

STATE AND FEDERAL UNEMPLOYMENT INSURANCE CONFIDENTIALITY LAWS COMPARED

	Federal law	State law
General Confidentiality Requirements	State law must contain "methods of administration" that maintain confidentiality of UI information and barring disclosure of such information.	Any information concerning an individual or employer obtained by ESD in administering UI or other programs shall be private and confidential.
Specific Information Held Confidential	The name or any identifying particular about any individual or past or present employer or which could foreseeably be combined with other public information to reveal this information. Also includes information about wages paid to an individual, social security numbers and the name, address, and federal employer ID number of employer who paid wages to individual.	Not specified.
General Statement Regarding Exceptions to Rule	Permissible under specific federal exceptions if also permitted by state law and if such disclosure does not interfere with efficient administration of state UI law.	N/A
Exception for Public/or Governmental Agencies	Disclosure of confidential UI information to a public official (includes state executive branch) for use in the performance of his or her official duties is permissible.	Gov't agencies shall have access to certain records possessed by ESD (names, addresses, social security numbers and general info about benefit entitlement or employer info) to compare to with the gov't agencies' information to detect improper or fraudulent claims, determine potential tax liability or employer compliance with registration and licensing requirements.

Prepared By: Jennifer Strus, Senate Committee Services

Prepared For: Joint Legislative Task Force on the Underground Economy in the Construction Industry

Date: September 26, 2007

	Federal law	State law
Requirements to Safeguard Information	Before ESD can release confidential UI info to another state agency, it must require that the state agency safeguard the info. Against unauthorized disclosure or access.	The misuse or unauthorized release of confidential information can subject the person or organization to a civil penalty of \$5000.
Agreement Required	<p>Before ESD can disclose UI info to another state agency, must enter into a written, enforceable agreement that contains:</p> <ul style="list-style-type: none"> • A description of info to be disclosed and how it will be used; • A statement that only staff of other agency that need to see info will see it; • The methods, timing of requests for info and responses, including format; • That state agency will pay ESD costs of providing info; • A provision to safeguard the info; • A provision allowing ESD to conduct on-site inspections of other agency to make sure law and agreement are being followed. 	The agency requesting information from ESD must submit an application which contains a statement of the official purposes for which the info is needed and a specific identification of info sought from ESD. The specifics of the application's contents are not addressed.

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