

**Wage Record Interchange System (WRIS)
Data Sharing Agreement Amendment Proposal**

Proposal Number: 10

Proposal Title:

Expanded Definition of “Aggregate Data”

Reference: *Section IV. Definitions, Subsection A*

Date Submitted:

Sponsoring Entity Information:

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Statement of Issue:

“Wage Data,” as defined at Section IV. N., includes both employee data and employer data. However, the term “Aggregate Data” refers only to individual (employee) data. References to employer data should be included in that definition as this data is subject to the same confidentiality restrictions.

Discussion of Issue:

The amendment proposal would reinforce that employer data is subject to the same stringent confidentiality restrictions required of employee data. Since the employer data and employee data are contained in the Wage Data, as defined at Section IV. N., the definition should be clarified to refer to Wage Data instead.

Statement of Proposed Change/Proposal:

Reference: Section IV. Definitions, Subsection A

Original Provision:

A. “Aggregate Data” is data that has been stripped of any information that would identify the individual(s) to whom the data pertains, including but not limited to, name and Social Security Number (SSN), and that have been aggregated into a group(s) containing no fewer than three records, provided however, that nothing herein shall prevent a PACIA from observing a more stringent aggregation policy with regard to its own use and reporting of data.

Proposed Replacement Provision:

A. “Aggregate Data” is “Wage Data” that has been stripped of any information that would identify the individual(s) and employers to whom the data pertains, including but not limited to, name and Social Security Number (SSN) or Federal Employer Identification Number (FEIN) , and that have been aggregated into a group(s) containing no fewer than three records, provided however, that nothing herein shall prevent a PACIA from observing a more stringent aggregation policy with regard to its own use and reporting of data.

Supporting Documentation:

Not applicable

Preliminary Decision on Disposition of Amendment Proposal: 03/02/2010

Disposition Discussion:

A comment was received from Washington State during the 60-day comment period questioning whether NAICS codes would be part of the referenced employer data in Amendment 10 since Amendment 15 proposed that NAICS codes be included as allowable employer data received through WRIS.

A comment was received from Kansas during the 60-day comment period that the proposed change to the definition of “Aggregate Data” be expanded to include the NAICS code, bringing the WRIS definition in alignment with the definition of aggregate data release used by Bureau of Labor Statistics functions.

A comment was received from North Carolina during the 60-day comment period suggesting that the NAICS code be added as an example of an employer data item whose confidentiality needs to be protected. North Carolina also referenced its comment on Amendment 15 that suggested language be crafted to address the exclusion of NAICS codes that fall under the protection of the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA).

A comment was received from Missouri on this amendment proposal during the 60-day comment period noting that the proposed revision to the definition of Aggregate Data reads “Aggregate Data is Wage Data that has been stripped of any information...” rather than the previous “Aggregate Data is data that has been stripped of any information...”. Missouri questioned: “Should every context of the Data Sharing Agreement in which the word ‘aggregate’ appears pertain only to the aggregation of wage data?”

Following review of the comments received, it was determined that the proposed disposition for Amendment 15 addresses the issue of NAICS codes and higher levels of aggregation. Specifically, the disposition language for Amendment Proposal No. 15 addresses NAICS employer identification issues: N. *“Wage Data” means individually identifiable information reported quarterly by employers as required by Section 1137(a)(3) of the Social Security Act including, but not limited to, employer names and employee names, SSNs, and associated wages. Wage data also includes industry sectors in which employees work, as identified by the North American Industrial Classification System (or “NAICS”) code. States provide the 6-digit NAICS code associated with the wage data unless an individual employer can be identified. In such cases, states provide the NAICS code at a higher level of aggregation (i.e., 4-digit or 2-digit level).* Therefore, the preliminary decision on the disposition of this amendment proposal is to incorporate the language provided on 9/23/2009..

Proposed Disposition:

A. “Aggregate Data” is “Wage Data” that has been stripped of any information that would identify the individual(s) and employers to whom the data pertains, including but not limited to, name and Social Security Number (SSN) or Federal Employer Identification Number (FEIN) , and that have been aggregated into a group(s) containing no fewer than three records, provided however, that nothing herein shall prevent a PACIA from observing a more stringent aggregation policy with regard to its own use and reporting of data.