



Category/Subject: Release of Information/Confidentiality
Colorado Policy Guidance Letter#: MIS-2000-01 (prior #00-10-L1)
Revise/Replace PGL#: DL (EP) 96-24
Date: May 4, 2000
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

**I. REFERENCE(S):**

Sections 136(f)(3) and 504(b), Workforce Investment Act; Section 3(b), Wagner-Peyser Act; 20 CFR 652.8(e); 8-72-107(1), C.R.S., PGL #MIS-1999-01 (#99-05-M2) Data Security.

**II. PURPOSE:**

To provide guidance regarding the release of information.

**III. BACKGROUND:**

There are several state and federal laws governing the release of information and confidentiality. Most allow the exchange of information between programs as long as the confidentiality requirements are met. Workforce Centers routinely collect information on applicants and employers. How this information is used and safeguarded determines, to a large extent, both the level of public trust imbued in the State's workforce development system and its overall effectiveness in performing its functions.

**IV. POLICY/ACTION:**

**General Public.** Information that does not identify an individual or employer may be given to the general public. This type of information generally includes labor market and labor force information and aggregate statistical data. Information regarding specific individuals or employers may not be given to a third party (e.g. spouse, parent, headhunters, etc.) without a signed release from the individual/employer authorizing the disclosure and specifying what information can be released.

**Other Public Agencies.** Information regarding individuals and employers may be given to elected officials and federal, state, county and municipal government agencies in the performance of their public duties. If the requested information is not related to the agency's functions or the employee's job duties, it cannot be released.

Information may be provided by workforce staff or through access to JobLink. If the agency has computer access, the release of information should include an explanation of the level and type of access, as well as restrictions on the use of the data.

**Labor Exchange.** Permission to release identifying information on applicants and job orders is tacitly granted when job seekers register for assistance in finding work, and employers list their job openings with the Workforce Center for assistance in recruiting qualified workers. The issue is not whether we can release information, but what information can be released and to whom.

Applicants may be given information regarding their own work registration, case management file, TAA/NAFTA file, etc. Applicants who are referred to job openings will be given job-related information such as employer name, type of work and job duties, required qualifications, rate of pay, anticipated duration, application instructions, etc.

Employers may be given information regarding their job orders, lists of referrals, and job-related applicant information. Employers may not be given information regarding non-job related characteristics such as race, gender, marital status, disability, or age.

Employers who enter their own job orders directly into the Internet will be given the full resume submitted to the Workforce Center in response to the job order without regard for any sensitive information the applicant may have included.

If the employer has requested that a SATB be administered to applicants as part of the referral process, or if an applicant needs the SATB as part of the application process for an apprenticeship program, only the overall letter grade (i.e. H, M or L) may be given to the employer, union or apprenticeship program. A signed release from the applicant authorizing the release of the test scores must be obtained before the scores can be released.

Workforce Centers may release job order and applicant information to their partner programs, when they feel it is appropriate and related to the needs of the client. Agencies with access to job orders may use this information only for the benefit of their clients, and may not share the information with other agencies. In addition, they must also adhere to the local Workforce Center's job referral policies and procedures.

**V. IMPLEMENTATION DATE:** Effective immediately.

**VI. INQUIRIES:**

Please direct all inquiries to Larry Lemmons, (303) 318-8817, at Workforce Development Programs.

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Elise Lowe-Vaughn, Director  
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