



Missouri Division of Workforce Development  
DWD Issuance 09-2017

Issued: November 03, 2017  
Effective: June 26, 2017

**Subject: Prohibitions on Data Transfer Policy**

1. Purpose: This Issuance conveys current Division of Workforce Development (DWD) policy restricting use of workforce program participant data. This policy applies to Workforce Development Boards (Local WDB), State and local educational institutions, and agency partners in the implementation of the Workforce Innovation and Opportunity Act (WIOA).<sup>1</sup> It also applies to all subrecipients or vendors of these entities.
  
2. Background: Historically, particularly regarding Local WDBs or State agencies in pursuit of grant programs, but also based on some other need to know conclusively, DWD has been asked to assist federal fund awardees in the preparation of participant outcome reports. Such analyses may provide the typical WIOA performance outcomes used for federal reporting, but also may include the legal and confidential linking of outcomes specifically to the grant project participants. This might include a program of services or a curriculum of study. In all cases, previously provided matching of grant program participants to the workforce outcomes have incorporated wage earnings data as part of an integrated data arrangement with the Missouri Division of Employment Security (DES), using Unemployment Insurance (UI) data, as the primary source for accurate earnings information.  
  
Specific restrictions in the interagency *Memorandum of Agreement* between DES and DWD on the exchange, transfer, and/or release of computerized information, standing DWD policy<sup>2</sup>, and federal regulations<sup>3</sup> updated by the WIOA Final Rules<sup>4</sup> may create unforeseen liability for DWD for data that is not under its control as a direct federal grant recipient or subrecipient.
  
3. Substance: As of June 26, 2017, DWD prohibits and provides no consideration to the development of data-matching agreements, or memorandums of understanding for authorizing such data-matching with any party, as a third party to the normal linkage of UI data to WIOA data. An exception may be made in cases where DWD, its direct State Agency partner, or federal agency benefactor, is a direct grant recipient of the research project. DWD previously engaged in data-matching in a structured, secure, confidential, and anonymous manner, in aggregating data for outcome

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<sup>1</sup> Pub. L. 113-128 [29 U.S.C. 3101 et seq.].

<sup>2</sup> [DWD Issuance 13-2016](#), “Confidentiality and Information Security Plan for the Workforce Development Statewide Electronic Case Management System,” March 13, 2017.

<sup>3</sup> [20 CFR 603.3–603.12](#), “Part 603—Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of State UC Information, Subpart B—Confidentiality and Disclosure Requirements,” (as amended by the [WIOA Final Rules](#)).

<sup>4</sup> [Workforce Innovation and Opportunity Act; Final Rule, Docket ETA 2015-0001, August 19, 2016.](#)

reporting that protects the individual, in accordance with federal law. DWD will continue to provide this data-matching function when the federal award passes through DWD—meaning the funds were distributed via an official agreement (contract, memorandum of understanding, etc.).

4. Action: Data-matching for the analysis of selected workforce outcomes of participants in DWD programs using the conditions of WIOA eligibility is restricted except as noted above. Access to program data required by the workforce system that did not pass through DWD must be negotiated directly with DES. Distribute this information to appropriate staff at Local WDBs, State and local educational agencies, and WIOA State agency partners.
5. Contact: Please direct questions or comments about this Issuance to the DWD Planning and Research Manager, (573) 526-8261, or email at [clint.flowers@ded.mo.gov](mailto:clint.flowers@ded.mo.gov).
6. Reference: Workforce Innovation and Opportunity Act, Pub. L. 113-128 [[29 U.S.C. 3101 et seq.](#)].  
[DWD Issuance 13-2016](#), “Confidentiality and Information Security Plan for the Workforce Development Statewide Electronic Case Management System,” March 13, 2017.  
[20 CFR 603.3–603.12](#), “Part 603—Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of State UC Information, Subpart B—Confidentiality and Disclosure Requirements,” (as amended by the [WIOA Final Rules](#)).
7. Rescissions: None.
8. Attachments: None.

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