

1 **CHAPTER 815. UNEMPLOYMENT INSURANCE**

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3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**  
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**  
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**  
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7 The Texas Workforce Commission (Commission) adopts amendments, without changes, to the  
8 following section of Chapter 815, relating to Unemployment Insurance, as published in the May  
9 16, 2008, issue of the *Texas Register* (33 TexReg 3918):

10  
11 Subchapter B. Benefits, Claims and Appeals, §815.18

12  
13 The Commission adopts the following new subchapter, without changes, to Chapter 815 relating  
14 to Unemployment Insurance, as published in the May 16, 2008, issue of the *Texas Register* (33  
15 TexReg 3918):

16  
17 Subchapter E. Confidentiality and Disclosure of State Unemployment Compensation  
18 Information, §§815.161 - 815.168

19  
20 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**  
21 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND**  
22 **RESPONSES**  
23

24 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

25  
26 The purpose of the adopted Chapter 815 rules change is to:

- 27  
28 --comply with final rules setting forth the statutory confidentiality and disclosure requirements of  
29 Title III of the Social Security Act (SSA) and the Federal Unemployment Tax Act  
30 (FUTA) concerning unemployment compensation (UC) information issued by the U.S.  
31 Department of Labor (DOL) on September 27, 2006, in 20 Code of Federal Regulations  
32 (C.F.R.) Part 603; and  
33  
34 --implement House Bill (HB) 2120 and Senate Bill (SB) 1619, enacted by the 80th Texas  
35 Legislature, Regular Session (2007), which address certain federal requirements, as  
36 enumerated in 20 C.F.R. Part 603.

37  
38 The federal rules relating to confidentiality of UC information require state law to:  
39 --contain provisions that are interpreted and applied consistent with federal definitions of  
40 "identifying information";  
41 --provide penalties for disclosure of confidential UC information; and  
42 --define "public domain information" to clarify how such information is held in Texas.  
43

44 By amending Texas Labor Code §301.081 and adding new §301.085, HB 2120 and SB 1619:  
45 --mirror the federal interpretation of identifying information under 20 C.F.R. §603.4;  
46 --make unauthorized disclosure of such information a Class A misdemeanor; and

1 --establish that UC information is not public information for purposes of Chapter 552, Texas  
2 Government Code, thereby making UC information not subject to the Texas Public  
3 Information Act.

4  
5 Federal regulations authorize states to implement specific details and to adopt state law with  
6 more stringent confidentiality provisions than those imposed by the final regulations. HB 2120  
7 and SB 1619 direct the Commission to adopt rules regarding confidentiality of UC information.

8  
9 The federal regulations generally provide that all employment and/or wage information is  
10 confidential and must not be disclosed. However, because sharing UC information is necessary  
11 for the proper administration of the UC program, disclosure to certain entities has been deemed  
12 mandatory. These entities include claimants and employers, the Internal Revenue Service (for  
13 purposes of UC tax administration), and U.S. Citizenship and Immigration Services (for  
14 purposes of identifying a claimant's immigration status). In addition, federal UC law also  
15 requires disclosure of state UC information to certain federal UC and benefits programs. SSA  
16 also requires disclosure of specific information to various specified state and federal agencies in  
17 administration of the agencies' programs. The confidentiality and disclosure requirements in  
18 SSA Title III relating to UC information are conditions for receipt of grants by the states for UC  
19 administration. The disclosure requirements in FUTA are conditions required of a state in order  
20 for employers in that state to receive credit against the federal unemployment tax under  
21 26 United States Code §3302.

22  
23 There are certain circumstances under which otherwise confidential UC information can be  
24 disclosed, but only if such disclosure is authorized by state law and does not interfere with  
25 the efficient administration of the state's UC program. Federal regulations specifically  
26 provide that the confidentiality requirement of 20 C.F.R. §603.4 does not apply to public  
27 domain information as that term is defined at §603.2(c). The federal regulations allow for  
28 disclosure of UC information only if state law provides sufficient protections regarding the  
29 payment of costs, safeguards, and data-sharing agreements. For example, provided sufficient  
30 protections are in place, states are permitted to disclose UC information:

- 31 --to public officials in the performance of their duties;
- 32 --to agents or contractors of public officials; or
- 33 --on the basis of informed consent.

34  
35 Notwithstanding the general rule that all UC information is confidential and barred from  
36 disclosure, federal regulations make disclosure mandatory to a number of entities--primarily  
37 governmental--beyond the obvious claimants and employers, because it is either necessary for  
38 the proper administration of the UC program or SSA mandates that certain specified information  
39 be disclosed to these other entities. Beyond these mandatory disclosures, states have significant  
40 latitude above the federal floor and may have more stringent confidentiality provisions than  
41 imposed by federal regulations.

42  
43 Several factors are key in weighing options related to disclosure of this information. As DOL  
44 notes in the regulations' preamble, "Confidentiality is necessary to avoid deterring individuals  
45 from claiming benefits or exercising their rights, to encourage employers to provide information

1 necessary for program operations, to avoid interference with the administration of the UC  
2 program, and to avoid notoriety for the program if program information were misused."

3  
4 Historically, the Agency's practices have provided the greatest level of confidentiality to UC  
5 information in order to ensure a fair system in which all parties are willing and able to  
6 participate. Retaining policies that reflect this conservative approach ensures consistency with  
7 federal regulations. Without reasonable and effective confidentiality of this information, a  
8 chilling effect may result at all stages of UC proceedings if participants believe the Agency  
9 cannot effectively maintain as confidential the often highly personal information divulged.  
10 Accordingly, maintaining the status quo retains the guiding principles of federal law, including  
11 treating all appeals records as confidential.

12  
13 Another increasingly important factor in deciding how to treat confidential UC information is the  
14 potential for identity theft and the considerable harm (financial and otherwise) the release of such  
15 information could cause UC program participants. In deciding what type of UC information to  
16 release, the Commission has weighed these benefits and risks, including:

- 17 --public access to open administrative hearings and related information;
- 18 --chilling effect on individuals and employers exercising appeal rights under UC law;
- 19 --staff time and costs necessary to redact the requested records given the broad definition of  
20 "identifying information";
- 21 --significant risk of inadvertent errors in redaction; and
- 22 --potential for identity theft if UC records are released.

23  
24 In recognition of these factors, and consistent with current practices, the Commission has  
25 determined that only UC information considered public domain or otherwise expressly exempted  
26 may be released.

27  
28 Public domain information is generally considered exempt from the UC confidentiality  
29 requirements. The final federal rules offer states some flexibility in defining the term public  
30 domain information. According to the federal regulations, public domain information includes:  
31 --information about the organization of the state, the state UC Agency, and appellate authorities,  
32 including the names and positions of officials and employees;

- 33 --information about the state UC law (and applicable federal law), provisions, rules, regulations,  
34 and interpretations thereof, including statements of general policy and interpretations of  
35 general applicability; and
- 36 --any agreement, including interstate arrangements and reciprocal agreements and any  
37 agreements with DOL related to the administration of the state UC law.

38  
39 In the proposed federal rules, the possibility existed that appellate records and decisions could  
40 qualify as "statements of general policy" within the definition of public domain information set  
41 out in 20 C.F.R. §603.2. The Commission commented on these proposed federal rules,  
42 concerned that DOL would interpret these regulations to require a state to treat entire appeals  
43 records and decisions as public domain information. Such a practice would be at odds with  
44 current policy. The Commission determines certain cases to be of precedential value and  
45 includes a digest of each selected case in the Commission Appeals Policy and Precedent Manual.  
46 Thereafter, only the de-identified digests of Commission-approved precedents are treated as

1 public domain information, while appeals records and fact-specific decisions are withheld.  
2 These digests have traditionally been available to the public and may be accessed on the  
3 Agency's Web site at [www.texasworkforce.org](http://www.texasworkforce.org).

4  
5 In 20 C.F.R. §603.2, DOL removed appeals records and decisions from the definition of public  
6 domain information, establishing that the public does not necessarily have a right of access to  
7 appeals records and decisions, and ensuring that some appeals information such as Social  
8 Security numbers remains confidential. In fact, DOL noted in its preamble to the final rules that,  
9 "States may keep appellate records confidential even though the rule does not require it." As a  
10 result, the Commission has opted to deem entire appellate records as confidential and will  
11 continue to release de-identified digests of Commission-approved precedents.

12  
13 This practice is supported by provisions of the Texas Government Code and rulings by the Texas  
14 Office of the Attorney General (OAG). Under §552.107(1), Texas Government Code, certain  
15 legal matters are considered privileged and thus are not subject to disclosure. The case analyses  
16 rendered by Commission appeals attorneys in furtherance of professional legal services to the  
17 Commission have been protected from disclosure under §552.107(1). Once OAG makes a  
18 decision for a governmental body concerning the disclosure of a specific, clearly delineated  
19 category of information, that governmental body need not seek future OAG decisions regarding  
20 its ability to withhold such information, provided the elements of law, fact, and circumstances on  
21 which the decision was based have not changed in subsequent information requests. Such  
22 rulings that a governmental body may rely on are known as "previous determinations." Before  
23 Texas enacted the law making UC information privileged--not public--for purposes of the Public  
24 Information Act, OAG granted the Agency two previous determinations. Both ruled that a  
25 confidential case analysis rendered by Commission appeals attorneys in furtherance of  
26 professional legal services to the Commission is an exception to disclosure, pursuant to Texas  
27 Government Code §552.107(1).

28  
29 In these adopted rules, the Commission has chosen to maintain the status quo in Commission  
30 operations by:

- 31 --using the definition of public domain information set forth in 20 C.F.R. §603.2(c), as  
32 interpreted by the Commission and allowing appropriate Agency organization  
33 information, Texas UC law, and any Texas UC administration agreements to be released;  
34 --continuing the practice of holding entire appeals records and decisions as confidential and not  
35 releasable; and  
36 --continuing the current practice of releasing de-identified Commission-designated precedent  
37 case digests as statements of general applicability under the definition of public domain  
38 information.

39  
40 Disclosure of confidential UC information is permissible under certain exceptions if authorized  
41 by state law and if such disclosure does not interfere with the efficient administration of the state  
42 UC law. Disclosure to individuals and employers of their own confidential UC information--  
43 provided it is for UC purposes--is required under 20 C.F.R. §603.6(a). For example, a claimant's  
44 UC information can be released to that particular individual; likewise, employer information can  
45 be disclosed to that specific employer. The federal regulations also permit disclosure of such  
46 information for non-UC purposes under certain specified circumstances. However, DOL makes

1 clear that these disclosures for non-UC purposes must be subject to cost reimbursement, as grant  
2 funds may not be used to pay for such disclosure costs. These proposed rules allow claimants or  
3 employers access to their own UC information, even if the request is for non-UC purposes,  
4 subject to cost reimbursement, unless such access could conflict with the administration of UC  
5 such as releasing a confidential informant's name or attorney-client privileged information. The  
6 federal regulations also permit states to disclose confidential UC information, including  
7 identifying information, to an employer or claimant's agent, upon presentation of a written  
8 release from the particular individual or employer. Or, when a written release is impossible or  
9 impracticable to obtain, the agent can present such other form of consent as is permitted under  
10 state law.

11  
12 Federal rules treat an elected official performing services for a constituent regarding UC matters  
13 as the individual's or employer's agent. DOL reasons that when an elected official is acting in  
14 response to a constituent's inquiry about a UC matter, such as that individual's UC claim, the  
15 elected official is acting on the individual's behalf and thus is effectively the individual's agent in  
16 resolving claim-related issues. But because elected officials may receive requests for assistance  
17 that do not specifically authorize the disclosure of confidential UC information--even though  
18 such disclosure is necessary for the official to adequately respond to the constituent--DOL  
19 revised its final rule to permit the elected official to present reasonable evidence of a request for  
20 assistance rather than the "written release." Reasonable evidence of a request for assistance  
21 might be a letter from the individual or employer requesting assistance or a written record of a  
22 telephone request from the individual or employer. DOL explained that in most cases a request  
23 for assistance from a U.S. congressman in reviewing a particular claim includes such reasonable  
24 evidence and it is unnecessary to request further evidence.

25  
26 Attorneys retained in a UC matter to represent an individual or employer are also treated as  
27 agents of that individual or employer. Because DOL recognized an attorney has legal and ethical  
28 obligations, DOL agreed that an attorney's assertion that he or she has been retained to represent  
29 an individual or employer on a UC matter is sufficient to authorize the disclosure of the client's  
30 confidential UC information to the attorney.

31  
32 As adopted herein, the Commission has chosen to treat confidential UC information as releasable  
33 to an agent when informed consent is obtained, including the allowable disclosures to:  
34 --elected officials performing constituent services, upon presentation of a written release or  
35 reasonable evidence that the individual or employer has authorized such disclosure;  
36 --attorneys retained for purposes related to state UC law, if the attorney asserts that he or she is  
37 representing the individual or employer; and  
38 --other, non-attorney agents, such as an individual's representative or an employer service agent,  
39 provided the required consent is obtained.

40  
41 Because of the greater potential threat to employer or individual privacy posed by an entity's  
42 collection, storage, maintenance, use, and possible misuse of confidential UC information, DOL  
43 believes that additional protections, such as a conditional written release, are necessary for these  
44 types of third-party disclosures. The federal rules impose certain requirements upon this  
45 category of disclosure, including:  
46 --cost reimbursement;

- 1 --safeguard and security requirements;
- 2 --written, enforceable agreements;
- 3 --imposition of penalties for the misuse of data; and
- 4 --maintenance of systems sufficient to allow an audit.

5  
6 The provisions of HB 2120 and SB 1619 impose criminal penalties for the unauthorized use of a  
7 claimant's or employer's identifying information, thus meeting a key element of the federal  
8 regulations. The Agency obtains written agreements to ensure the information will be kept  
9 confidential. These written agreements include provisions for:  
10 --monitoring contractor usage of UC information (including site visits); and  
11 --obtaining reimbursement of costs.

12  
13 The Agency exchanges information with numerous contractors. Accordingly, certain threshold  
14 standards must be met by all third parties to ensure compliance with federal law. At a minimum,  
15 the third party must acknowledge that unauthorized release of the UC information could result in  
16 the imposition of criminal penalties. But, given the range of potential risks posed by different  
17 contractors, safeguarding the release of confidential information will require additional measures  
18 above the basic minimum federal standards. However, the Commission also recognizes the  
19 important role the Local Workforce Development Boards (Boards) play in administration of  
20 workforce programs. Accordingly, to facilitate Boards' oversight and administration of service  
21 delivery and eligibility determinations for workforce services, the Commission permits the  
22 release of otherwise confidential employer and claimant information to Texas workforce system  
23 contractors and Board contractors for the administration of workforce programs, as appropriate,  
24 pursuant to a written agreement containing the safeguards identified in 20 C.F.R. §603.9 and  
25 §603.10.

26  
27 One effective approach--used in the Agency's current monitoring and safeguard agreements--is  
28 to perform an individualized risk assessment. Accordingly, these rules establish general  
29 categories and parameters to govern the authorized use of UC information, based upon a risk  
30 assessment of disclosure by a particular contractor. Likewise, the Agency will continue to draft  
31 individual agreements tailored to address such issues as the specific methods of release, the use  
32 of the information, and auditing requirements. Such contracting details are developed on an  
33 operational level, but will reflect the guiding principles reflected in these adopted rules.

34  
35 Contractors of other local, state, or federal public officials may seek access to identifying  
36 information. The federal regulations define a public official as "an official, agency, or  
37 public entity within the executive branch of federal, state, or local government that has  
38 responsibility for administering or enforcing a law, or an elected official in the federal,  
39 state, or local government." As long as the use of this information is related to the  
40 administration of governmental or legal functions, the Commission will permit access to  
41 any contractor of any other local, state, or federal public official. These activities may  
42 include research related to the law administered by the public official. However, prior to  
43 releasing identifying information to any contractor of any public official, the Agency  
44 must:

45

- 1 (1) enter into a written agreement with the public official on whose behalf the agent or  
2 contractor will obtain information that holds the public official responsible for ensuring  
3 that the agent or contractor complies with the safeguards in 20 C.F.R. §603.9, and  
4 provides for termination if the state or state UC agency determines that the entity does  
5 not follow the safeguards in the agreement;  
6
- 7 (2) ensure that appropriate monitoring, based on a risk assessment analysis that includes  
8 performing on-site inspections of the agency, entity, or contractor, is in place to ensure  
9 that the requirements of the state's law and the agreement to maintain confidentiality in  
10 contract required by 20 C.F.R. §603.10 are met;  
11
- 12 (3) recoup the costs required to set up the agreement, provide the information, monitor the use,  
13 and investigate breaches of the agreement; and  
14
- 15 (4) devote staff time to the above activities within the current full-time equivalent cap of the  
16 Agency.  
17

18 The Commission permits the release of otherwise confidential employer and claimant  
19 information to nonpublic contractors of federal, state, and local entities, but only on an  
20 individualized basis. Under the federal regulations, the Commission must ensure that all  
21 costs are recovered up front. Accordingly, these adopted rules allow a risk assessment  
22 analysis of each contractor's business practices and uses of confidential UC information,  
23 to ensure that where release is appropriate, contracts are tailored to each contractor.  
24

25 Pursuant to the newly adopted federal regulations, an employer's or individual's agent  
26 may access the client's UC information to the same extent as the client, provided the  
27 agent first secures written authorization from the employer or individual the agent  
28 represents. However, the standards for release are quite different if the requesting entity  
29 is a non-agent third party. A non-agent third party lacks written authorization from the  
30 employer or individual and typically seeks access to confidential information for business  
31 or research purposes.  
32

33 DOL's final rules recognize that additional protections are needed for releases to non-  
34 agent third parties because of the greater potential threat to employer or individual  
35 privacy posed by the entity's collection, storage, maintenance, use, and possible misuse of  
36 confidential UC information. In particular, DOL stressed that the purpose specified in  
37 the release must be limited to providing a service or benefit to the individual signing the  
38 release or to carrying out the administration or evaluation of a public program to which  
39 the release pertains; if the release does not meet these requirements, the state may not  
40 disclose confidential UC information under this exception to disclosure.  
41

42 As noted above, HB 2120 and SB 1619 satisfy the federal criminal penalty requirements  
43 for misuse of UC data--under Texas law, unauthorized release of this information is a  
44 Class A misdemeanor. However, the Agency must ensure that requestors maintain  
45 sufficient systems to allow for audit of disclosed information and to allow the Agency to  
46 monitor the use, storage, and destruction of the information. Historically, the Agency has

1 not provided such access because previously state law did not impose any criminal  
2 penalties for unauthorized use or release of UC information, and the cost and staff time  
3 necessary to ensure the non-agent complied with federal requirements was prohibitive.  
4 Although releases to non-agent third parties are subject to the same four safeguards  
5 applicable to government contractors, such releases are not statutorily mandated.  
6 Accordingly, the Commission has chosen to continue its current practice of allowing non-  
7 agent third parties access to confidential UC records only on a strict case-by-case basis,  
8 rather than on an ongoing or, in particular, electronic online basis. In each instance, as a  
9 comprehensive written agreement is developed, the costs of monitoring compliance and  
10 the risks of improper use must be fully evaluated and built into the agreement, as well as  
11 recovered in full up front.

12  
13 As previously noted, 20 C.F.R. §603.6(a) requires disclosure to individuals and  
14 employers of their own confidential UC information, provided such is for UC purposes.  
15 Currently, disclosure of confidential UC information to parties is separately required  
16 under the terms of the Narciso Gutierrez, et al. vs. TWC (Gutierrez) settlement. On  
17 August 13, 1998, a full and final settlement was implemented between the parties. In  
18 part, the settlement requires the Commission to provide "relevant separation and  
19 timeliness information in the Commission's custody, as a matter of routine, to both parties  
20 (the claimant and the employer) with the Notice of Hearing it currently sends out." Thus,  
21 prior to the hearing, the Agency must mail to both parties all fact-finding statements  
22 relating to the work separation and the appeal. Moreover, the Gutierrez agreement  
23 requires the mutual exchange of otherwise confidential information in hearings. The  
24 terms of the agreement are contractual, binding upon the Commission, and do not expire.

25  
26 Adopting rules to explicitly allow the sharing of confidential identifying UC information  
27 addresses a unique challenge concerning release of certain information where the  
28 claimant has been a victim of family violence or stalking. Section 207.046(a)(2), Texas  
29 Labor Code, provides that a claimant is not disqualified from receiving UC if that  
30 individual left the workplace to avoid family violence or stalking, provided certain  
31 evidentiary standards are satisfied. Section 207.046(b), Texas Labor Code, provides,  
32 "except as provided by law," such evidence may not be disclosed to any person without  
33 the affected claimant's consent.

34  
35 Arguably, §207.046(b), Texas Labor Code, could be read to prohibit the Agency from  
36 meeting Gutierrez requirements because the Agency likely lacks the claimant's consent to  
37 provide relevant separation information to both parties in some hearings. Conversely,  
38 failure to provide pertinent information to both parties prior to the hearing could hamper  
39 administrative process rights if both parties were not fully apprised of the issues  
40 prehearing, possibly resulting in inadequately prepared participants. Specifically  
41 allowing the sharing of this information with all hearing parties by rule satisfies Gutierrez  
42 without violating §207.046(b). Establishing this practice in rule will ensure the  
43 disclosure of UC records to a hearing party, meet the terms of the Gutierrez settlement  
44 agreement, and avoid any legal challenges related to the release of this information in  
45 such circumstances.



1  
2 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND**  
3 **RESPONSES**

4 (Note: Minor editorial changes are made that do not change the meaning of the rules and,  
5 therefore, are not discussed in the Explanation of Individual Provisions.)  
6

7 **SUBCHAPTER B. BENEFITS, CLAIMS AND APPEALS**

8 The Commission adopts the following amendments to Subchapter B:  
9

10 **§815.18. General Rules for Both Appeal Stages**

11 Section 815.18(2) is reorganized as §815.18(2)(A).  
12

13 New §815.18(2)(B) states that the Agency shall provide copies of the relevant separation and  
14 timeliness information in its custody to both parties with the Notice of Hearing, including:

15 (i) all information received from the parties in response to, or in protest of, a claim for  
16 unemployment insurance;

17 (ii) all fact-finding statements relating to the work separation; and

18 (iii) the appeal from the determination of the work separation.  
19

20 **SUBCHAPTER E. CONFIDENTIALITY AND DISCLOSURE OF STATE**  
21 **UNEMPLOYMENT COMPENSATION INFORMATION**

22 The Commission adopts new Subchapter E, as follows:  
23

24 **§815.161. Scope and Purpose**

25 Section 815.161(a) states that the purpose of the subchapter is to implement the federal  
26 regulations, 20 C.F.R. Part 603, and state law, Texas Labor Code, Chapter 301, Subchapter F,  
27 regarding the confidentiality, custody, use, preservation, and disclosure of unemployment  
28 compensation information.  
29

30 Section 815.161(b) explains that this subchapter is limited to the confidentiality requirements in  
31 federal and state laws and regulations specifically regarding unemployment information. The  
32 section further states that additional limitations on the release, custody, use, preservation, and  
33 disclosure of information maintained in unemployment insurance records may be imposed by  
34 other laws and regulations.  
35

36 Section 815.161(c) sets out that no right or obligation of the Agency, party to a claim, employer,  
37 or third party to invoke limitations or confidentiality requirements based on such separate laws or  
38 regulations is waived or limited by this subchapter. Additionally, this subchapter does not  
39 address any right or obligation a party to an unemployment compensation claim may have to  
40 redisclose unemployment insurance information regarding his or her own claim or  
41 unemployment insurance tax records obtained lawfully from the Agency.  
42

43 **§815.162. Definitions**

44 Section 815.162 sets forth the definitions for terms used throughout Subchapter E of Chapter  
45 815.  
46

1 Section 815.162(1) defines "confidential unemployment compensation information" as  
2 unemployment compensation information in the records of the Agency, which includes  
3 identifying information regarding any individual or past or present employer or employing unit--  
4 including any information that foreseeably could be combined with other publicly available  
5 information to reveal identifying information regarding the individual, employer, or employing  
6 unit.

7  
8 Section 815.162(2) defines "informed consent release" as a written grant of authorization that  
9 meets the requirements of §815.166 of this subchapter made by an individual or employer to a  
10 third party to allow access to confidential unemployment compensation information. When a  
11 written release is impossible or impracticable to obtain, the third party may present such other  
12 form of consent as is permitted by the Agency.

13  
14 Section 815.162(3) defines "party" as the employer or claimant to whom the confidential  
15 unemployment compensation information relates, including a base period employer that has  
16 appealed a notice of chargeback regarding a specific claim. This term does not include any past  
17 or present employer or claimant who is not the subject of the particular claim, except an  
18 employer that appealed a notice of chargeback relating to an employee in the chargeback period.

19  
20 Section 815.162(4) defines "public official" as:

21  
22 (A) an official, agency, or public entity within the executive branch of federal, state, or local  
23 government that has responsibility for administering or enforcing a law; or

24  
25 (B) an elected official in the federal, state, or local government.

26  
27 Section 815.162(5) defines "unemployment compensation information" as information in the  
28 records of the Agency that pertains to the administration of the Texas Unemployment  
29 Compensation Act, including any information collected, received, developed, or maintained in  
30 the administration of unemployment compensation benefits, the unemployment compensation  
31 tax system or the unemployment compensation benefit and tax appeal system.

32  
33 **§815.163. Disclosure of Confidential Unemployment Compensation Information**

34 Section 815.163(a) states that the Agency shall not disclose confidential unemployment  
35 compensation information except in compliance with federal law, state law, and this subchapter--  
36 but notwithstanding any other provision of this chapter.

37  
38 Section 815.163(b) explains that the Agency shall not disclose confidential unemployment  
39 compensation information if such disclosure interferes with the efficient administration of the  
40 state unemployment compensation law. In evaluating interference with efficient administration,  
41 the Agency may consider factors including, but not limited to, the burdensomeness of the request  
42 and whether the request places an employer's or individual's privacy at unacceptable risk.

1 **§815.164. Mandatory and Permissive Disclosures**

2 Section 815.164(a) clarifies that the Agency shall disclose confidential unemployment  
3 compensation information if disclosure is necessary for the proper administration of the  
4 unemployment compensation program.  
5

6 Section 815.164(b) explains that disclosure necessary for the proper administration of the  
7 unemployment compensation program includes, but is not limited to, disclosure required under  
8 20 C.F.R. §603.6, as well as disclosure to claimants, employers, and third parties, as necessary,  
9 for purposes of unemployment administration and adjudication processes under this chapter.  
10

11 **§815.165. Exceptions to Confidentiality Requirements**

12 Section 815.165(a) allows the Agency to disclose public domain information. For purposes of  
13 this section, public domain information is defined to include directory information about the  
14 organization of the state, the Commission, and appellate authorities, as well as the names and  
15 positions of officials and employees; information about the state unemployment compensation  
16 law (and applicable federal law), provisions, rules, regulations, and interpretations, including  
17 statements of general policy and interpretations of general applicability; and any agreement  
18 relating to the administration of the state unemployment compensation law. Commission-  
19 designated precedent case digests from which all individually identifiable information has been  
20 removed also constitute public domain information. But public domain information does not  
21 include information historically excepted from disclosure under the Public Information Act,  
22 Chapter 552, Texas Government Code, including, but not limited to, attorney/client privileged  
23 information; interagency memoranda containing advice, opinion, or recommendation to policy  
24 makers or decision makers; or other items historically excepted from disclosure under the Public  
25 Information Act.  
26

27 Section 815.165(b) states that the Agency may disclose confidential unemployment  
28 compensation information about an individual or employer to that individual or employer,  
29 respectively, but in no event does this restrict the Agency from withholding information  
30 historically excepted from disclosure including, but not limited to, confidential informant or  
31 attorney-client privileged information, or tax audit techniques.  
32

33 Section 815.165(c) provides that the Agency may disclose confidential unemployment  
34 compensation information, so long as the requestor provides a written release demonstrating  
35 informed consent signed by the individual or the employer whose records are requested, and if  
36 the written release demonstrated informed consent.  
37

38 Section 815.165(d)(1) - (5) states that the Agency may disclose confidential unemployment  
39 compensation information, based on informed consent, to the following:  
40

- 41 (1) An agent who acts for or in the place of an individual or an employer by the authority of that  
42 individual or employer if the agent presents a written release signed by the party to be  
43 represented. If a written release is impossible or impracticable to obtain, the Agency may  
44 accept other documentation sufficient to establish informed consent.  
45

- 1 (2) An elected official performing constituent services, so long as the official presents  
2 reasonable evidence of authorization to obtain the information, such as a letter from the  
3 individual or employer requesting the elected official's assistance or a written record of a  
4 telephone request from the individual or employer that the individual or employer has  
5 authorized such disclosure.  
6
- 7 (3) A licensed attorney retained for purposes unrelated to the state's unemployment  
8 compensation law; if the attorney provides a written statement declaring that he or she  
9 has been retained to represent the individual or employer, the requirements of a written  
10 release are met. An attorney retained for purposes related to the state's unemployment  
11 compensation law may assert that he or she is representing the individual or employer,  
12 and such assertion need not be in writing.  
13
- 14 (4) A third party that is not acting as an agent, but only if that entity provides the Agency with a  
15 copy of an informed consent release consistent with the requirements of §815.166 of this  
16 subchapter.  
17
- 18 (5) A third party seeking confidential information on an ongoing basis, only if that entity  
19 submits an informed consent release consistent with the requirements of §815.166. This  
20 requirement applies even if the third party is an agent seeking information on an ongoing  
21 basis.  
22

23 Section 815.165(e) provides that the Agency may disclose confidential unemployment  
24 compensation information to a public official for use in the performance of his or her official  
25 duties, including the administration or enforcement of law or execution of the official  
26 responsibilities of a federal, state, or local elected official. Administration of law includes  
27 research related to the law administered by the public official. Execution of official  
28 responsibilities does not include solicitation of contributions or expenditures to or on behalf of a  
29 candidate for public or political office or a political party.  
30

31 Section 815.165(f) states that the Agency may disclose confidential unemployment  
32 compensation information to a public official's agent or contractor if such disclosure is  
33 permissible under 20 C.F.R. §603.5(e) and only after evaluating the following factors:  
34

- 35 (1) the potential threat to the employer's or individual's privacy posed by an entity's collection,  
36 storage, maintenance, use, and possible misuse of confidential unemployment  
37 compensation information;
- 38 (2) the costs associated with such disclosure;
- 39 (3) the agent or contractor's ability to comply with the requirements in 20 C.F.R. §603.9  
40 regarding safeguards and security of confidential unemployment compensation  
41 information;
- 42 (4) the costs of enforcement, including investigation and assessment of penalties for misuse of  
43 data;
- 44 (5) the costs to develop, monitor, and maintain systems sufficient to allow audit of the  
45 information;

- 1 (6) the personnel, travel, and equipment expenses associated with periodic monitoring and on-  
2 site audits required by 20 C.F.R. §603.10; and  
3 (7) whether the disclosure is for purposes of solicitation of contributions or expenditures to or  
4 on behalf of a candidate for public or political office or a political party.  
5

6 Section 815.165(g) explains that the Agency may disclose confidential unemployment  
7 compensation information to parties for purposes of claims adjudications, hearings and appeals,  
8 consistent with this chapter.  
9

10 Section 815.165(h) provides that the Agency may disclose confidential unemployment  
11 compensation information to a federal official for purposes of UC program oversight and audits,  
12 including disclosures under 20 C.F.R. Parts 29 and 601, as well as under 20 C.F.R. Parts 96 and  
13 97.  
14

15 Section 815.165(i) clarifies that the confidentiality requirements of this chapter do not apply to  
16 information collected exclusively for statistical purposes under a cooperative agreement with the  
17 Bureau of Labor Statistics (BLS). Further, this chapter's requirements do not restrict or impose  
18 any condition on the transfer of any other information to BLS under an agreement, or the  
19 disclosure or use of such information by BLS.  
20

#### 21 **§815.166. Informed Consent Release**

22 Section 815.166(1) - (5) allows the Agency to disclose confidential unemployment compensation  
23 information upon submission of an informed consent release as set forth in this section. An  
24 informed consent release is a written release that must be signed by the individual or employer,  
25 and must specify the following:  
26

- 27 (1) The information to be disclosed;  
28 (2) That the information will be obtained through access of state government files;  
29 (3) The purpose or purposes for which the information is sought;  
30 (4) That the information obtained under the release will be used only for that purpose or  
31 purposes;  
32 (5) The individuals or entities that may receive the information; and  
33 (6) A purpose limited to assisting the individual with obtaining a service or benefit, or meeting  
34 a federal or state law requirement for the administration or evaluation of a public  
35 program to which the release pertains.  
36

#### 37 **§815.167. Subpoenas and Court Orders**

38 Section 815.167(1) - (2) states that the Agency may disclose confidential unemployment  
39 compensation information in compliance with:

- 40 (1) a court order specifically requiring such disclosure; or  
41 (2) a subpoena issued by a local, state, or federal official, other than a court clerk, provided the  
42 official possesses legal authority to obtain such information by subpoena under state or federal  
43 law.  
44  
45  
46

1 **§815.168. Charges for Disclosure of Unemployment Compensation Information**

2 Section 815.168(a) requires the Agency to recoup the cost of providing unemployment  
3 compensation information consistent with 20 C.F.R. §603.8. It allows the Agency to charge  
4 actual charges and to set standardized charges for items routinely requested.  
5

6 Section 815.168(b) states that the Agency may only release unemployment compensation  
7 information for non-unemployment compensation purposes to the following individuals if the  
8 unemployment compensation program is reimbursed and there is a written, enforceable  
9 confidentiality agreement:

- 10 (1) third-party requestors;  
11 (2) public officials; and  
12 (3) contractors of public officials, provided the public officials remain liable for the actions of  
13 the contractor.  
14

15 No comments were received.  
16

17 The Agency hereby certifies that the rules been reviewed by legal counsel and found to be within  
18 the Agency's legal authority to adopt.  
19

20 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the  
21 Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for  
22 the effective administration of Agency services and activities. Further, these rules are adopted  
23 under Texas Labor Code §301.085(b), which requires that, consistent with federal law, the  
24 Commission shall adopt and enforce reasonable rules governing the confidentiality, custody, use,  
25 preservation, and disclosure of unemployment compensation information. The rules must  
26 include safeguards to protect the confidentiality of identifying information regarding any  
27 individual or any past or present employer or employing unit contained in unemployment  
28 compensation information, including any information that foreseeably could be combined with  
29 other publicly available information to reveal identifying information regarding the individual,  
30 employer, or employing unit, as applicable.  
31

32 The adopted rules affect Texas Labor Code, Title IV.  
33

1  
2 **CHAPTER 815. UNEMPLOYMENT INSURANCE**

3  
4 **SUBCHAPTER B. BENEFITS, CLAIMS AND APPEALS**

5  
6 **§815.18. General Rules for Both Appeal Stages**

7  
8 This section shall be applicable to appeals both to the appeal tribunal and to the  
9 Commission.

10  
11 (1) Issuance of subpoenas.

12  
13 (A) Subpoenas to compel the attendance of witnesses and the production of  
14 records for any hearing of an appeal may be issued at the direction of the  
15 Commission or its designee or an appeal tribunal. A subpoena may be  
16 issued either at the request of a party or on the motion of the Commission  
17 or its designee or the appeal tribunal. The party requesting a subpoena  
18 shall state the nature of the information desired, including names of any  
19 witnesses and the records that the requestor feels are necessary for the  
20 proper presentation of the case. The request shall be granted only to the  
21 extent the records or the testimony of the requested witnesses appears to  
22 be relevant to the issues on appeal.

23  
24 (B) A witness subpoenaed to appear before an appeal tribunal, the  
25 Commission or its designee, or a court may be paid a fee and mileage for  
26 the appearance. The fee shall be \$20 per day, and for miles necessarily  
27 traveled to and returning from a hearing, the rate per mile shall be at the  
28 rate provided for state employees in the State Appropriations Act, or as  
29 otherwise required by law. The fee as provided in this section and the  
30 mileage shall be paid from the unemployment compensation  
31 administration fund upon proper certification of the appeal tribunal, the  
32 Commission or its designee, or the court, and upon certification of the  
33 witness that the fees and mileage are just, true, and unpaid.

34  
35 (2) Provision of Agency records.

36  
37 (A) Upon the request of a party to a proceeding, the Agency shall provide  
38 copies of all records pertaining to that proceeding, except for records  
39 subject to privileges under state or federal law or regulation. Other  
40 Agency records shall be produced only if the party specifies the exact  
41 information desired, and the necessity of the records to allow the party to  
42 properly present its claim; the production of records shall be subject to  
43 confidentiality limitations and privileges under state or federal law or  
44 regulation.  
45

1 (B) The Agency shall provide copies of the relevant separation and timeliness  
2 information in the Agency's custody to both parties with the Notice of  
3 Hearing, including:

- 4  
5 (i) all information received from the parties in response to, or in protest  
6 of, a claim for unemployment insurance;  
7 (ii) all fact-finding statements relating to the work separation; and  
8 (iii) the appeal from the determination of the work separation.  
9

10 (3) Representation before appeal tribunal and the Commission.  
11

12 (A) An individual who is a party to a proceeding may appear before an appeal  
13 tribunal or the Commission or its designee.

14 (B) A partnership may be represented by any of its members or a duly  
15 authorized representative. Any corporation or association may be  
16 represented by an officer or a duly authorized representative.

17 (C) Any party may appear by an attorney at law or by any other individual who  
18 is qualified to represent others.

19 (D) The Commission or its designee or an appeal tribunal may refuse to allow  
20 any individual to represent others in any proceeding before it if the  
21 individual acts or speaks in an unethical manner or if the individual  
22 intentionally and repeatedly fails to observe the provisions of the Act or  
23 the rules of the Agency.  
24

25 (4) Removing a party from a proceeding. The Commission or its designee or an  
26 appeal tribunal may, after an appropriate warning, expel from any proceeding any  
27 individuals, whether or not a party, who fail to comport themselves in a manner  
28 befitting the proceeding. The Commission or its designee or an appeal tribunal  
29 may then continue with the proceeding, hear evidence, and render a decision on  
30 the appeal.  
31

32 (5) Appeal Information. An appeal tribunal decision sent to a party of interest, or the  
33 Commission's decision sent to a party, will include or be accompanied by a  
34 notice specifying the appeal rights of the parties, the procedure for filing further  
35 appeal, and the time period within which an appeal shall be filed.  
36

37 (6) Retention of Decisions. Copies of decisions of the Commission and of appeal  
38 tribunals shall be kept in accordance with the approved records retention  
39 schedule.  
40



1  
2 **SUBCHAPTER E. CONFIDENTIALITY AND DISCLOSURE OF STATE**  
3 **UNEMPLOYMENT COMPENSATION INFORMATION**  
4

5 **§815.161. Scope and Purpose**  
6

- 7 (a) The purpose of this subchapter is to implement the federal regulations, 20 C.F.R. Part  
8 603, and state law, Texas Labor Code, Chapter 301, Subchapter F, regarding the  
9 confidentiality, custody, use, preservation, and disclosure of unemployment  
10 compensation information.  
11
- 12 (b) This subchapter is limited to the confidentiality requirements in federal and state laws  
13 and regulations specifically regarding unemployment information. Other laws and  
14 regulations may impose additional limitations on the release, custody, use,  
15 preservation, and disclosure of information maintained in unemployment insurance  
16 records.  
17
- 18 (c) This subchapter does not:  
19
- 20 (1) limit or waive any right or obligation of the Agency, party to a claim,  
21 employer, or third party to invoke limitations or confidentiality requirements  
22 based on such separate laws or regulations; or  
23
  - 24 (2) address any right or obligation a party to an unemployment compensation  
25 claim may have to redisclose unemployment insurance information regarding  
26 his or her own claim or unemployment insurance tax records obtained lawfully  
27 from the Agency.  
28

29 **§815.162. Definitions**  
30

31 The following words and terms, when used in this subchapter, shall have the following  
32 meanings, unless the context clearly indicates otherwise.  
33

- 34 (1) Confidential unemployment compensation information -- Unemployment  
35 compensation information in Agency records, including identifying  
36 information regarding any individual or past or present employer or employing  
37 unit, or any information that foreseeably could be combined with other  
38 publicly available information to reveal identifying information regarding the  
39 individual, employer, or employing unit.  
40
- 41 (2) Informed consent release -- A written grant of authorization that meets the  
42 requirements of §815.166 of this subchapter made by an individual or  
43 employer to a third party to allow access to confidential unemployment  
44 compensation information. When a written release is impossible or  
45 impracticable to obtain, the third party may present such other form of consent  
46 as is permitted by the Agency.

1  
2 (3) Party -- The employer or claimant to whom the confidential unemployment  
3 compensation information relates. A party includes a base period employer  
4 that has appealed a notice of chargeback regarding a specific claim. A party  
5 does not include any past or present employer or claimant who is not the  
6 subject of the particular claim, except an employer that appealed a notice of  
7 chargeback relating to an employee in the chargeback period.

8  
9 (4) Public official --

10  
11 (A) An official, agency, or public entity within the executive branch of federal,  
12 state, or local government with responsibility for administering or  
13 enforcing a law; or

14  
15 (B) An elected official in the federal, state, or local government.

16  
17 (5) Unemployment compensation information -- Information in the Agency's  
18 records that pertains to the administration of the Texas Unemployment  
19 Compensation Act, including any information collected, received, developed,  
20 or maintained in the administration of unemployment compensation benefits,  
21 the unemployment compensation tax system, or the unemployment  
22 compensation benefit and tax appeal system.

23  
24  
25 **§815.163. Disclosure of Confidential Unemployment Compensation Information**

26  
27 (a) The Agency shall not disclose confidential unemployment compensation information  
28 except in compliance with federal law, state law, and this subchapter.

29  
30 (b) Notwithstanding any other provision of this chapter, confidential unemployment  
31 compensation information shall not be disclosed if such disclosure interferes with the  
32 efficient administration of the state unemployment compensation law. In evaluating  
33 interference with efficient administration, the Agency may consider factors including  
34 but not limited to, the burdensomeness of the request and whether the request places  
35 an employer's or individual's privacy at unacceptable risk.

36  
37 **§815.164. Mandatory and Permissive Disclosures**

38  
39 (a) The Agency shall disclose confidential unemployment compensation information if  
40 disclosure is necessary for the proper administration of the unemployment  
41 compensation program.

42  
43 (b) Disclosure necessary for the proper administration of the unemployment  
44 compensation program includes, but is not limited to, disclosure required under 20  
45 C.F.R. §603.6 and disclosure to claimants, employers, and third parties, as necessary,

1 for purposes of unemployment administration and adjudication processes under this  
2 chapter.

3  
4 **§815.165. Exceptions to Confidentiality Requirements**  
5

- 6 (a) The Agency may disclose public domain information. For purposes of this section,  
7 public domain information includes directory information about the organization of  
8 the state, the Commission, and appellate authorities, as well as the names and  
9 positions of officials and employees; information about the state unemployment  
10 compensation law (and applicable federal law), provisions, rules, regulations, and  
11 interpretations, including statements of general policy and interpretations of general  
12 applicability; and any agreement relating to the administration of the state  
13 unemployment compensation law. Commission-designated precedent case digests  
14 from which all individually identifiable information has been removed constitute  
15 public domain information. Public domain information does not include information  
16 historically excepted from disclosure under the Public Information Act, Chapter 552,  
17 Texas Government Code, including, but not limited to, attorney/client privileged  
18 information; interagency memoranda containing advice, opinion, or recommendation  
19 to policy makers or decision makers; or other items historically excepted from  
20 disclosure under the Public Information Act.  
21
- 22 (b) The Agency may disclose confidential unemployment compensation information  
23 about an individual or employer to that individual or employer, respectively, but in  
24 no event does this restrict the Agency from withholding information historically  
25 excepted from disclosure, including, but not limited to, confidential informant or  
26 attorney-client privileged information, or tax audit techniques.  
27
- 28 (c) The Agency may disclose confidential unemployment compensation information if  
29 the requestor provides a written release signed by the individual or the employer  
30 whose records are requested, and if the written release demonstrates informed  
31 consent.  
32
- 33 (d) The Agency may disclose confidential unemployment compensation information,  
34 based on informed consent, to the following:  
35
- 36 (1) An agent acting for or in the place of an individual or an employer by the  
37 authority of that individual or employer if the agent presents a written release  
38 signed by the party to be represented. If a written release is impossible or  
39 impracticable to obtain, the Agency may accept other documentation sufficient  
40 to establish informed consent.  
41
- 42 (2) An elected official performing constituent services provided the official  
43 presents reasonable evidence of authorization to obtain the information, such  
44 as a letter from the individual or employer requesting the elected official's  
45 assistance or a written record of a telephone request from the individual or  
46 employer that the individual or employer has authorized such disclosure.

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- (3) A licensed attorney retained for purposes unrelated to the state's unemployment compensation law; if the attorney provides a written statement declaring that he or she has been retained to represent the individual or employer, the requirements of a written release will have been met. An attorney retained for purposes related to the state's unemployment compensation law may assert that he or she is representing the individual or employer, and such assertion need not be in writing.
  - (4) A third party that is not acting as an agent, only if that entity provides the Commission with a copy of an informed consent release consistent with the requirements of §815.166 of this subchapter.
  - (5) A third party seeking confidential information on an ongoing basis, only if that entity submits an informed consent release consistent with the requirements of §815.166 of this subchapter. This requirement applies even if the third party is an agent seeking information on an ongoing basis.
- (e) The Agency may disclose confidential unemployment compensation information to a public official for use in the performance of his or her official duties, including the administration or enforcement of law or execution of the official responsibilities of a federal, state, or local elected official. Administration of law includes research related to the law administered by the public official. Execution of official responsibilities does not include solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or a political party.
- (f) The Agency may disclose confidential unemployment compensation information to a public official's agent or contractor if such disclosure is permissible under 20 C.F.R. §603.5(e) and only after evaluating the following factors:
- (1) The potential threat to the employer's or individual's privacy posed by an entity's collection, storage, maintenance, use, and possible misuse of confidential unemployment compensation information;
  - (2) The costs associated with such disclosure;
  - (3) The agent or contractor's ability to comply with the requirements in 20 C.F.R. §603.9 regarding safeguards and security of confidential unemployment compensation information;
  - (4) The costs of enforcement, including investigation and assessment of penalties for misuse of data;
  - (5) The costs to develop, monitor, and maintain systems sufficient to allow audit of the information;

- 1 (6) The personnel, travel, and equipment expenses associated with periodic  
2 monitoring and on-site audits required by 20 C.F.R. §603.10; and  
3  
4 (7) Whether the disclosure is for purposes of solicitation of contributions or  
5 expenditures to or on behalf of a candidate for public or political office or a  
6 political party.  
7  
8 (g) The Agency may disclose confidential unemployment compensation information to  
9 parties for purposes of claims adjudications, hearings, and appeals, consistent with  
10 this chapter.  
11  
12 (h) The Agency may disclose confidential unemployment compensation information to a  
13 federal official for purposes of UC program oversight and audits, including  
14 disclosures under 20 C.F.R. Parts 29 and 601, as well as under C.F.R. Parts 96 and  
15 97.  
16  
17 (i) The confidentiality requirements of this chapter do not apply to information collected  
18 exclusively for statistical purposes under a cooperative agreement with the Bureau of  
19 Labor Statistics (BLS). Further, this chapter's requirements do not restrict or impose  
20 any condition on the transfer of any other information to BLS under an agreement, or  
21 the disclosure or use of such information by BLS.  
22

### 23 **§815.166. Informed Consent Release**

24  
25 The Agency may disclose confidential unemployment compensation information upon  
26 submission of an informed consent release as set forth in this section. An informed  
27 consent release is a written release that must be signed by the individual or employer, and  
28 must specify the following:  
29

- 30 (1) The information to be disclosed;  
31  
32 (2) That the information will be obtained through access of state government files;  
33  
34 (3) The purpose or purposes for which the information is sought;  
35  
36 (4) That the information obtained under the release will be used only for that  
37 purpose;  
38  
39 (5) The individuals or entities that may receive the information; and  
40  
41 (6) A purpose limited to assisting the individual with obtaining a service or  
42 benefit, or meeting a federal or state law requirement for the administration or  
43 evaluation of a public program to which the release pertains.  
44

### 45 **§815.167. Subpoenas and Court Orders**

46

1 The Agency may disclose confidential unemployment compensation information in  
2 compliance with:

- 3
- 4 (1) a court order specifically requiring such disclosure; or
  - 5
  - 6 (2) a subpoena issued by a local, state, or federal official, other than a court clerk,  
7 provided the official possesses legal authority to obtain such information by  
8 subpoena under state or federal law.
  - 9

10 **§815.168. Charges for Disclosure of Unemployment Compensation Information**

- 11
- 12 (a) The Agency shall recoup the cost of providing unemployment compensation  
13 information consistent with 20 C.F.R. §603.8. The Agency may charge actual  
14 charges and may set standardized charges for items routinely requested.  
15
  - 16 (b) The Agency may only release unemployment compensation information for non -  
17 unemployment compensation purposes to the following individuals if the  
18 unemployment compensation program is reimbursed and there is a written,  
19 enforceable confidentiality agreement:
    - 20
    - 21 (1) Third-party requestors;
    - 22
    - 23 (2) Public officials; and
    - 24
    - 25 (3) Contractors of a public official provided the public official remains liable for  
26 the actions of the contractor.
    - 27
    - 28