



Estado Libre Asociado de Puerto Rico
Junta Local
DEL NOROESTE
AGUADA • AGUADILLA • AÑASCO • ISABELA
MOCA • RINCON • SAN SEBASTIAN

Title: Procedure and Public Policy on Privacy and Confidentiality of Documents

Public Policy Number: **JLNO-26-044**

Approval Date: April 22, 2026

Effective Date: April 23, 2026

Addressed to: Participants from the Área Local de Conexión Laboral
Noroeste

In compliance with WIOA Section 188 y 29 CFR 38.41

I. Purpose

This Privacy and Confidentiality Procedure and Public Policy is intended to ensure compliance with Section 188 of the WIOA and federal regulation 29 CFR 38.41, as well as to safeguard the privacy rights of participants, protect the confidentiality of their information, and ensure the integrity and proper use of the data provided by the organization.

II. Legal Basis

This Privacy and Confidentiality Procedure and Public Policy is based on the following federal and state legal and regulatory provisions, which establish the requirements for the protection of personal, medical, and demographic information of participants in publicly funded programs:

- **Workforce Innovation and Opportunity Act (WIOA), Sección 188**, It prohibits discrimination in programs and activities funded under the law and establishes the obligation to protect the personal and medical information of participants.
- **29 CFR Part 38, Section 38.41** sets out the specific requirements for confidentiality and proper handling of disability-related information, demographic data, and other sensitive information collected for federal compliance and monitoring purposes.
- **Health Insurance Portability and Accountability Act (HIPAA), Public Law 104 191 of August 21, 1996**, it provides for the protection and confidentiality of medical and health information, where applicable.
- **Applicable state and federal laws and regulations** related to privacy, information security, record retention and access to public documents, including **Act No. 97 of June 10, 2000**, as amended, known as the Puerto Rico Vocational Rehabilitation Act, as applicable.

These legal provisions constitute the regulatory framework that governs the handling, use, disclosure and protection of the information collected by Conexión Laboral Noroeste in the provision of services under the programs funded by the WIOA.

III. Scope

The Privacy and Confidentiality Procedure and Public Policy apply to:

- All participants who request or receive services under programs funded by the Workforce Innovation and Opportunity Act (WIOA), including electronic systems, digital files, physical records, and databases.
- All staff, contractors, service providers and collaborating entities who, because of their functions, have access to information about the participants.
- All media in which information is stored, including, but not limited to, electronic systems, databases, physical records, digital files, among others.

IV. Definitions

For the purposes of this Privacy and Confidentiality Procedure and Public Policy, the terms detailed below shall have the meaning indicated:

- **Personally Identifiable Information (PII):** Any information that allows a participating person to be identified directly or indirectly, including, but not limited to, name, physical or postal address, Social Security number, date of birth, telephone number, email address, among other personal information.
- **Medical Information:** Any record, report, diagnosis, evaluation, certification, or documentation related to a participant's physical or mental health condition, disability, or medical history.
- **Demographic Information:** Data collected for statistical and federal compliance purposes, such as race, ethnicity, gender, age, immigration status, disability, or other information required by the United States Department of Labor (USDOL) and/or federal reports.
- **Participant:** A “participant” under the WIOA is someone who has met the eligibility requirements and has begun receiving services beyond simply receiving information or referrals. In other words, it is not enough to be “reportable”; the person must have formally entered the program and received services.
- **Person with a Disability:** Any person who has a physical, mental, or sensory impairment that substantially limits one or more major life activities; who has a medical history or record; or who is considered a person with a disability (physical, mental, or sensory) under applicable federal law.
- **Legal Information:** Any document or data related to legal processes or situations, including, but not limited to, protection orders, court rulings, judgments, adoptions, or other documents issued by a competent authority. Such as: protection orders, rulings, judgments, etc.

- **Person with a Criminal Record:** A person who has been convicted of one or more crimes by a final and unappealable sentence, and whose information is recorded in an official register of the judicial system, which may have legal and social implications.
- **Authorized Personnel:** Employees, contractors, or service providers of Conexión Laboral Área Local del Noroeste who, by reason of their official functions, have been duly authorized to access confidential information of the participants.
- **Written Consent:** Express, voluntary and informed authorization granted by the participant through a signed document, which allows the use or disclosure of their information in accordance with this policy and applicable legal provisions.

V. Principles of Confidentiality

Conexión Laboral Área Local del Noroeste commits to:

- Protect all personal, medical, and demographic information of participants in accordance with applicable federal and state regulations, 29 CFR 38.41.
- Limit access to information only to duly authorized personnel such as: Occupational Counselor, Programmatic Services Assistant, Equal Opportunity Officer, and any other authorized personnel as needed.
- Ensure that medical information is kept in separate files from the patient record and under strict security and/or confidentiality measures.
- Use the information exclusively for purposes permitted by the WIOA law and applicable regulations.
- Avoid disclosing confidential information without prior authorization.

- VI. **Specific Requirements according to 29 CFR 38.41-** It establishes federal standards for how recipients of the Workforce Innovation and Opportunity Act (WIOA) must collect and maintain equal opportunity (EO) data to demonstrate compliance with nondiscrimination laws. It applies to all recipients of WIOA Title I financial assistance, including state/local labor agencies, employment centers, training providers, and contractors.

- **Medical Information** must be kept in separate files and will not form part of the general file. It may only be shared with:
 - Personnel authorized by Conexión Laboral.
 - Supervisors or instructors, when necessary to ensure safety or reasonable adjustments.
 - Personnel from the Emergency Medical Services Bureau, the Puerto Rico Police Bureau, the Fire Department Bureau, and/or any government entity.
 - Government authorities require it by law, by court order.
- **Demographic information** Data concerning race, ethnicity, gender, age, or disability will be disclosed exclusively to:
 - Statistical reports required by the Department of Labor and Human Resources (DTRH).
 - Monitoring compliance with WIOA Section 188.
 - They may not be used for eligibility decisions, differential or discriminatory treatment.
- **Personally Identifiable Information (PII)** It must be protected by:
 - Role-based access controls.
 - Encryption in electronic systems.
 - Secure storage protocols.
 - Dispose of (eliminate) properly after use.

VII. Staff Obligations

- The employee, contractor and/or service providers must:
 - Sign confidentiality agreements that guarantee strict compliance with established rules.
 - Access only the information necessary for your functions.
 - Keep information protected at all times.
 - Report incidents or suspected breaches of confidentiality.

VIII. Security Measures These are actions and controls implemented to protect people, information, equipment, and facilities from risks, unauthorized access, loss, or damage. These measures are classified as Administrative, Technical, and Physical.

- **Administrative:**

- Annual training on WIOA Section 188 and 29 CFR 38.
- Internal compliance audits.

Information classification according to level of sensitivity, complexity and type of information:

Type of Information	Documents	Level of Protection
Administrative	Service history, case notes	Medium
Demographics	Race, ethnicity, gender, age, immigration status	High
Personally Identifiable Information (PII)	Name, address, social security number, date of birth	High
Medical	Diagnoses, disability documentation, assessments.	Very High

- **Techniques**

- Secure passwords and limited access.
- Data encryption.
- Access registration and monitoring systems.

- **Physical**

- Files kept under lock and key in restricted areas (when it is a legal situation to have them physically).
- Access control to offices and service centers.
- Secure document destruction protocols.

IX. Information Disclosure

The information collected may only be disclosed by the custodians of said files under the following circumstances:

- With the participant's written consent.
- When required by federal or state law, by court order.
- In emergency situations that require access to medical information to protect the health or safety of the participant; such as imminent risk to life or safety, serious medical emergency requiring urgent attention and/or any other situation that helps us protect and save lives.

X. File Management

- If the information was violated, the Equal Employment Opportunity Officer and/or the Northwest Local Area Job Connection Occupational Counselor must be notified within a period of sixty (60) days.
- The records must be kept for six (6) years.

XI. Required Forms

A. Consent for Use of Personal Information (Form ALN-16 revised March 2026)

CONEXIÓN LABORAL AREA LOCAL DEL NOROESTE - CONSENT FORM FOR USE OF PERSONAL, MEDICAL, AND DEMOGRAPHIC INFORMATION.

I, _____, authorize Conexión Laboral Área Local del Noroeste to collect, store, and use my **Personally Identifiable Information (PII)** for purposes related to my participation in programs funded under the Workforce Innovation and Opportunity Act (WIOA).

I understand that:

- My information will be protected in accordance with WIOA Section 188 and 29 CFR 38.41.
- It will not be disclosed without my consent, except as required by law.
- I can request access to, or correction of the data provided.

I understand that:

- My **medical information** will be kept in separate files.
- It will only be shared with authorized personnel according to 29 CFR 38.41.

I understand that:

- The collection of **demographic information (race, ethnicity, gender, age)** will be used exclusively for statistical reports required by the Department of Labor, Federal and/or State Government. This information does not affect my eligibility for services.
- The information used for these statistics, as directed, comes from the records of participants on the "Participant Record, Individual Services" (PRIS) platform of the Department of Economic Development (DDEC).

Participant's signature: _____ Date: _____

Signature of Authorized Personnel _____ Date: _____

XII. Review and Update

This procedure and Public Policy will be reviewed when changes occur in the legislation or regulations applicable to programs funded under the Workforce Innovation and Opportunity Act (WIOA).

Approved at the Ordinary Meeting of the Northwest Local Board, today April 22, 2026 in Aguadilla, Puerto Rico.