

# Southwest Arkansas Workforce Development Board Workforce Innovation and Opportunity Act (WIOA)

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Policy Number: **SWAWOB - 002**

Title: Confidentiality Policy

Reference: 20 U.S.C. 1232g; 34 CFR Part 99; *WIOA §116(i)(3)*

Effective Date: February 28, 2020

Purpose: It is the policy of the Southwest Arkansas Workforce Development Board to protect the confidentiality of all Workforce Innovation and Opportunity Act customer information.

Case managers and other WIOA Title I-B employees have access to personal information that must remain confidential or that may be dispersed only to certain other entities. Every individual with access to such personal information must comply with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99) [*WIOA §116(i)(3)*].

## Personally Identifiable Information (PII)

There are two types of PII – protected PII and non-sensitive PII. The differences between protected PII and non-sensitive PII are primarily based on an analysis regarding the “risk of harm” that could result from the release of the PII.

1. Protected PII – information that, if disclosed, could result in harm to the individual whose name or identity is linked to the information. Examples of protected PII include, but are not limited to, social security numbers (SSNs), credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, biometric identifiers (fingerprints, iris scans, etc.), medical history, financial information and computer passwords.
2. Non-sensitive PII – information that, if disclosed, by itself could not reasonably be expected to result in personal harm. Essentially, it is stand-alone information that is not linked or closely associated with any protected or unprotected PII. Examples include first and last names, e-mail addresses, business addresses, business telephone numbers, general education credentials, gender, or race. However, depending on the circumstances, a combination of these items could potentially be categorized as protected or sensitive PII.

## Confidentiality Requirements of PII

1. All PII and other sensitive data transmitted via email or stored CDs, DVDs, thumb drives, etc. must be encrypted. Unencrypted sensitive PII cannot be emailed.
2. Data must be processed in a manner to protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records.
3. Employees must ensure privacy of all PII obtained from participants and/or other individuals and protect such information from unauthorized disclosure.
4. PII data must be stored in an area physically safe from access by unauthorized persons at all times. Accessing, processing and storing of PII data on personally owned equipment at off-site locations is prohibited.

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5. Data may not be obtained or used for any purpose other than those required by the programs. Access to data is restricted to only those individuals who need it in their official capacity to perform duties in connection with the scope of work
6. All medical or disability-related information obtained about an individual must be collected on forms separate from other information collected from the individual, and treated as confidential. These documents will be stored separately from the participant files, and secured in a locked filing system.
7. Individuals with access to personal educational information must comply with the Family Educational and Privacy Act (20 U.S.C. 1232g).
8. Confidential information necessary for optimal service delivery may only be provided to appropriate agencies with the consent of the participant or legal guardian (Authorization of Release of Information Form), in accordance with the Family Educational and Privacy Act.

  
SWAWDB Chairman

2/28/20  
Date