



General Assembly

Substitute Bill No. 237

February Session, 2012

* _____SB00237HEDLAB030712_____*

AN ACT CONCERNING THE SHARING OF INFORMATION BETWEEN THE LABOR DEPARTMENT AND INSTITUTIONS OF HIGHER EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 31-254 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2012*):

4 (g) (1) Notwithstanding any of the information disclosure
5 provisions of this section, the administrator shall disclose information
6 obtained pursuant to subsection (a) of this section to: (A) A regional
7 workforce development board, established pursuant to section 31-3k,
8 to the extent necessary for the effective administration of the federal
9 Trade Adjustment Assistance Program of the Trade Act of 1974, as
10 amended from time to time, the federal Workforce Investment Act, as
11 amended from time to time, and the state employment services
12 program established pursuant to section 17b-688c for recipients of
13 temporary family assistance, provided a regional workforce
14 development board, enters into a written agreement with the
15 administrator, pursuant to subdivision (2) of this subsection,
16 concerning protection of the confidentiality of such information prior
17 to the receipt of any such information; [or] (B) a nonpublic entity that
18 is under contract with the United States Department of Labor to
19 administer grants which are beneficial to the interests of the

20 administrator, provided such nonpublic entity enters into a written
21 agreement with the administrator, pursuant to subdivision (2) of this
22 subsection, concerning protection of the confidentiality of such
23 information prior to the receipt of any such information; or (C) an
24 institution of higher education or such institution's governing board to
25 the extent necessary for evaluating such institution's programs of
26 higher learning, as defined in section 10a-34.

27 (2) Any written agreement shall contain safeguards as are necessary
28 to protect the confidentiality of the information being disclosed,
29 including, but not limited to a:

30 (A) Statement from the regional workforce development board, [or]
31 nonpublic entity, institution of higher education or such institution's
32 governing board, as appropriate, of the purposes for the requested
33 information and the specific use intended for the information;

34 (B) Statement from the regional workforce development board, [or]
35 nonpublic entity, institution of higher education or such institution's
36 governing board, as appropriate, that the disclosed information shall
37 only be used for such purposes as are permitted by this subsection and
38 consistent with the written agreement;

39 (C) Requirement that the regional workforce development board,
40 [or] nonpublic entity, institution of higher education or such
41 institution's governing board, as appropriate, store the disclosed
42 information in a location that is physically secure from access by
43 unauthorized persons;

44 (D) Requirement that the regional workforce development board,
45 [or] nonpublic entity, institution of higher education or such
46 institution's governing board, as appropriate, store and process the
47 disclosed information maintained in an electronic format in such a way
48 that ensures that unauthorized persons cannot obtain the information
49 by any means;

50 (E) Requirement that the regional workforce development board,

51 [or] nonpublic entity, institution of higher education or such
52 institution's governing board, as appropriate, establish safeguards to
53 ensure that only authorized persons, including any authorized agent of
54 the board, nonpublic entity, institution of higher education or such
55 institution's governing board, are permitted access to disclosed
56 information stored in computer systems;

57 (F) Requirement that the regional workforce development board,₂
58 [or] nonpublic entity, institution of higher education or such
59 institution's governing board, as appropriate, enter into a written
60 agreement, that has been approved by the administrator, with any
61 authorized agent of the board,₂ [or] nonpublic entity, institution of
62 higher education or such institution's governing board, which
63 agreement shall contain the requisite safeguards contained in the
64 written agreement between the board,₂ [or] nonpublic entity, institution
65 of higher education or such institution's governing board and the
66 administrator;

67 (G) Requirement that the regional workforce development board,₂
68 [or] nonpublic entity, institution of higher education or such
69 institution's governing board, as appropriate, instruct all persons
70 having access to the disclosed information about the sanctions
71 specified in this section, and further require each employee of such
72 board,₂ [or] nonpublic entity, institution of higher education or such
73 institution's governing board, and any agent of such board,₂ [or]
74 nonpublic entity, institution of higher education or such institution's
75 governing board, authorized to review such information, to sign an
76 acknowledgment that [he or she] such employee or such agent has
77 been advised of such sanctions;

78 (H) Statement that redisclosure of confidential information is
79 prohibited, except with the written approval of the administrator;

80 (I) Requirement that the regional workforce development board,₂
81 [or] nonpublic entity, institution of higher education or such
82 institution's governing board, as appropriate, dispose of information

83 disclosed or obtained under this subsection, including any copies of
84 such information made by the board, [or] nonpublic entity, institution
85 of higher education or such institution's governing board, after the
86 purpose for which the information is disclosed has been served, either
87 by returning the information to the administrator, or by verifying to
88 the administrator that the information has been destroyed;

89 (J) Statement that the regional workforce development board, [or]
90 nonpublic entity, institution of higher education or such institution's
91 governing board, as appropriate, shall permit representatives of the
92 administrator to conduct periodic audits, including on-site inspections,
93 for the purpose of reviewing such board's, [or] nonpublic entity's,
94 institution of higher education's or such institution's governing board's
95 adherence to the confidentiality and security provisions of the written
96 agreement; and

97 (K) Statement that the regional workforce development board, [or]
98 nonpublic entity, institution of higher education or such institution's
99 governing board, as appropriate, shall reimburse the administrator for
100 all costs incurred by the administrator in making the requested
101 information available and in conducting periodic audits of the board's,
102 [or] nonpublic entity's, institution of higher education's or such
103 institution's governing board's procedures in safeguarding the
104 information.

105 (3) Any employee or agent of a regional workforce development
106 board, [or] nonpublic entity, institution of higher education or such
107 institution's governing board, as appropriate, who discloses any
108 confidential information in violation of this section and the written
109 agreement, entered into pursuant to subdivision (2) of this subsection,
110 shall be fined not more than two hundred dollars or imprisoned not
111 more than six months, or both, and shall be prohibited from any
112 further access to confidential information.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2012</i>	31-254(g)
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Joint Favorable Subst. C/R

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