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TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-08

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES

FROM: Brent R. Orrell 
Deputy Assistant Secretary

SUBJECT: Policy for Collection and Use of Workforce System Participants' Social Security Numbers

1. **Purpose.** To provide guidance to states regarding the collection and use of social security numbers for participants accessing Workforce Investment Act (WIA) and other workforce programs' services.
2. **References.** Privacy Act of 1974, 5 U.S.C. section 552a Note; Workforce Investment Act of 1998, 29 U.S.C. section 2935; Performance Accountability under Title I of the Workforce Investment Act, 20 CFR 666.150; Income and Eligibility Verification System, 20 CFR 603; Training and Employment Guidance Letter (TEGL) 17-05, *Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues*.
3. **Background.** States face a difficult challenge of balancing the need to collect a participant's social security number for performance and reporting requirements with the obligations to limit the burden of data collection and maintain participant privacy. To that end, this guidance provides clarification about the point at which a state should request a participant's social security number for WIA and other workforce system purposes.

ETA's statutory and regulatory authority to administer job training and employment programs includes provisions requiring performance reporting from states and other grantees on participant outcomes. ETA has provided guidance to states that a program participant is an individual who is determined eligible to participate in the program and receives a service funded by the

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program in either a physical location or remotely through electronic technologies. (TEGL 17-05, Section 6 (Program Participation and Exit under Common Measures)). Consistent with that guidance, program participation begins on the first date that the individual receives a service funded by the program. Program participation also marks the point at which all participants, except some self-service participants, become part of the pool of participants used to calculate performance measure outcomes.

States are required, consistent with state law, to use quarterly wage record information in measuring the progress against state and local performance measures. (20 CFR 666.150) States must use social security numbers to match a program participant's records with that individual's quarterly wage record information to assess the impact of program services.

4. **Policy.** When requesting a participant's social security number, states should explain how the social security number will be used and how a participant's privacy will be ensured. For purposes of compliance with ETA training programs, states must use social security numbers only for the calculation of program performance measure outcomes. States must ensure that social security numbers will be maintained in a secure and confidential manner. State workforce agencies are responsible for following the requirements pertaining to the confidentiality and disclosure of state unemployment compensation information (which includes wage records) found at 20 CFR 603.

ETA interprets WIA to permit the prohibition of disclosure of a participant's social security number. This prohibition springs from WIA section 185(a)(4). WIA section 185(a)(4) states that records maintained by states must be made available to the public upon request with certain exceptions. These exceptions include the disclosure of information that would constitute a clearly unwarranted invasion of personal privacy and privileged or confidential financial information. (WIA section 185(a)(4)(B)) A participant's social security number is entitled to this exception.

This guidance does not imply or require that a participant provide a social security number to the state to receive services through WIA or any other workforce investment program, with the exception of a participant filing a claim for unemployment compensation. In instances where a participant does not provide a social security number, states should exclude the outcomes of this individual from performance measures, unless supplemental information is available to verify the performance outcomes for non-wage based measures, which is consistent with established policy.

Section 7 of the Privacy Act (5 U.S.C. Section 552a Note (Disclosure of Social Security Number)) provides that unless the disclosure is required by Federal statute, "It shall be unlawful for any Federal, state or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number." Again, the one exception is that claimants filing for unemployment insurance must provide their social security number.

5. **Guidelines.** The following are guidelines for states regarding when to request a participant's social security number. States should not consider these guidelines exhaustive. States may collect a social security number at an earlier point of service; however, such decisions must be defined by official state policies and shared with the appropriate One-Stop staff. States must request a participant's social security number when offering the following services, keeping in mind that the state must not deny access to any participant who refuses to provide a social security number:
- Staff-Assisted Core Services related to eligibility determination, job search activities, and employment. These services would include activities such as: staff-assisted career guidance including the development of an employability and/or individual employment plan, assessments, career guidance and counseling, customized labor market information, resume assistance, federal bonding assistance, job search assistance, job referrals, and career workshops.
 - All Training and Education Services. These services include assessment tests used to ascertain a participant's educational level and/or employability, occupational skills training, on-the-job training, educational and job training counseling, referrals to educational services, and pre-vocational training and related services.
 - Self-Services. These services are those that an individual accesses independently without staff assistance, either in a physical One-Stop Center, or remotely via the Internet. States should be clear that a social security number will be requested if and when a person who accesses self-services requests any staff-assisted service and/or is seeking to access more intensive services. Visitors who wish to review the list of services available through a One-Stop Center, who want to access labor market information, or who are conducting a job search without the assistance of staff and do not request a referral to a specific job may take advantage of self-service activities offered through the state's One-Stop Centers without providing a social security number.

In addition to the services listed above, social security numbers shall be requested when a participant is co-enrolling in a program that offers intensive training services or provides financial assistance (for example, a Trade Adjustment Assistance Relocation Allowance).

6. **Inquiries.** States may contact the appropriate Regional Office if they have any questions or need further clarification on this guidance.