



ÁREA LOCAL
OF DESARROLLO LABORAL
GUAYNABO / TOA BAJA

Workforce Innovation and Opportunity Act (WIOA)

CONFIDENTIALITY AND SECURITY OF INFORMATION PUBLIC POLICY

POLICY NUMBER: WIOA 2021-005

EFFECTIVE DATE: DECEMBER 13, 2021

PURPOSE

Under the Workforce Innovation and Opportunities Act (WIOA), the staff receives confidential information from individuals as part of their eligibility determination and continued services. WIOA dictates that the Local Boards must implement confidentiality policies and procedures. This policy is necessary to ensure the Guaynabo-Toa Baja Workforce Development Local Board (GTB-WDLB) representatives who have access to participant information keep the information they learn confidential.

The GTB-WDLB is committed to ensuring the confidentiality of the information handled from our clients and participants. The purpose of this policy is to specify the requirements for the use, storage and security of sensitive and confidential information and its objective is to safeguard the information handled.

LEGAL BASE

- Training and Employment Guidance Letter (TEGL) 05-08 - Policy for Collection and Use of Workforce System Participants' Social Security Numbers
- TEGL 39-11 - Guidance on the Handling and Protecting Personally Identifiable Information (PII)
- OMB Memorandum M-07-16 - Safeguarding Against and Responding to the Breach of Personally Identifiable Information

APPLICABILITY

These policies and procedures apply to all the staff, including providers and contractors who manage information and offer services to the Guaynabo -Toa Baja Local Area.

OBJECTIVES OF THE CONFIDENTIALITY AND SECURITY OF INFORMATION POLICY

- Communicate to the Guaynabo-Toa Baja Local Area staff the mission of confidentiality and security of information.
- Communicate to the staff the responsibilities and procedures to follow in order to protect the

information.

- Help manage and reduce the risk of violating the confidentiality and security of the information.
- Promote knowledge and compliance with Health Insurance Portability and Accountability Act (HIPAA) Federal Regulations
- Provide a documented formal policy to all the staff and other third parties in case they question or request guarantees about the way the Guaynabo-Toa Baja Local Area protects the information it manages.

CONFIDENTIALITY AND SECURITY OF INFORMATION POLICY STATEMENT

We are committed with protecting the information that the Guaynabo-Toa Baja Local Area manages for participants, providers and contractors. Our mission is to protect the confidentiality of the information we collect, store, process, share and exchange with our staff and any other person authorized to receive it. We are governed by formal confidentiality and security policies and procedures in order to provide our participants, providers and contractors, a high level of confidence.

CONFIDENTIALITY AND SECURITY RESPONSIBILITY PROCEDURE OF THIRD-PARTY INFORMATION

Service providers, subcontractors and others from the Guaynabo-Toa Baja Local Area who manage information, will be required to comply with the information confidentiality and security policies and procedures as part of their contractual obligations. Those third parties are responsible for revising and following the information confidentiality and security policies and procedures as if they were actual employees. The Guaynabo-Toa Baja Local Area will provide those third parties a copy of this Confidentiality and Security of Information policy document.

Individuals must be informed in writing in a confidentiality agreement that their personal information will be protected and kept confidential; the participant must provide authorization to share information in the following scenarios:

- It can be shared between federal and state agencies, CGU partners and providers in order to provide assistance in service;
- Will only be used to determine eligibility to receive services

Every person receiving assistance under WIOA must read, sign and date an information release form to share their information with related agencies. They must be informed that they can request their information not be shared between partner agencies and that this does not affect their eligibility for the services.

Paper and Electronic Records Policies

The Guaynabo-Toa Baja Local Area employees whose duties require them to create, see and process paper and electronic records, will take all the necessary measures to protect the information from being used or released without authorization. The staff and representatives must promote practices to reduce

security violations by:

1. Reducing the volume of information collected and retained to a necessary minimum;
2. Limiting the access only to those people who must have such access; and

General provisions to safeguard the information of physical and electronic records:

- Every document, record and other document with sensitive, restricted or confidential information must be removed from the desk and locked in a file cabinet drawer at the end of the workday.
- Paper records must not leave the work area, except when the immediate supervisor expressly authorizes it.
- Each user is responsible for safeguarding every document and electronic storage media containing sensitive or confidential information located in locked drawers or files.
- Printed documents containing sensitive, restricted or confidential information must be removed immediately from any printer.
- Access and monitoring controls must be applied in office areas and storage facilities where restricted or confidential information resides.
- All printers and fax equipment must be located in areas where the public cannot see sensitive, restrictive or confidential information.
- Electronic records or records in computer systems must have access protected with passwords and identifiers.
- The information visible on computer screens must be outside of the visual field of unauthorized third parties.
- All the staff must protect any mobile equipment, such as laptop computers, and other devices that may have confidential information stored in them. The devices must be password protected.

Provisions for transmitting documents with confidential information via fax

All Guaynabo-Toa Baja Local Area employees will take all the necessary measures to ensure fax transmissions are sent to the correct numbers and that the fax recipient is aware that s/he is being sent a transmission.

- Contact the fax transmission recipient to confirm the fax number.
- Send the transmission and wait for the read receipt by fax.
- Remove all the papers included in the transmission from the fax machine.

Voice communication policy

All Guaynabo-Toa Baja Local Area employees will protect the confidentiality and security of the information during telephone or in-person conversations with the same level of protection given to written or electronic information.

All Guaynabo-Toa Baja Local Area employees, as part of their work responsibilities, may discuss information with other employees or third party through direct or telephone communication (including a cellular telephone). This practice is acceptable as long as it is necessary and the employee maintains the confidentiality of the information discussed.

Follow the procedure below when discussing information, either in person or by telephone:

- Speak quietly so other employees or third parties who are close to you cannot hear the conversation.
- Keep the information confidential and do not use it or disclose it for unauthorized purposes.
- Schedule the discussions for a private room if the confidentiality of the conversation may be affected.
- If notes are taken during a conversation, they must be protected by discarding them or filing them in a safe place.

SOCIAL SECURITY NUMBERS

All social security numbers are also protected as high-risk information. When the social security number is requested from a participant, the staff and representatives must explain how the social security number will be used and how the participant's privacy will be protected.

A person is not required to provide their social security number in order to receive services under WIOA, and services cannot be denied to an individual if they refuse to disclose their social security number.

Whenever possible, the WDLB must use unique identifiers as identification numbers instead of social security numbers for following up with the participants.

Social security numbers may be necessary for initial eligibility or performance purposes, however, photocopying the social security card and/or saving it in the participant record is prohibited.

Only the last four numbers of the social security will be written in the pertinent documents.

MEDICAL AND DISABILITY RECORDS

Medical and disability records are also protected as confidential information. To ensure the information is protected, all medical or disability records must be kept separate from the participant records and stored in a physical and/or electronic safe place. Only the part of the participant information revealing the presence of a disability or another data element must be included in the participant file to minimize access by the staff and representative to the medical records.

Once compiled, access to the medical records must be limited and only be accessed:

- With the approval of the program administration and only when necessary for the delivery of WIOA services
- By first aid and security staff in case of an emergency, or
- By local, state or federal monitors.

STAFF COMPLIANCE

All the staff and representatives must sign an acknowledgement of receipt as having read this

policy, understanding the confidential nature of the participants' data and the sanctions for unauthorized disclosure, and accepting to comply with all the other requirements and terms included in this policy.

The unauthorized disclosure of confidential or privileged information is a serious violation of this policy. Any non-compliance of the confidentiality requirements identified in this policy can result in the imposition of disciplinary actions.

Any GTB-WDLB employee who violates their responsibility of protecting the information, as described in this policy and related procedures will be the subject to disciplinary action according to the Procedures to Process a Disciplinary Measure.


All GTB-WDLB ex-employees are also responsible for safeguarding any information they have managed while working, even after terminating their employment. Violations to the confidentiality and security policy and related procedures in effect when culminating their employment may result in legal action.

It is everyone's responsibility to comply with the information security policies and procedures. The lack of knowledge of the contents of this policy described herein does not exempt the user from the sanctions or penalties for not complying with these.

VALIDITY

This public policy be effective immediately after its approval.

In Guaynabo, Puerto Rico, today December 13, 2021.



Mr. Oriel Ramírez Rodríguez
President,
Workforce Development Local Board