

# Confidentiality of DOL Unemployment Records

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## Issue

What law prohibits the state's Department of Labor (DOL) from publishing a list of each company in the state and its number of employees?

## Summary

To the extent that DOL could compile a list of each company in the state and its number of employees, DOL would have to rely on the quarterly records each employer must submit under the state's unemployment insurance compensation program. Because the program is a federal-state partnership based upon federal law, but administered by state employees under state law, both federal and state laws limit how these records may be used. More specifically, federal law and regulations generally require state unemployment programs to maintain the confidentiality of any program information that reveals the name of any individual or employer. To conform to this requirement, state law generally prohibits DOL (which administers the program) from publishing employers' quarterly unemployment records or making them open to public inspection, in a way that reveals an employer or employee's identity. Both federal and state laws, however, also allow for certain exceptions.

## Federal Law and Regulations

Federal law requires state unemployment compensation programs to use administration methods that are reasonably calculated to insure full payment of unemployment compensation benefits when due ([42 U.S.C. § 503\(a\)\(1\)](#)). Through federal regulations, the U.S. Department of Labor has

interpreted this as a requirement for state unemployment laws to include provisions that (1) maintain the confidentiality of any unemployment compensation information that (a) reveals the name or any identifying particular about any individual or employer, or (b) could foreseeably be combined with other publicly available information to reveal such particulars, and (2) generally prohibit the disclosure of such information ([20 C.F.R. § 603.4](#)).

Under the regulations, however, disclosures are allowed under court order or to an official with subpoena authority, and to federal authorities for unemployment program oversight and audit purposes. The following types of disclosures may also be exempt from the confidentiality requirement if they are allowed by state law and do not interfere with the efficient administration of state unemployment law:

1. information available in the public domain;
2. certain appeals records, decisions, and precedential determinations;
3. information about an individual to that individual, or about an employer to that employer, for non-unemployment purposes;
4. with informed consent under certain conditions (e.g., a written release from an individual or employer disclosed in the records);
5. to a public official (or his or her agent) for use in his or her official duties; and
6. to the Bureau of Labor Statistics ([20 C.F.R. § 603.5](#)).

## **State Law**

[CGS § 31-254](#) conforms to the federal requirements by generally prohibiting DOL from publishing employers' quarterly unemployment records or making them open to public inspection, other than to public employees performing their duties, in a way that reveals an employer or employee's identity. A DOL employee who violates the law may be fined up to \$200, imprisoned for up to six months, or both.

As allowed under federal law, the state's law also exempts from the confidentiality requirement disclosures to the following entities, under certain conditions:

1. the public agency administering the Temporary Assistance for Needy Families (TANF) and child support programs;
2. the Connecticut Student Loan Foundation;

3. authorized users of the CTWorks Business System;
4. the Department of Social Services and Connecticut Health Insurance Exchange to assist them in determining eligibility for certain public assistance programs;
5. the state's regional workforce development boards;
6. a nonpublic entity that contracts with DOL or another state agency to help administer unemployment benefits;
7. the president of the Connecticut State Colleges and Universities to use in his or her official duties to evaluate higher education programs; and
8. a third party with written informed consent from the individual or employer to whom the disclosed information pertains.

According to DOL, a legislator may obtain confidential information under the law as a public official, provided that he or she signs a confidentiality form with an understanding that any unauthorized disclosures to non-public individuals or sharing for non-public purposes could result in criminal penalties.

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