



**Subject:** Record Retention & Public Access to Records

**Purpose:** To transmit Coastal Counties Workforce Board’s policy on record retention and public access

**Statutory Authority:** 2 CFR §§:200.334, 200.337 200.338 and 2900.4; 1 MRSA §§401 et. seq.

**Action:** WIOA Service providers are required to adhere to all policies and guidelines set forth in the policy below.

**Effective Date:** April 27, 2010

**Revision Date(s):** June 23, 2011; December 14, 2023

**Expiration Date:** Indefinite

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**Record Retention  
WIOA Programs  
(Adult, Dislocated Worker and Youth)**

This Record Retention and Public Access Policy is governed by the U.S. Office of Management and Budget’s (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal awards, 2 CFR Part 200, as well as by 1 MRSA §§401 et. seq. (Maine’s Freedom of Access Act).

1. The Coastal Counties Workforce Board (CCWB) and its service providers will retain all records pertinent to all grants and agreements, including financial, statistical, property, applicant/participant records, and supporting documentation. Records for each funding period must be retained for at least three (3) years<sup>1</sup> following the date on which the annual expenditure report (final report) is submitted to the Department of

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<sup>1</sup> Note: The three year time periods set forth in this policy are minimum standards the Coastal Counties Workforce Board and its subcontractors and service providers may establish periods that are longer than three years. Also, note that there are exceptions to this three-year requirement for certain documents as further laid out in 2 CFR §§200.334, 29 CFR 95.53 and the MDOL *Financial Manual*.

Labor (DOL). Pursuant to 20 CFR 200,.334(a)-(f), there are the following exceptions to the three-year rule:

- a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
  - b) When the Coastal Counties Area is notified in writing by DOL, the cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or MDOL to extend the retention period.
  - c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.
  - d) When records are transferred to or maintained by DOL or MDOL, the 3-year retention requirement is not applicable.
  - e) In some cases, recipients must report program income after the period of performance. If applicable to the Coastal Counties Area and any service providers, the retention period for the records pertaining to the earning of the program income starts from the end of the Coastal Counties Area or service providers' fiscal year in which the program income is earned.
  - f) Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates) are subject to the following:
    - i. ***If submitted for negotiation.*** If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.
    - ii. ***If not submitted for negotiation.*** If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.
1. The CCWB's service providers, are required to adhere to these provisions in addition to ensuring that record retention procedures are included (as may be applicable) in their contractual agreement and must ensure compliance through monitoring.
  2. In the event of the termination of the relationship with a service provider, the CCWB will be responsible for the maintenance and retention of the service provider's records for those service providers unable to retain them. In such cases, it is the service provider's obligation to place the CCWB on notice that it will not be able to retain records.

3. Under 2 CFR §200.337, the DOL, Inspectors General, the Comptroller General of the United States, and the pass-through entity (MDOL), or any of their authorized representatives (e.g. Maine Department of Employment Services), must have the right of access to any Coastal County Area or service providers' documents, papers, or other records, which are pertinent to WIOA award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

**Public Access to Records  
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Pursuant to 2 CFR §200.338, no Federal awarding agency (in this case DOL) may place restrictions on the Coastal Counties Workforce Board or its service providers that limit public access to the records of Coastal Counties Workforce Board or its service providers pertinent to the WIOA award. An exception for public access exists regarding protected personally identifiable information (PII). Additionally, when the Federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act ([5 U.S.C. 552](#)) or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the Federal awarding agency an exemption also exists.

The Freedom of Information Act ([5 U.S.C. 552](#)) (FOIA) does not apply to those records that remain under the Coastal Counties Workforce Board or service providers' control except as required under 2 CFR [§200.315](#) (intangible property as defined in §200.1). Once records are provided to DOL, they generally will be subject to FOIA and its applicable exemptions.

NOTE: Maine has enacted a public access law, the Freedom of Access Act, 1 M.R.S.A. §§401 et. seq., and to comply with this law, the Coastal Counties Workforce Board permits access to its public records and public proceedings. This does not include PII or personal records of WIOA registrants as provided below:

**Personal Records of WIOA Participants**

Personal records of WIOA registrants will be private and confidential, and will not be disclosed to the public. Personal information may be made available to CareerCenter and/or Workforce Solution Centers partners or service providers on a selective basis consistent with the registrant's signed "Release of Information" form. In addition, this information may be made available to persons or entities having responsibilities under WIOA including representatives of:

- a. The Department of Labor
- b. The Governor
- c. WIOA Grant Recipients
- d. Local Area Subrecipients
- e. Appropriate governmental authorities involved in the administration of WIOA to the extent necessary for its proper administration

The conditions under which information may be released or withheld are shown below:

- a. WIOA registrants will have access to all information concerning themselves as individuals unless the records or information are exempted from disclosure.
- b. The names of Coastal Counties Workforce Board staff and service provider staff in positions funded by WIOA, in part or in whole, will be a matter of public record. Other information pertaining to the Coastal Counties Workforce Board staff as subrecipient or service provider employees will be made available to the public in the same manner and to the same extent as such information is made available on staff in positions not funded by WIOA.

Grantees (or subgrantees) that fail to comply with these requirements, or that have improperly disclosed or utilized PII information for an unauthorized purpose are at risk of termination or suspension of their grant and imposition of special conditions or restrictions as deemed necessary to protect the privacy of the participants or the integrity of data.

**Confidentiality:**

In order to maintain public confidence and trust, the service provider shall require each staff member to sign an affirmation of their understanding of the policy and assurance that they:

- Will not, except as necessary in the normal course of business, divulge employer, claimant, customer, participant, or co-worker information obtained in the performance of their official duties to any person within or outside of the agency unless specifically authorized to do;
- Will not obtain information through agency computers, documents, or other official means for any purpose other than official business;
- Will not duplicate, alter, use or disclose any information obtained through such systems or documents without proper authorization;

- Will not, except as necessary in the normal course of business, remove documents, property or equipment containing sensitive information from the workplace under any circumstances, unless authorized to do so;
- Will not access personal information maintained by the agency pertaining to his/her relatives, neighbors, or any other individuals that staff person is not authorized to access as part of his/her regular duties;
- Will not disclose agency computer security codes, passwords, or combinations thereof to the public, friends, relatives or co-workers;
- Will not trace, attempt to duplicate or otherwise forge a claimant, employer, customer, participant, vendor or co-worker signature on any document.

### **Custody of PII Records:**

Federal law requires that Personally Identifiable Information and other sensitive information be protected during the collection, storage and disposal processes. Before collecting PII or sensitive information from participants or agencies with information about participants, ensure that signed releases acknowledging the use of the specific PII is only for grant purposes.

Always use a unique identifier when referencing a participant instead of SSNs. While SSNs may initially be required for performance tracking purposes, a unique identifier must be linked to each individual record. Once the SSN is entered for performance tracking purposes the unique identifier must be used in place of the SSN for tracking purposes. SSNs must be stored or displayed in a way that is not attributable to a particular individual, such as using a truncated SSN.

Use appropriate methods for destroying sensitive PII in paper files by shredding or depositing in a secure shredding bin and securely delete sensitive electronic PII using special software designed to do so.

Never leave records containing PII open and unattended, ensure that paper records are locked away in file cabinets and ensure that your work PC locks every so many minutes and that it requires a secure passcode to unlock it.

Ensure that passcodes are complex enough that they cannot be guessed by potential hackers.

Ensure that computer passwords are secure and never share passwords with anyone (not even your supervisor or co-worker).

### **Breach of PII**

Any breach of PII must be reported immediately to the Federal Program Officer responsible for the grant, to ETA Information Security at [ETA.CSIRT@dol.gov](mailto:ETA.CSIRT@dol.gov) or at (202) 693-3444 and follow any instructions received from officials of the Department of Labor (DOL). Also contact Maine Department of Labor (MDOL). Use MDOL protocols

in place to inform and protect affected participants/employees should a breach occur, so long as those protocols do not conflict with DOL instructions.

In the event of a fire or natural disaster (flood, storm, earthquake), the service provider must have a written plan in place in place pertaining to file recovery or proper file destruction.

**Staff Training**

The service provider must ensure that all staff receives awareness training of the requirements pertaining to confidentiality and access, handling and protection of PII; of the consequences of breach of or misuse of PII and the requirement to sign a statement acknowledging their understanding of these requirements.

**LWIB Approved: 12/14/2023**