



ADMINISTRATIVE RULES OF MONTANA

24.40.103 CONFIDENTIAL INFORMATION

- (1) Pursuant to the requirements of 20 CFR Part 603, the department shall protect personally identifying information of claimants and employers. Personally identifying information is data that reveals or that could foreseeably be combined with other publicly available information to reveal the name or an identifying particular about an individual, employer, or employing unit.
- (2) The department shall bar the disclosure of personally identifying information, except as disclosure is permitted by the informed consent of the identified individual(s) or is required under federal or state law to a public official for use in the performance of official duties or pursuant to a valid subpoena or interagency cooperative agreement.
- (3) For the purposes of this rule:
 - (a) "public official" means an official, agency, or public entity within the executive branch of federal, state, or local government with responsibility for administering or enforcing the law;
 - (b) "performance of official duties" means the administration or enforcement of law or the execution of the official responsibilities of a federal, state, or local elected official, and includes research related to unemployment insurance law administered by the Legislature or other public officials;
 - (c) "valid subpoena" means a compulsory legal process by a federal, state, or local official, other than a clerk of court on behalf of a litigant, with authority to obtain personally identifying unemployment insurance information by subpoena under federal or state law; and
 - (d) "interagency cooperative agreement" means a written data-sharing agreement between the department and a public official.
- (4) The department shall require a recipient of personally identifying information to execute a confidentiality agreement with the department to ensure appropriate safeguards against disclosure are maintained, as specified in state and federal law. The department shall require a public official who receives personally identifying information to safeguard the information from redisclosure, unless redisclosure is specifically authorized in writing by the department.
- (5) The department shall charge for the cost of any disclosure to a third party other than an "interested party" pursuant to ARM 24.40.109. Costs must be paid in full prior to the release of information. When the disclosure consists of no more than two pages of hard copy information and involves no more than one-half hour of staff time, the department shall make no charge.
- (6) Any unauthorized release of protected information will be prosecuted by the department, pursuant to 39-51-603, MCA.

Authorizing statute(s): 39-51-301, 39-51-302, 39-51-603, MCA

Implementing statute(s): 39-51-501, 39-51-603, MCA

History: NEW, 2011 MAR p. 573, Eff. 4/15/11; TRANS and AMD, from 24.11.915, 2024 MAR p. 1458, Eff. 7/1/24.