



**DEPARTMENT OF WORKFORCE SERVICES
ISSUANCE PY 11-10**

Artee Williams, Director

June 11, 2012

TO: All ADWS Employees
Local Workforce Investment Areas/Service Providers

SUBJECT: Criminal Background Checks and Confidentiality Agreements for Non-ADWS Personnel in Arkansas Workforce Centers

- 1. Purpose:** To provide Arkansas Department of Workforce Services (ADWS) staff and local workforce investment areas (LWIAs) the policy and procedures for requesting criminal background checks and completing confidentiality agreements for non-ADWS staff.
- 2. General Information:** Client and Employer information is of critical importance to ADWS. The information in the care of ADWS or that is provided by individuals and employers are confidential unless specifically marked otherwise, and requires reasonable effort and effective security policies to protect it.

The ultimate objective is to protect all confidential information, regardless of the source, in such a way as to ensure that an unauthorized person does not gain access and that such information in the care of or generated by ADWS is used only in the manner for which it was intended. It is prudent strategy to have criminal background checks conducted and confidentiality forms completed on all employees who work in an Arkansas Workforce Center.

Access to and protection of information, along with its use, is codified in federal and state law. The federal and state laws pertaining to information security are referenced in the ADWS Information Security Policy Manual (www.adwspolicies.ar.gov). Managers must ensure that they and their staff are familiar with and adhere to these laws as they relate to the information in ADWS' care.

Action Required: To ensure that the non-ADWS employees permitted access to, or use of, ADWS information are aware of the policies and procedures for protecting this information, there must be a formal system to communicate confidentiality laws and ADWS policies. A confidentiality agreement, signed by the user and approved in accordance with written instructions on the agreement form will be used for this purpose.

The agreement must contain a summary of data security policies and a reference to the possible results of a violation of the law or ADWS policies. This form will be used in addition to any electronic means used to advise them of security policies.

The following steps should be followed:

- A. The supervisor of the individual that requires the criminal background check/confidentiality agreement submits the appropriate form(s) to the ADWS local office manager.

There are two forms:

- i. The *Confidentiality Agreement and Consent to Release Information* – for non-ADWS individuals that will have access to hard-copy confidential information only, no system access.
 - ii. The *Request for Access to ADWS Information Systems and Confidentiality Agreement* – standard criminal background check form for non-ADWS individuals that will need system access and should be used in conjunction with the *Confidentiality Agreement and Consent to Release Information* form.
- B. The ADWS local office manager forwards and/or notifies the Area Operations Chief (AOC) of the need for the criminal background check/confidentiality agreement.
- C. The form(s) are then forwarded either by the ADWS local office manager or the AOC, depending on local office policy, to ADWS Internal Audit and Security.
- D. ADWS Internal Audit and Security forwards the results of the criminal background check to the ADWS Deputy Director if the results are favorable. ADWS Internal Audit and Security forwards the results of the criminal background check to the ADWS Director if the results are negative or unfavorable.
- If the results of the criminal background check are favorable, the information is forwarded to the ADWS local office manager and AOC.
 - If the results of the criminal background check are negative or unfavorable, the information is reviewed by the ADWS Director, who will make a determination whether confidential information may be jeopardized. The ADWS Director may seek input or forward to other Assistant Directors.

Please keep in mind that for non-ADWS personnel this is an issue revolving around protection of confidential information rather than a hiring or personnel issue.

3. **Inquiries:** Lily Kersh (501) 683-1781 or lily.kersh@arkansas.gov
4. **Attachments:** *Confidentiality Agreement and Consent to Release Information*
Request for Access to ADWS Information Systems and Confidentiality Agreement
5. **Expiration Date:** Continuing