

Confidentiality Laws and Regulations Database Specificity Ratings Table

Overview

The Confidentiality Laws & Regulations Database includes legal citations and pertinent language from state unemployment insurance (UI) and corporate tax data confidentiality laws and regulations that impact the disclosure of data for policy analysis and program evaluation purposes. The database is organized around nine questions pertaining to confidentiality and disclosure, and rooted in the basic tenets of federal regulations on UI and Corporate Tax data protection. Each state law and regulation receives a score based on the level to which it addresses each question:

- **Detailed Explanation** – The law includes explicitly clear language related to the issue, including identifying particular actors or situations in which a law applies.
- **Broad Mention** – The law includes only a general reference to the issue, which may provide only limited guidance to those interpreting or implementing the law.
- **Not Addressed** – The law provides no information about the issue to guide decision making.

Examples of Confidentiality Laws and Regulations Specificity Ratings

Issue	To which parties may data be disclosed? (Parties)
Detailed Explanation	<p>“1. Use of data. (a) Except as provided by this section, data gathered from any person under the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals...and may not be disclosed except...These data may be disseminated to and used by the following agencies without the consent of the subject of the data...(17) the Office of Higher Education for purposes of supporting program improvement, system evaluation, and research initiatives including the Statewide Longitudinal Education Data System...” —2014 Minnesota Statutes § 268.19</p>
Broad Mention	<p>“A state or federal official or agency may receive disclosures to the extent required by federal law. In the division’s discretion, any other party may receive disclosures to the extent authorized by state and federal law.” — Missouri Revised Statutes § 288.250.1</p>
Issue	What are the content requirements for data sharing agreements? (Content Requirements)
Detailed Explanation	<p>“(b) The agreement between the department and the requesting agency shall include, but not be limited to:</p>

	<p>(1) The purposes for which requests will be made and the specific information needed;</p> <p>(2) Identification of all agency officials, by position, with authority to request information;</p> <p>(3) Methods and timing of the requests for information, including the format to be used, and the period of time needed to furnish the requested information;</p> <p>(4) Basis for establishing the reporting periods for which information will be provided;</p> <p>(5) Provisions for determining appropriate reimbursement from the requesting agency for the costs incurred in providing data;</p> <p>(6) Safeguards to ensure that information obtained from the department will be protected against unauthorized access or disclosure. At a minimum, such procedures will comply with the requirements of subsection (c).” — Hawaii Administrative Rules HAR § 12-5-220</p>
<p>Broad Mention</p>	<p>"(a) Information and records may be made available to public employees in the performance of their duties, but the agency receiving the information and records shall assure the confidentiality, as required in this section, of all information and records so released by entering into a written, enforceable, and terminable agreement with the cabinet and by satisfying the safeguards set forth in the federal confidentiality and disclosure requirements as prescribed by 42 U.S.C. sec. 503, 26 U.S.C. sec. 3304, and 20 C.F.R. sec. 603.9—Kentucky Revised Statutes § 341.190</p>

Prepared by the Center for Regional Economic Competitiveness for the State Data Sharing Initiative (SDS).