

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 42
State and Local Government Committee Substitute Adopted 2/27/13
House Committee Substitute Favorable 7/2/14

Short Title: Confidentiality of UC Information.

(Public)

Sponsors:

Referred to:

February 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE CONFIDENTIALITY OF UNEMPLOYMENT
3 COMPENSATION RECORDS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 96-4(x) reads as rewritten:

6 "(x) Confidentiality of Records, Reports, and Information Obtained from Claimants,
7 Employers, and Units of Government. – ~~Disclosure~~ For purposes of this Chapter, the term
8 "confidential information" means any unemployment compensation information in the records
9 of the Division of Employment Security that pertains to the administration of the Employment
10 Security Law that is required to be kept confidential under 20 C.F.R. Part 603, including claim
11 information and any information that reveals the name or any identifying particular about any
12 individual or any past or present employer or employing unit, or that could foreseeably be
13 combined with other publicly available information to reveal any such particulars.

14 Confidential information is exempt from the public records disclosure requirements of
15 Chapter 132 of the General Statutes. Confidential information may be disclosed only as
16 permitted in this subsection. Any disclosure and redisclosure of confidential information shall
17 must be consistent with 20 C.F.R. Part 603 and any written guidance promulgated and issued
18 by the U.S. Department of Labor consistent with this regulation and any successor regulation.
19 To the extent a disclosure or redisclosure of confidential information is permitted or required
20 by this federal regulation, the Department's authority to disclose or redisclosure the information
21 includes the following:

- 22 (1) Confidentiality of Information Contained in Records and Reports. – (i)
23 Except as hereinafter otherwise provided, it shall be unlawful for any person
24 to obtain, disclose, or use, or to authorize or permit the use of any
25 information which is obtained from an employer, individual, or unit of
26 government pursuant to the administration of this Chapter or G.S. 108A-29.
27 (ii) Any claimant or employer or their legal representatives shall be supplied
28 with information from the records of the Division to the extent necessary for
29 the proper presentation of claims or defenses in any proceeding under this
30 Chapter. Notwithstanding any other provision of law, any claimant may be
31 supplied, subject to restrictions as the Division may by regulation prescribe,
32 with any information contained in his payment record or on his most recent
33 monetary determination, and any individual, as well as any interested
34 employer, may be supplied with information as to the individual's potential
35 benefit rights from claim records. (iii) Subject to restrictions as the Secretary



1 may by regulation provide, information from the records of the Division may
2 be made available to any agency or public official for any purpose for which
3 disclosure is required by statute or regulation. (iv) The Division may, in its
4 sole discretion, permit the use of information in its possession by public
5 officials in the performance of their public duties. (v) The Division shall
6 release the payment and the amount of unemployment compensation
7 benefits upon receipt of a subpoena in a proceeding involving child support.
8 (vi) The Division shall furnish to the State Controller any information the
9 State Controller needs to prepare and publish a comprehensive annual
10 financial report of the State or to track debtors of the State. (vii) The
11 Secretary may disclose or authorize redisclosure of any confidential
12 information to an individual, agency, or entity, public or private, consistent
13 with the requirements enumerated in 20 C.F.R. Part 603 or any successor
14 regulation and any written guidance promulgated and issued by the U.S.
15 Department of Labor consistent with 20 C.F.R. Part 603. (viii) The Division
16 may disclose final decisions and the records of the hearings that led to those
17 decisions only after the expiration of the appeal rights as provided under
18 G.S. 96-15.

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20 **SECTION 2.** G.S. 132-1.1 is amended by adding a new subsection to read:

21 "(h) Employment Security Information. – Confidential information obtained, compiled,
22 or maintained by the Division of Employment Security may not be disclosed except as
23 provided in G.S. 96-4. As used in this subsection, the term "confidential information" has the
24 same meaning as in G.S. 96-4(x)."

25 **SECTION 3.** The Department of Commerce, Division of Employment Security,
26 shall immediately take any action necessary to implement this act. On or before September 1,
27 2014, the Division of Employment Security shall report to the Joint Legislative Oversight
28 Committee on Unemployment Insurance on the status of the implementation of this act.

29 **SECTION 4.** This act is effective when it becomes law.