



PRIVACY ACT TRAINING

For
Workers' Compensation Coordinators
and Agencies

June 2013

PRIVACY ACT TRAINING

- ▣ What is the purpose of the Privacy Act?
- ▣ The provisions of the Privacy Act are meant to assure the private citizen's right to confidentiality of personal information, including financial and medical history, in records filed in a system of records under the individual's own name. This law sets forth the government's responsibility to properly maintain and restrict access to these records. Workers' compensation case files constitute a system of records protected under the Privacy Act.

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- ▣ What is a record?
- ▣ Any case file document maintained by the WCC in either hard copy or electronic form, even if it is not routinely kept in the claim jacket.

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- ▣ What is a request?
- ▣ Any written inquiry asking for a specific document. The request does not need to cite the Privacy Act. An individual who makes a request over the telephone should be instructed to put it in writing. However, an injured employee's full and complete workers' compensation record resides with the case file at the OWCP district office. If an employee would like a complete copy of their workers' compensation case file, he/she should submit the written request directly to OWCP.

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- ▣ What is a response?
- ▣ A written acknowledgment of the request and/or a substantive letter furnishing the information requested.

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- ▣ What is your responsibility as a WCC?
- ▣ Protect against the unauthorized release of personally identifiable information (PII)
- ▣ PII is information whose disclosure could result in harm to the individual whose name or identity is linked to that information.

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- ▣ Examples of PII include:
 - ▣ Social Security Numbers
 - ▣ Employee's Residential Addresses
 - ▣ Personal Telephone Numbers
 - ▣ Date of Birth
 - ▣ OWCP Case Numbers
 - ▣ OWCP Claim Forms
 - ▣ Pay Information
 - ▣ Nature of Injury or Condition
 - ▣ Factual or Medical Evidence

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- ▣ Who can you release PII to?
- ▣ OWCP
- ▣ OIG – If investigating FECA Fraud
- ▣ Supervisor – If the information concerns a RTW
- ▣ EEO Investigator – With written authorization from the injured employee
- ▣ Union Representative – With written authorization from the injured employee

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- ▣ Just because you can doesn't mean you should...
- ▣ It's important to remember that, unless you have a signed Privacy Act (PA) release from the injured employee or are responding to a request from the injured employee
- ▣ you must ALWAYS confirm that the expected use of the PII is compatible with the routine uses and
- ▣ you disclose the LEAST amount of information necessary for the recipient's anticipated use

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- ▣ What is considered routine use?
- ▣ Properly using information from the claim file without first obtaining the claimant's permission. Routine uses include sending a medical record to the claims examiner, field nurses and rehabilitation counselors assigned by OWCP to work on the case.
- ▣ Providing your agency with information for return to work (RTW) purposes and NOT for other reasons such as personnel actions.

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- ▣ What is considered routine use? Cont.
- ▣ Releasing information from OWCP records and files may be supplied to a Member of Congress who is inquiring on behalf of a claimant. The requestor on whose behalf the inquiry is made must be the claimant, not a member of the claimant's family or another person.
- ▣ Releasing information to the physician treating or examining a claimant.

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- ▣ Questions?
- ▣ When in doubt, contact the National Office of Job Corps before you release information!
- ▣ (202) 693-3774