



HEART OF TEXAS WORKFORCE DEVELOPMENT BOARD, INC.

ID NO.:	HWD 006-06 Change 3	DATE ISSUED:	February 16, 2006 June 17, 2010 Change date
PROGRAM:	All	KEYWORD:	Administration; All Programs; General

Subject: Data security and confidentiality of information

Purpose: Workforce Solutions for the Heart of Texas (WSHOT) collects, compiles, processes, stores and disseminates many kinds of data on persons, households, companies, establishments, and other organizations. These activities are governed by statutes, regulations, and policies designed to limit invasion of privacy and protect the confidentiality of the data. The following provides data security, and privacy and confidentiality protection guidelines for the Heart of Texas Workforce Board, Inc. (Board) and all WSHOT contractors.

References: The Privacy Act of 1974, 5 U.S.C. § 552a; The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99); The Health Insurance Portability and Accountability Act of 1996 (HIPAA) (45 CFR Parts 160 and 164), Texas Penal Code, Chapter 33, Computer Crimes; Texas Public Information Act, Section 552.101 – 552.1425; Workforce Investment Act, §188, United States Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity Provisions of The Workforce Investment Act of 1998 [29 C.F.R. §32.15(d) and §37.37(b)]; Rehabilitation Act of 1973, §504, as amended State of Texas Methods of Administration; Texas Administrative Code (TAC), Title1, Part 10, Chapter 202 Information Security Standards; Information Resources Management Act (Texas Government Code Chapter 2054.

Discussion: The Heart of Texas Workforce Development Board, Inc. considers the protection and safeguard of all data to be of paramount importance in its service to the community. The Board is committed to ensuring the security and protecting the confidentiality of individuals' and businesses' details within its data collection. Data acquired by the Board may be used only for the purpose of statistical reporting and analysis and may not be used to identify private individuals.

Policy: The Board shall ensure steps are taken to safeguard, secure and protect confidentiality of customers' data.

PROCEDURES: The following guidelines must be followed by all Workforce Solutions for the Heart of Texas employees and contractors in all centers and offices to ensure the integrity of data and information collected, obtained, maintained and disseminated by WSHOT.

A. Integrity of records

The integrity of the data collection process requires that all participant, business, survey, or other collected information be sound and complete. All data entries must accurately report the data and responses provided by the source. Employees must not deliberately misrepresent the source of the data, the method of data collection, the data received from respondents, or the entry of the data in The Workforce Information System of Texas (TWIST) or in other electronic or on paper reporting forms.

B. Confidentiality and safeguarding of all records

All Board and contractor staff:

1. Must be trained on TWC and Board data confidentiality and IT security policies and procedures.
2. Must sign TWC information resources Usage Agreement (P-41) before access is given to an account. Additional documentation may also be required.
3. Users of TWC systems must have on file a signed P-41 and such agreement shall be reaffirmed annually.
4. All New users must complete an approved security awareness training program prior to, or within thirty days of being granted access to any TWC and Heart of Texas Workforce Board information resource.
5. Users must reaffirm their commitment to the protection of TWC and Heart of Texas Workforce information resources by completing an annual security awareness training program.

C. Procedures for Safeguarding Confidential Information

All Board and contractor employees are responsible for following the rules of conduct in the handling of personal information contained in records which are in the custody of the Board. Center and Program Managers are responsible for implementing procedural and physical safeguards to protect confidential information from disclosure or misuse within their offices, including:

- a. Preparing written procedures for the identification, labeling, handling, and disposal of confidential data. Ensuring that all employees within their organizations are familiar with and understand these procedures.
- b. Ensuring that new employees are informed about the different types of confidential data maintained in their work areas and the special precautions that are to be taken with their use, storage, and disposal.
- c. Ensuring employees with access to confidential data have read and signed authorizations for access and pertinent non-disclosure agreement/s, and that these documents are on file with the Board.
- d. Breaches of confidentiality will be treated as a serious matter with specific and appropriate consequences identified in a contractor's Human Resource/Personnel Policy Manual.

D. Standards for Use and Dissemination of Data

Data collected or maintained by, or under the auspices of, Workforce Solutions for the Heart of Texas and the Heart of Texas Workforce Development Board, Inc. under a pledge of confidentiality shall be treated in a manner that will assure that individually

identifiable data will be used only for statistical purposes and will be accessible only to authorized persons.

Data prepared for release to the public will not be disclosed or used in an unauthorized manner before identifiers are removed, and will be accessible only to authorized persons. Authorized persons are those individuals who are responsible for collecting, processing, or using the data in furtherance of service provision to individuals or companies, or for evaluative purposes, or for the other stated purposes for which the data were collected. Authorized persons may access only those data that are integral to the program on which they work, and only to the extent required to perform their duties.

E. Data Used for Evaluation or Research

When non-WSHOT employees are granted access to confidential data or Privacy Act data, they shall be notified of their responsibility for taking specific actions to protect the data from unauthorized disclosure. The vehicle for providing this notification is a written contract or other agreement that authorizes receipt of the data. Accordingly, if a commercial contract, cooperative agreement, inter-agency agreement, letter of agreement, memorandum of understanding, or other agreement provides access to confidential data or Privacy Act data, it must contain appropriate provisions to safeguard the data from unauthorized disclosure. The authorization document will state the purpose for which the data will be used and that all persons with access to the data will follow this confidentiality policy, including signing all access authorization forms required of all employees and also a Non-disclosure Affidavit. These provisions are required whether the data are accessed on or off WSHOT premises. They also are required when access to the data may be incidental to the work conducted under a contract or other agreement (such as in systems development projects, survey mail-out processing, etc.).

F. Disability Related and Medical Information

Medical information or history, to include, but not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment, are be collected and maintained on separate forms that must be kept confidential with the following exceptions:

- (1) employing officials may obtain the information after making a conditional decision to make a job offer to the applicant or the applicant was placed conditionally in a job pool or placed conditionally on an eligibility list;*
- (2) supervisors and managers may be informed regarding restrictions on the work or duties of qualified handicapped persons and regarding necessary accommodations;*
- (3) first aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and*
- (4) government officials investigating compliance with the Act shall be provided information upon request.*

Section 504 of the Rehabilitation Act of 1973 requires that individuals with disabilities be afforded equal opportunity to participate in and benefit from WIA §188 services and activities.

Subcontractors of the board must develop and implement written procedures to address the storage and use of disability-related and medical information. These procedures must include guidelines for storing information in a manner that provides confidentiality; and ensure that the procedures include prohibitions on the use and disclosure of information, with exceptions listed as listed above.

NOTICE OF DATA SECURITY, PRIVACY AND CONFIDENTIALITY POLICY:

This Policy is given to Board staff and shall be referenced in every Contract, as well as provided in full to each Contractor. It is also available to customers of WSHOT Workforce Centers or Workforce Program Offices upon request.

EFFECTIVE DATE: This policy is effective immediately.