

APPENDIX 601

STUDENT RIGHTS TO PRIVACY AND DISCLOSURE OF INFORMATION

Each applicant or student is entitled to privacy in accordance with federal, state, and local law, and in accordance with the following policies.

1. Privacy of Person and Possessions

The Job Corps center director must ensure that each student's area, including any storage for belongings, remains private. Neither students nor their belongings may be searched or examined except under circumstances described in Chapter 5, Section 5.4, Personal Safety and Security. If evidence that may be used in a criminal prosecution is discovered, the student involved is to be advised of his or her right to remain silent and to an attorney.

2. Confidential Personal Information

- a. Information collected as part of the admissions process must be protected in accordance with the terms of the Privacy Act. Each applicant shall be informed of the following and acknowledge by signing the Job Corps Consent Record:
 - (1) The statutory authority for the request
 - (2) Why the information is needed
 - (3) Whether it is voluntary or mandatory to give the information
 - (4) The effects of not providing information
 - (5) The uses which may be made of the information
- b. Personal information contained in center records, as well as verbal and written communication between students and staff, must be held in confidence.
- c. Student information may be released to other staff on a need-to-know basis when it is judged to be in the interest of the student, but the student must be informed of the possibility.
- d. Staff must advise students in advance about the types of information that must be shared with the center director or other center personnel when it affects the welfare of the center as whole or requires action to protect the welfare of an individual enrollee.
- e. Confidential student information may not be copied or kept by anyone except as provided by the Disclosure of Information (Section 5 below) procedures.
- f. Department of Labor representatives may review counseling, health, and other confidential records for administrative purposes.
- g. Job Corps students or staff shall not participate in, nor be the subject of, any study or research project unless it has been approved through the Regional Office and by the National Director of Job Corps. Such participation, if approved, must only

be on a voluntary basis, and the researcher must guarantee to protect the anonymity of all staff and students involved in any presentation of the results.

3. Access to Student Records

- a. Students, and parents or guardians of minor students, shall be granted access to their records upon request. Access to medical records can be denied in accordance with the Notice (Exhibit 6-10) and Authorization (Chapter 1, Exhibit 1-3).
- b. If a student or parent of a minor student objects to any information in the record, he or she may request a meeting with the center director to request that such information be removed or modified. If the request is denied, the record must be documented with the reasons. The student and or parent/guardian may also include a written objection to the content. All such statements shall become part of the student's personnel record.
- c. If a student or parent of a minor student objects to any information in the medical record, he or she has the right to amend their protected information. Amendments will be made in accordance with the Notice and Authorization.
- d. When the center has custody of the record, designated center staff shall respond to requests from former students or third parties, for information concerning their enrollments, only upon receipt of a written signed release of information, and in accordance with the provisions of this appendix, the Notice, and the Authorization.

4. Use of Student Photos or Moving Images

- a. OA/CTS contractors and centers shall ensure that photos or moving images of Job Corps students are taken, used on printed materials, or posted on the Internet only when the student, or legal guardian in the case of minors, has:
 - (1) Been informed about the possible uses of such pictures for promotional purposes, for an unlimited time; and
 - (2) Has signed a Right to Use Photographic Likeness or Moving Images release (as shown in Exhibit 6-13 for adult students, and Exhibit 6-14 for minors).
- b. In all cases where a photographer, newspaper, or other entity has been hired to take pictures, the contract for services shall either:
 - (1) Include language that states "All Copyright and/or Intellectual Property Rights are the property of the Department of Labor"; or
 - (2) A "Notice of Copyright" must be signed by the photographer before the photograph may be used (as shown in the Job Corps Forms Handbook).

5. Disclosure of Information

All requests for personal information about students must be treated as requests under the Freedom of Information Act and the Privacy Act of 1974, and handled pursuant to 29 CFR Parts 70 and 70a and 45 CFR Parts 160 and 164.

- a. No student records of information of any kind about a student may be released to outside agencies or persons without the student's signed consent, or parent/guardian consent for minor students, with the following exceptions:
- (1) Upon written request, parents or guardians of minors and probation or parole officers may be given information regarding a student's general medical condition and/or achievement in the program.
 - (2) To avert a serious threat to health or safety, protected health information can be released. Medical information may be provided to local health authorities in the case of student death to assist with their investigation.
 - (3) A student's name, address, age, former residence, dates of entry and/or separation, forwarding address and other possibilities for locating a student or his or her family may be released to state or federal law enforcement agencies or other government investigators.
 - (4) CTS providers shall be provided a summary of each student's academic and vocational achievement and other such information necessary to assist in the placement of a student. Placement agencies must obtain a written release of information from each student prior to sharing information with prospective employers, schools, and training institutions.
 - (5) Where a job opportunity with a prospective employer is covered by a federal government security clearance requirement necessitating that the employer receives information on the student's arrests, convictions, and/or probation or parole status, the placement agency shall release such confidential information only after obtaining a signed consent from the student or parent/guardian.
 - (6) All subpoenas to produce student records or to testify regarding a student record shall be forwarded to the Regional Office for consultation with the Regional Solicitor.