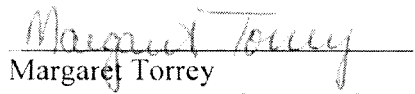
May 18, 2009

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- request the social security number;
 - view acceptable documentation to verify social security number;
 - no longer make a copy of the documentation; and,
 - record and save the application in the Virtual OneStop System (VOS); VOS will store the number in a secured manner.
- Workforce staff will provide individuals with an explanation of how the social security number will be used and how privacy will be ensured. See attached statement for local use. This statement will also be added to the home page of the Virtual OneStop System (VOS).
 - If an individual refuses to provide a social security number, the Virtual OneStop System (VOS) will assign a pseudo number for tracking purposes. In instances where an individual does not provide a social security number, workforce staff should follow up to obtain supplemental data as verification of performance outcomes for non-wage based measures (i.e. employment and retention measures).
 - Hard copy documents and forms containing personal information of customers, specifically the social security number, must be maintained in a secure and confidential manner.
 - The full social security number should not be required on any locally-developed form. If necessary, no more than the last four (4) digits may be used. All locally-developed forms should be reviewed and revised accordingly. Active participant files should be reviewed. If the full social security number is visible on such forms, staff should cover at least the first five digits of the number with a permanent marker.
 - When staff receives documents containing the full social security number from other entities or workforce partners, the documents must be secured in a locked file. The continued need for full social security number should also be evaluated. Assuming services can be properly coordinated on behalf of the customer without the full social security number on such forms, staff should cover at least the first five digits of the number with a permanent marker.
 - Disposal of customer information must also ensure confidentiality. Upon expiration of the record retention period, disposal of participant records must ensure that personal identifying information is unreadable or undecipherable.

ACTION: Distribute this State Instruction within your local workforce area. In addition, local workforce areas are responsible for complying with and monitoring against the above policy.

INQUIRIES: Questions regarding this instruction may be directed to Pat Sherlock at 803-737-2601 or psherlock@SCcommerce.com.


Margaret Torrey
Deputy Secretary for Workforce

Attachment

PRIVACY STATEMENT

The South Carolina workforce system is strongly committed to maintaining the privacy of confidential information provided by its customers. Personal identifying information is kept electronically in a secure, encrypted database. Hard copy documents and forms are also maintained in a secure and confidential manner. Access to information is restricted to authorized entities associated with the operation and performance of workforce programs. The collection, use and disclosure of your information are further governed by state and federal laws that protect the privacy of customer information.

Providing your social security number is not mandatory. However, the collection of your social security number and other identifying information will assist us in coordinating services and benefits while you are participating in a workforce program. This information also helps us evaluate the success of our programs to ensure continued funding from the United States Department of Labor.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA/Performance Measures
	CORRESPONDENCE SYMBOL PROTECH
	DATE November 13, 2008

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-08

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES

FROM: Brent R. Orrell 
Deputy Assistant Secretary

SUBJECT: Policy for Collection and Use of Workforce System Participants' Social Security Numbers

1. **Purpose.** To provide guidance to states regarding the collection and use of social security numbers for participants accessing Workforce Investment Act (WIA) and other workforce programs' services.
2. **References.** Privacy Act of 1974, 5 U.S.C. section 552a Note; Workforce Investment Act of 1998, 29 U.S.C. section 2935; Performance Accountability under Title I of the Workforce Investment Act, 20 CFR 666.150; Income and Eligibility Verification System, 20 CFR 603; Training and Employment Guidance Letter (TEGL) 17-05, *Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues*.
3. **Background.** States face a difficult challenge of balancing the need to collect a participant's social security number for performance and reporting requirements with the obligations to limit the burden of data collection and maintain participant privacy. To that end, this guidance provides clarification about the point at which a state should request a participant's social security number for WIA and other workforce system purposes.

ETA's statutory and regulatory authority to administer job training and employment programs includes provisions requiring performance reporting from states and other grantees on participant outcomes. ETA has provided guidance to states that a program participant is an individual who is determined eligible to participate in the program and receives a service funded by the

RESCISSIONS	EXPIRATION DATE Continuing
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program in either a physical location or remotely through electronic technologies. (TEGL 17-05, Section 6 (Program Participation and Exit under Common Measures)). Consistent with that guidance, program participation begins on the first date that the individual receives a service funded by the program. Program participation also marks the point at which all participants, except some self-service participants, become part of the pool of participants used to calculate performance measure outcomes.

States are required, consistent with state law, to use quarterly wage record information in measuring the progress against state and local performance measures. (20 CFR 666.150) States must use social security numbers to match a program participant's records with that individual's quarterly wage record information to assess the impact of program services.

4. **Policy.** When requesting a participant's social security number, states should explain how the social security number will be used and how a participant's privacy will be ensured. For purposes of compliance with ETA training programs, states must use social security numbers only for the calculation of program performance measure outcomes. States must ensure that social security numbers will be maintained in a secure and confidential manner. State workforce agencies 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.

ETA interprets WIA to permit the prohibition of disclosure of a participant's social security number. This prohibition springs from WIA section 185(a)(4). WIA section 185(a)(4) 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. (WIA section 185(a)(4)(B)) A participant's social security number is entitled to this exception.

This guidance does not imply or require that a participant provide a social security number to the state 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 provide a social security number, states should exclude the outcomes of this individual from performance measures, unless supplemental information is available to verify the performance outcomes for non-wage based measures, which is consistent with established policy.

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.

5. **Guidelines.** The following are guidelines for states regarding when to request a participant's social security number. States should not consider these guidelines exhaustive. States may collect a social security number at an earlier point of service; however, such decisions must be defined by official state policies and shared with the appropriate One-Stop staff. States must request a participant's social security number when offering the following services, keeping in mind that the state must not deny access to any participant who refuses to provide a social security number:
- Staff-Assisted Core 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 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.
 - Self-Services. These services are those that an individual accesses independently without staff assistance, either in a physical One-Stop Center, or remotely via the Internet. States should be clear that 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 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 Centers without providing a social security number.

In addition to the services listed above, social security numbers shall be requested when a participant is co-enrolling in a program that offers intensive training services or provides financial assistance (for example, a Trade Adjustment Assistance Relocation Allowance).

6. **Inquiries.** States may contact the appropriate Regional Office if they have any questions or need further clarification on this guidance.