



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

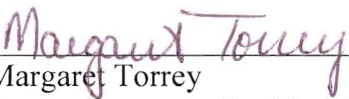
May 18, 2009

Page Two

- 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.