Data Sharing
Under Labor Law §537

The FAQs can be accessed here -
http://labor.ny.gov/data-sharing/data-sharing-faqs.shtm

This slide show can be accessed here -
http://labor.ny.gov/data-sharing/PDFs/nysdol-ui-data-sharing-presentation.pdf

Division of Research and Statistics

New York State Labor Law §537 Then…

- **New York State Labor Law §537** provides that Unemployment Insurance (UI) information is confidential.

- **With certain limited exceptions, UI information is for the exclusive use of the Commissioner of Labor** in the discharge of his/her duties under the New York State UI Law.

- **Some of the limited exceptions have included access for**:

  1. **investigation of fraud** relating to public programs or misuse of public funds;

  2. **other uses with informed consent and signed release** of the individual to whom the information pertains, as long as the purpose is to provide a service or benefit to the individual signing the release or for evaluation of a public program to which the release pertains.

New York State Labor Law §537 …and Now

- **On December 22, 2013, the law was changed and expanded.**

- **Chapter 456 of the Laws of 2013 amended NYS Labor Law §537** to enhance NYSDOL's ability to share UI data with qualified entities for certain authorized purposes. Now Government agencies, including SUNY and CUNY, or agents or contractors of these agencies, can now receive and use UI data for:

  1. **evaluating program effectiveness**, including longitudinal outcome analysis;
  2. **financial or other analysis** required by federal, state or local law or regulation;
  3. **preparation of reports** required by federal, state or local law or regulation;
  4. **improving the quality or delivery of program services** or to create operational efficiencies;
  5. **establishment of common case management systems** between federal, state or local agencies delivering or supporting workforce services.

Who counts as an "agent or contractor?"

- The new provision of the law does mention "**agents or contractors of a governmental agency**." This allows government agencies, for instance, to work with research entities who are acting on behalf of the government agency in order to assist with the data evaluation. If you receive an inquiry from a nonprofit provider and/or funder, please tell them that they will have to be an agent or contractor of a government agency in order to access the data.

	YES – qualifies	NO - does not qualify
Organization	Agent or contractor of gov't agency to evaluate program	Does business with gov't agency to administer program
Application	Organization submits application *acting on behalf of gov't agency* (gov't agency needs to verify)	Org submits application on its own.
Data agreement	Gov't agency (for which org is acting) must directly enter into the data sharing agreement with NYSDOL.	Org cannot directly enter into data sharing agreement with NYSDOL.
Parties covered	Approved parties will be specified in data sharing agreement.	Org is not automatically covered by a data sharing agreement between NYSDOL and a gov't agency.

What You Can See

Three Data Sets are Available

1. **WRS**: Wage Record System Data

2. **QCEW**: Quarterly Census of Employment and Wages

3. **UI**: Unemployment Insurance Data

WRS

What does it track		How is it collected
Tracking where people worked and how much they are paid		Quarterly earnings of *individuals* as reported by their employers

Covered	Not covered	Timeframe available
Approximately *97 percent* of New York's nonfarm employment is covered by the UI law	Examples of some employee categories not covered by UI include some agricultural workers, railroad workers, private household workers, student workers, the self-employed, and unpaid family workers	4 months following end of the reported quarter (and available back to calendar year 2000)

Matching Data Required		Type of Usage
◆Social Security Number (it helps if the records are clean), or ◆FEIN #		◆Evaluate agency service programs ◆Measure the impact of plant closings or disasters

QCEW

What does it track	How is it collected
Tracking firms, how many people they employ, how much they pay, where they are located, etc.	Tax reports submitted by all employers subject to the UI law, with monthly employment figures and the total wages paid during the quarter.

Covered	Not covered	Timeframe available
Approximately *97 percent* of New York's nonfarm employment is covered by the UI law	Examples of some employee categories not covered by UI include some agricultural workers, railroad workers, private household workers, student workers, the self-employed, and unpaid family workers	6 months following end of the reported quarter (and available back to calendar year 2000)

Matching Data Required	Type of Usage
◆FEIN #, or ◆particular industry/geography for which you want firm data	◆Evaluate tax incentive programs ◆Identify and track firms in industries to measure the impact of regulatory/legislative changes

UI

What does it track	How is it collected
Tracking where people worked, if/when they file for UI benefits, and if/when they file for extensions	The UI program is operated by NYSDOL, and all claims data is updated every business day.

Covered	Not covered	Timeframe available
All employees who are included in the WRS reports	Information is available on any individual who filed for unemployment insurance benefits even if they are denied/ineligible	One week after the transaction occurs (and available daily back to 2000 for claims and payment data).

Matching Data Required	Type of Usage
◆SSN#, or ◆FEIN #, or ◆industry/ geography	◆Measure the impact of plant closings or disasters. Data may fill in time gaps in WRS records if participants had periods of unemployment lasting at least one quarter

How You Can Use It

WRS Example:
Pre-program vs. post-program

To verify job placement and earnings for approximately 300 individuals who participated in technology training and to evaluate the effects of the technology training programs on participants employment and earnings.

Pre-Program Earnings

SSN	Quarter	Year	Wages	Employer	Industry
123456789	1	2006	$4,100	ABC Employer	423310
123456789	2	2006	$4,114	ABC Employer	423310
123456789	3	2006	$4,160	ABC Employer	423310
123456789	4	2006	$4,211	ABC Employer	423310
123456789	1	2007	$5,200	ZYX Employer	423310
123456789	2	2007	$5,200	ZYX Employer	423310
123456789	3	2007	$5,250	ZYX Employer	423310
123456789	4	2007	$5,200	ZYX Employer	423310

Post-Program Earnings

SSN	Quarter	Year	Wages	Employer	Industry
123456789	1	2009	$7,100	ABC Employer	238350
123456789	2	2009	$7,114	ABC Employer	238350
123456789	3	2009	$7,160	ABC Employer	238350
123456789	4	2009	$7,211	ABC Employer	238350
123456789	1	2010	$8,200	ZYX Employer	238350
123456789	2	2010	$8,200	ZYX Employer	238350
123456789	3	2010	$8,250	ZYX Employer	238350
123456789	4	2010	$8,200	ZYX Employer	238350

Hypothetical data. Recipient would receive actual SSNs and Employer names.

QCEW Example: Tax benefits to firms

To track employment and wage changes in firms receiving tax benefits or which are part of industries affected by regulatory/zoning changes.

FEIN	UI Number	RUN	FIPS	NAICS	Year	Quarter	Month 1 Emp	Month 2 Emp	Month 3 Emp	Wages
192837465	12345678	0	710	423110	2009	1	15	19	12	36,851.98
192837465	12345678	0	710	423110	2009	2	18	20	16	43,261.02
192837465	12345678	0	710	423110	2009	3	12	19	15	36,851.98
192837465	12345678	0	710	423110	2009	4	16	20	18	43,261.02
192837465	12345678	0	711	423110	2010	1	22	25	27	59,283.62
192837465	12345678	0	711	423110	2010	2	25	30	32	69,698.31
486217930	98765432	12	714	541611	2009	1	110	112	97	319,373.23
486217930	98765432	12	714	541611	2009	2	100	115	123	338,395.46
486217930	98765432	12	714	541611	2009	3	135	135	132	402,470.34
486217930	98765432	12	714	541611	2009	4	140	141	145	426,498.42
486217930	98765432	12	714	541611	2010	1	139	150	155	444,519.48
486217930	98765432	12	714	541611	2010	2	150	149	148	447,522.99

Federal Employer Identification Number (FEIN) – The Employer Identification Number assigned by the IRS
Unemployment Insurance (UI) Account Number - NYSDOL Employer Registration (ER) Number
Reporting Unit Number (Run) - Uniquely identifies the worksites of a multi-unit employer
FIPS County Code - Based on the physical location of the employer
North American Industrial Classification Code (NAICS) - Identifies the employer's major industrial activity

UI Example:
How many participants received UI payments?

A local social services agency wants to know how many of their former participants in a cash assistance program have gone on to collect Unemployment Insurance benefits.

SSN	Claim Effective Date	Payment Date	Week Paid	Benefit Amount
123456789	1/6/2014	4/7/2014	4/6/2014	$380
234567890	1/13/2014	4/7/2014	4/6/2014	$275
345678910	1/13/2014	4/17/2014	3/30/2014	$380
456789101	1/20/2014	4/7/2014	4/6/2014	$75
567891011	1/20/2014	4/7/2014	3/23/2014	$380
987354321	12/30/2013	3/31/2014	3/30/2014	$405
876543210	1/6/2014	3/31/2014	3/30/2014	$300
765432109	1/6/2014	4/10/2014	3/23/2014	$405
654321098	1/13/2014	3/31/2014	3/30/2014	$100
543219876	1/13/2014	3/31/2014	3/16/2014	$405

How You Get It

Step #1: Apply

- **Retrieve the standard application** at www.labor.ny.gov/data-sharing/.

- **Complete and send your application**:

  - **By mail**: New York State Department of Labor Counsel's Office

      Building 12, Room 509

      Governor W. Averell Harriman State Office Building Campus

      Albany, New York 12240

  - **By Email**: UIDataShare@labor.ny.gov

  - **By Fax**: (518) 485-1819

Step #2: Prepare agreement

- Once an application has been approved, NYSDOL will work to prepare a data sharing agreement.

Type	Memorandum of Understanding	State Contract
Parties	Between NYSDOL and other New York State agencies	Between NYSDOL and non-State governmental agencies
Length of time	Limited to no more than 10 years by State statute	Limited to no more than 5 years by State Comptroller

- The data availability, security obligations, and costs of both types of agreements are the same.
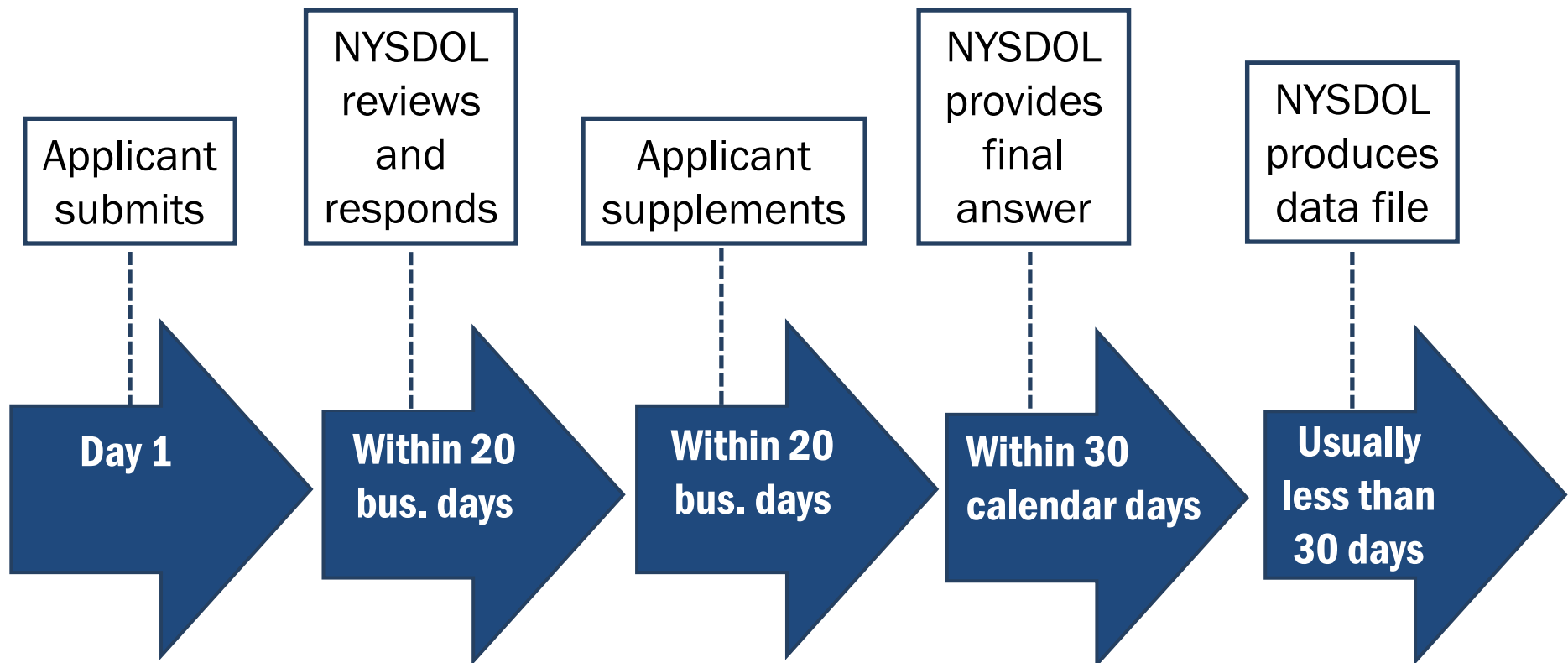
Step #3: Transfer data

- Once a data sharing agreement has been approved and signed by all parties, the applicant provides any data (SSN's, FEIN's, etc.) needed to identify the records requested that has not already been supplied.

- NYSDOL staff will begin to prepare the data outlined in the agreement. NYSDOL will provide the data in **CSV** (Comma Separated Values) format.

- The secure file transfer of the confidential data is required to be **encrypted in transit and at rest (in storage) using the PGP encryption standard** and transferred via a secure file transfer (SFTP) or HTTPS protocol.

- PGP software is widely available from both commercial and open-source organizations.

- Our staff will work with yours to arrange the secure file transfer.

What to Consider

How long will it take?

Applicant submits
Day 1

NYSDOL reviews and responds
Within 20 bus. days

Applicant supplements
Within 20 bus. days

NYSDOL provides final answer
Within 30 calendar days

NYSDOL produces data file
Usually less than 30 days

How much will it cost?

- NYSDOL cannot use federal funds to pay for the costs of disclosing UI and WR information for non-UI purposes.

- There are two costs to keep in mind as the applicant:

  1. **To set up the data sharing agreement**: A **one-time cost of $1,000.00** includes application review and development of the MOU or State contract.

  2. **To produce the data**: In addition to the initial fee, the cost to produce the data will be charged at the **hourly rate** (currently $80-$100) of the employee(s) preparing the data. The number of hours it takes to provide the information is dependent upon the complexity of the request. However, simple requests for individual level data should take fewer than 5 hours to complete each time a data set is generated.

- To speed your request, be sure to "clean the data" before submission - eliminating duplicate records and obvious errors such as 10 digit SSN's will speed production and help limit costs.

How to safeguard the data?

- The safeguards to protect the confidentiality of the data will be specified in the MOU or State contract. They will be consistent with the National Institute of Standards and Technology (NIST) Special Publications 800-53, **Recommended Security Controls for Federal Information Systems and Organizations**.

- The safeguards specified in the MOU or State contract will also include the following:

  1. **Non-disclosure agreements**

  2. **UI Confidentiality Training**

  3. **Annual Self Assessment**

What is involved with the confidentiality training?

- An **FAQ** outlining how to access the training and establish a user account can be found at www.labor.ny.gov/data-sharing/UI-confidentiality-FAQ.pdf.

- The required confidentiality training discusses:

  1. **legal requirements** to protect information from the Unemployment Insurance (UI) program,

  2. **consequences** for disclosing confidential UI information, and

  3. **basic safeguards** for protecting the information.

On-site compliance?

- The data requestor must permit NYSDOL and/or USDOL and/or their designee(s) to conduct **on-site compliance monitoring** of their safeguards and procedures for protecting the confidentiality and limiting the dissemination of confidential data.

- This may involve periodic inspection at reasonable times, so that NYSDOL may physically review the data requestor's actual security arrangements.

More questions?

- **Technical information**:

    Jeff Sorensen, Program Research Specialist 4

    (518) 402-4679

    jeffrey.sorensen@labor.ny.gov

- **Legal information**:

    David Rook, Senior Attorney

    (518) 457-1938

    david.rook@labor.ny.gov

- **Additional information**:

    NYSDOL's website

    www.labor.ny.gov/data-sharing