Data Sharing
Under Labor Law §537

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, 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.

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

Three Data Sets are Available

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

Three Data Sets are Available

Data	Covered	Not covered	Timeframe available
WRS	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)
QCEW	Same as WRS	Same as WRS	6 months following end of the reported quarter (and available back to calendar year 2000)
UI	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).

Three Data Sets are Available

Data	Matching Data Required	Type of Usage
WRS	◆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	◆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	◆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 #1:
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.

WRS Example #2: Effectiveness of incentives

To evaluate the effectiveness of financial incentives to low-income families to improve education, health, and workforce outcomes.

SSN	Quarter	Year	Wages	Employer	Industry
123456789	1	2009	$5,100	ABC Employer	423310
123456789	2	2009	$5,114	ABC Employer	423310
123456789	3	2009	$5,160	ABC Employer	423310
123456789	4	2009	$5,211	ABC Employer	423310
987654321	1	2009	$6,200	ZYX Employer	238350
987654321	2	2009	$6,200	ZYX Employer	238350
987654321	3	2009	$6,250	ZYX Employer	238350
etc.	etc.	etc.	etc.	etc.	etc.

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

QCEW Example #1: 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

QCEW Example #2:
Individual firms in industry/location

To identify individual firms in a particular industry or geographic location.

FEIN	ER Number	RUN	NAICS	FIPS	Legal Name	Trade Name	Physical Address	Physical Zip Code
192846511	123456789	0	423110	710	Joe Inc	Corner Warehouse	123 ABC Street	10000
193746521	123456987	12	423110	710	XYX Co Unit #6		321 DEF Ave	10001
283746532	123456654	0	423110	710	ZZZ Distributing		987 GHI Blvd	10002
192836544	123456789	0	423110	713	ABCXYZ Ltd	Joe's Parts	333 East	11101
183746555	123456789	0	423110	714	111 10th Co		2222 South	10301
193746521	123456987	5	423110	711	XYX Co Unit #9		1111 North	10405
486217932	98745613	0	236111	714	Build		112 North	10301
549786123	32145698	0	334110	714	Make		115 North	10301
985214753	45698741	0	423110	714	Supply		117 Northeast	10301
159875321	36987412	0	454111	714	Sell		215 Northeast	10301
147896325	85214763	0	481111	714	Ship		310 East	10301
789514789	95147896	0	551111	714	Manage		47 Cross	10301

Federal Employer Identification Number (FEIN) – The Employer Identification Number assigned by the IRS
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UI Example #1: Test group vs. control group

To evaluate the effectiveness of a program to assist high risk individuals who are recently released from prison. NYSDOL will pick a control group from the UI beneficiaries that have similar demographic characteristics to your population.

Program Participants						Control Group				
Age Group	Quarter	Year	Average Employment	Average Quarterly Wages		Age Group	Quarter	Year	Average Employment	Average Quarterly Wages
20 to 24 years	1	2009	11	$5,100		20 to 24 years	1	2009	11	$4,100
25 to 29 years	1	2009	27	$5,114		25 to 29 years	1	2009	27	$4,114
30 to 34 years	1	2009	26	$5,160		30 to 34 years	1	2009	26	$4,160
35 to 39 years	1	2009	19	$5,211		35 to 39 years	1	2009	19	$4,211
etc.	etc.	etc.	etc.	etc.		etc.	etc.	etc.	etc.	etc.
Hypothetical data.										

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.
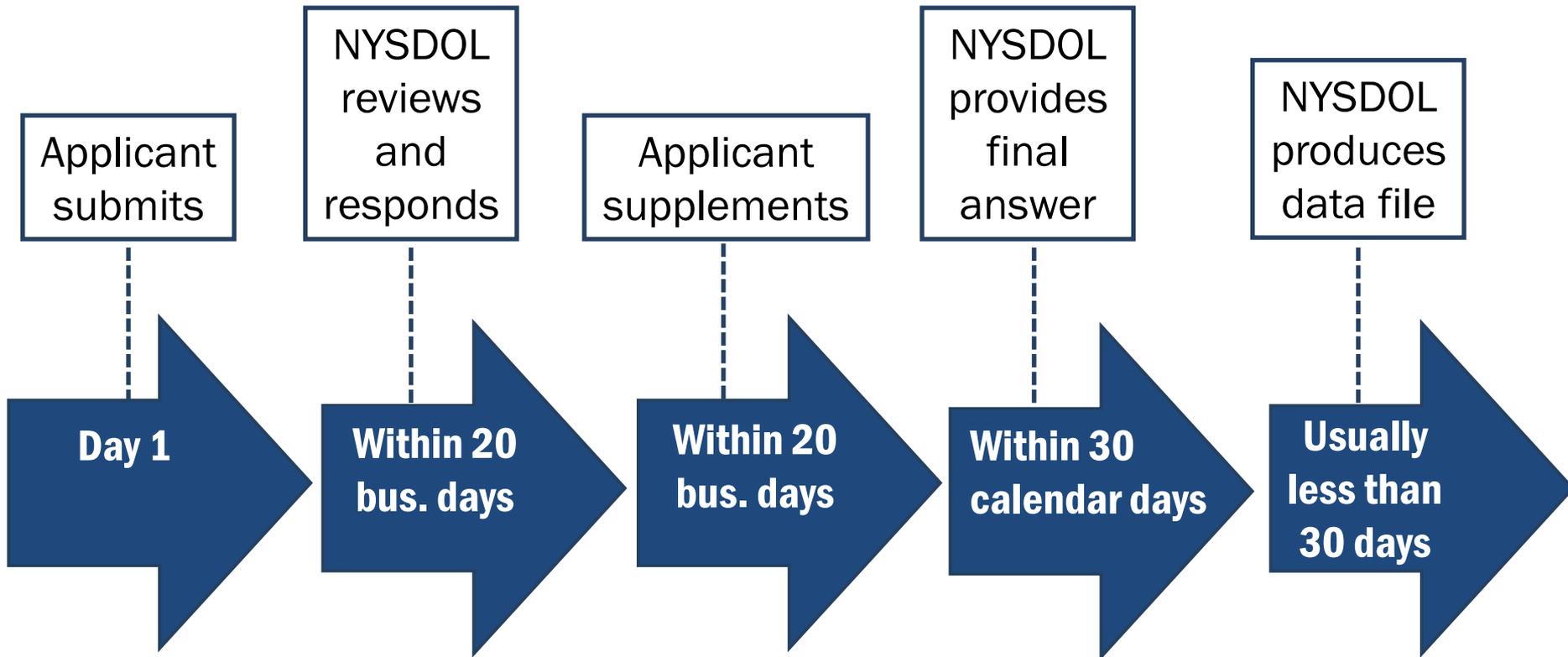
Step #3: Transfer data

- 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        NYSDOL          Applicant        NYSDOL          NYSDOL
submits          reviews         supplements      provides        produces
                 and                              final           data file
                 responds                         answer

Day 1            Within 20       Within 20        Within 30        Usually
                 bus. days       bus. days        calendar days    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.

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	Serves as agent or contractor of gov't agency to evaluate program	Does business with gov't agency to administer program
Application	Org 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

More questions?

- **Technical information**:

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  (518) 402-4679

  jeffrey.sorensen@labor.ny.gov

- **Additional information**:

  NYSDOL's website

  www.labor.ny.gov/data-sharing