

STATE OF WEST VIRGINIA
NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

Two Federal laws govern personal information submitted to Federal agencies, including the Civil Rights Center (CRC): The Privacy Act of 1974 (5 U.S.C. 552), and the Freedom of Information Act (5 U.S.C. 552), or "FOIA." Please read this description of how these laws apply to information connected with your complaint. After reading this notice, please sign and return the consent agreement printed on the back of this notice, along with your complaint form.

THE PRIVACY ACT protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and can be located by the individual's name, social security number, or other personal identification system. Anyone who submits information to WorkForce West Virginia in connection with a discrimination complaint should know the following:

- WorkForce West Virginia has been authorized to investigate complaints of discrimination on the basis of race, color, national origin, age, and handicap, and in some programs on the basis of sex, religion, citizenship, and political affiliation or belief, in programs that receive Federal funds through the Department of Labor. WorkForce West Virginia is also authorized to conduct reviews of federally funded programs to assess their compliance with civil rights laws.
- Authorized personnel within the agency analyze information that WorkForce West Virginia collects. This information may include personnel or program participant records, and other personal information. WorkForce West Virginia staff may need to reveal some of the personal information to individuals outside the office in order to verify facts related to the complaint, or to discover new facts which will help WorkForce West Virginia to determine whether the law has been violated. Such information could include, for example, the physical condition or age of a complainant. WorkForce West Virginia may also have to reveal personal information to a person who submits a request for disclosure authorized by the Freedom of Information Act.
- Information submitted to WorkForce West Virginia may also be revealed to personnel outside of WorkForce West Virginia because it is necessary in order to complete enforcement proceedings against a program that WorkForce West Virginia finds to have violated the law or regulations. Such information could include, for example, the name, income, age, marital status or physical condition of the complainant.

- Any personal information you provide may be used only for the specific purpose for which it was requested. WorkForce West Virginia requests personal information only for the purpose of carrying out authorized activities to enforce, and determine compliance with, civil rights laws and regulations. WorkForce West Virginia will not release personal information to any person or organization unless the person who submitted the information gives written consent, or unless release is required by the Freedom of Information Act.

No law requires that a complainant reveal personal information to WorkForce West Virginia, and no action will be taken against a person who denies a request for personal information. However, if WorkForce West Virginia cannot obtain the information needed to fully investigate the allegations in the complaint, the case may be closed.

- Any person may ask for, and receive, copies of all personal materials WorkForce West Virginia keeps in his or her file for investigatory use.

AS A POLICY, WORKFORCE WEST VIRGINIA DOES NOT REVEAL NAMES AND OTHER IDENTIFYING INFORMATION ABOUT INDIVIDUALS, UNLESS IT IS NECESSARY TO COMPLETE INVESTIGATION OR ENFORCEMENT ACTIVITIES AGAINST A PROGRAM WHICH HAS VIOLATED THE LAW.

WorkForce West Virginia never reveals to the program under investigation the identity of the person who filed the complaint, unless the complainant first gave written permission to do so.

THE FREEDOM OF INFORMATION ACT (FOIA) gives the public maximum access to Federal Government files and records. Persons can request, and receive, information from many types of records kept by the Government – not just materials that apply to them personally. WorkForce West Virginia must honor most requests for information submitted under FOIA, but there are exceptions:

- WorkForce West Virginia is usually not required to release information during an investigation or an enforcement proceeding if that release would limit WorkForce West Virginia 's ability to do its job effectively; and
- WorkForce West Virginia can refuse to disclose information if release would result in a "clearly unwarranted invasion" of a person's privacy.

PLEASE READ AND SIGN THE FOLLOWING CONSENT FORM.

CONSENT FORM

I have read the Notice about Investigatory Uses of Personal Information. I understand the following provisions of the Privacy Act and Freedom of Information Act, which apply to personal information I reveal to WorkForce West Virginia in connection with my complaint:

- In the course of investigating my complaint, WorkForce West Virginia may have to reveal my identity to staff of the program, named in my complaint, in order to obtain facts and evidence regarding my complaint;
- I do not have to reveal any personal information to WorkForce West Virginia, but WorkForce West Virginia may close my complaint if I refuse to reveal information needed to fully investigate my complaint;
- I may request and receive a copy of any personal information WorkForce West Virginia keeps in my complaint file for investigatory uses; and
- Under certain conditions, WorkForce West Virginia may be required by the Freedom of Information Act to reveal to others personal information I have provided in connection with my complaint.

_____ **YES**, WORKFORCE WEST VIRGINIA MAY DISCLOSE MY IDENTITY IF NECESSARY, TO INVESTIGATE MY COMPLAINT. I have read and understand the notice, and I consent for WORKFORCE WEST VIRGINIA to process my complaint.

_____ **NO**, WORKFORCE WEST VIRGINIA MAY NOT DISCLOSE MY IDENTITY, EVEN IF NECESSARY, TO PROCESS MY COMPLAINT. I have read and understand the notice, and I do not consent for WorkForce West Virginia to disclose my identity during investigation of my complaint. I request that WorkForce West Virginia process my complaint, however, I understand that WorkForce West Virginia may cancel my complaint if it cannot fully investigate without disclosing my identity.

Name (Please Print)

Signature

Date