

Office of Issue: AWI FG 04-044
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Reference: Confidentiality and Release of Information

## Guidance Paper Data Sharing

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### Of Interest To:

Workforce Florida, Inc., all Regional Workforce Boards, and other entities engaged in implementing Temporary Assistance to Needy Families programs, including the Welfare Transition program.

### Subject:

Access to confidential, protected information that identifies persons receiving public assistance and/or workforce services ("personal identifying information") for the purposes of conducting business and fraud investigations.

### Background:

The personal identifying information of Temporary Cash Assistance (TCA) recipients maintained by the Department of Children and Families (DCF), the Agency for Workforce Innovation (AWI), Workforce Florida, Inc. (WFI), Regional Workforce Boards (RWB), service providers contracted with these entities or a committee created under the RWBs (445.007, F.S.) is confidential and exempt from the Florida public records requirements pursuant to section 414.295, F.S. This includes information that identifies a recipient of TCA, a recipient's family or a recipient's household member. Information that identifies a non-custodial parent is not protected.

Section 414.295, F.S., however, does allow for the disclosure of information within and among the named entities and their contracted service providers **to conduct business** related to TCA and other public assistance programs. The law also allows for the disclosure of protected TCA information for investigations related to the administration of Temporary Assistance for Needy Families (TANF) plan and programs. This information may also be shared to conduct business audits or investigations necessary to administer the TANF program(s).

Public assistance information is maintained in various formats. The RWBs enter data, track participation, monitor performance and receipt of TANF funded services in various workforce systems, for example, the One-Stop Service Tracking (OSST) system. The RWBs and RWB providers also retain information in both hard and electronic files. Law enforcement agencies, such as the Florida Department of Law Enforcement (FDLE) conducting public assistance fraud investigations may request information. The FDLE, agencies, and service providers indicated in section 414.295, F.S. may also request information regarding other services received by TCA

recipients for the purpose of conducting business audits or fraud investigations. This guidance paper provides the RWBs with instruction to design local operating procedures regarding the release of protected information regarding TCA recipients and TANF program participants, including suggested protocol.

### **Program Guidance:**

#### **A. Access to the One-Stop Service Tracking (OSST) System and the One-Stop Management Information System (OSMIS)**

The FDLE will be granted read only access through an interagency agreement between AWI and FDLE to the workforce information systems of OSST and OSMIS. Therefore, FDLE investigators requesting information should contact their supervisor at FDLE in order to receive access. The RWBs should not be handling these requests from field FDLE agents.

#### **B. Release and/or Review of Regional Workforce Board Documents/Files**

For the efficient investigation of cases, FDLE may need to review documentation retained in electronic or hard files. The local operating procedure regarding the release of information should include procedures for the release of information from locally designed electronic and hard files. Only information that is necessary to conduct the investigation is to be released. Suggested protocol includes:

- Secure a “request for information” from the FDLE investigator and a statement that the information sought after is in pursuit of official business of public assistance fraud investigation;
- Secure a statement from the receiving FDLE officer that the FDLE will maintain the confidential and exempt status of the Social Security Number(s) and other such confidential information (119.0721(2) F.S.), including personal identifying information of public assistance recipients (414.295, F.S.);
- Ensure the officer requesting the information or documentation is from FDLE by requesting identification;
- Secure a signature, badge number and contact information from the FDLE investigator;
- Record the case name in question; and
- Retain all documentation (i.e. request for information, etc.) in the individual’s case file.

#### **C. Links**

The AWI has provided a suggested Request for Information form. The RWB may utilize this form or develop a form that includes the elements listed in the guidance under section C.

##### **[Request for Information Form](#)**

The following links have been provided as reference materials regarding confidentiality and release of public records.

[Chapter 119](#) of the Florida Statutes: Public Records

[Chapter 414](#) of the Florida Statutes: Family Self-Sufficiency

[Confidentiality Guidance Paper](#)

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