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EMPLOYMENT AND TRAINING
ADMINISTRATION
Bureau of Apprenticeship
and Training

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BAT Policy for
Processing Data Requests

Action:

PURPOSE: To transmit to all BAT technical staff for their information and guidance a copy of the BAT policy that has been adopted in processing data requests. Copies are also being sent to the Directors of all State and Territorial Apprenticeship Agencies for their information.

BACKGROUND: For some time the Bureau has been concerned regarding the lack of an official data release policy. In order to remedy this situation, a work group composed of Minor Miller, Julian Palmer, Nick Kolb, Marion Winters, Larry Miller, and Cleda Lawson was convened last August for the purpose of drafting a policy paper on release of apprenticeship data.

The Work Group developed the attached document, copies of which were sent to all BAT Regional Directors for review and comment. Also, the document was discussed at length at the National State Directors' Conference last September. After further review and modification the document was cleared with the Office of the Solicitor.

ACTION: This policy for processing data requests becomes effective immediately and all BAT staff will be guided according to its provisions.

Attachments

02/20/00

BUREAU OF APPRENTICESHIP AND TRAINING (BAT)
POLICY FOR PROCESSING DATA REQUESTS

The following policy has been adopted by the Bureau of Apprenticeship and Training to guide the Bureau staff in the release of data and under what conditions:

- I. PURPOSE: To ensure uniformity in the release of data, to provide data release policy to program sponsors, and to provide guidelines in processing and responding to specific requests for data.
- II. DEFINITIONS: The following definitions apply as used in this statement of policy:

Administrative Reports (ADM) -- Those reports are used in the administrative management of the apprenticeship program.

Apprenticeship Management System (AMS) -- A computer-based system designed to assist BAT personnel in administering programs and to provide data on apprenticeship to the general public.

Apprenticeship Program -- Shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

Disclosure Officers -- Responsible officials: BAT Director, and BAT Regional Directors.

External BAT -- Includes everything outside of BAT staff, e.g., other State/Federal Government Agencies, labor/management organizations.

Freedom of Information Act (FOIA) -- The Freedom of Information Act (FOIA) provides regulations for public access to information from Federal records of the Department.

These regulations implement 5 U.S.C. 52, the Freedom of Information Act, as amended. The policy of the Department of Labor is to disseminate information on matters of interest to the public and to disclose to members of the public on request, all information contained in records in its custody insofar as is compatible with the discharge of its responsibilities and consistent with law. (See Attach. A.)

Internal BAT -- Staff of BAT National Office, all BAT field offices, and State Apprenticeship Councils (SAC) utilizing AMS.

Primary Release Reports -- AMS reports providing statistical information on apprenticeship nationally and intended for release to the public.

Secondary Release Reports -- Reports designed for regional/administrative use which may be released in the event the primary release reports do not satisfy the information requester.

Sponsor -- Shall mean any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

State Apprenticeship Agencies -- Recognized State Apprenticeship Council shall mean an organization approved by the Bureau as an agency or council which has been properly constituted under an acceptable law or executive order, and has been approved by BAT as the appropriate body for State registration and/or approval of local apprenticeship programs and agreements for Federal purposes.

- III. **BACKGROUND:** The Apprenticeship Management System is a completely developed and fully operable system which contains data for operating the national apprenticeship system and provides data relative to that system of training. AMS data are input via dial-up terminals from locations around the country and are retrieved either on screen or as printer outputs.

The recently redesigned system maintains detailed records of data on approved apprenticeship, trainee, and other training programs and registered apprentices/trainees. This enables it to provide summary data on programs by industry, geographic area and other factors, and on apprentices by occupation, sex, ethnic origin, veteran status, and other pertinent categories. This program/apprentice data is used to satisfy inquiries from

Congress, Federal and State organizations, and the public. The data is also used in targeting occupations and/or industries for specific promotional purposes to meet labor demands.

Since the implementation of the AMS, the BAT has received numerous requests for apprenticeship information. These requests, along with the negotiated settlement of a court suit to obtain certain data from the AMS, dictate the need for BAT to have policies and guidelines for staff to follow in responding to such requests.

IV. DATA COLLECTION RESPONSIBILITIES: The responsibility for the collection of data of apprenticeship program sponsors and/or apprentices is contained in several documents. The following are cited for this purpose:

- A. Under the National Apprenticeship Act, the BAT and/or the SAC's are responsible for operating a national system of apprenticeship. To carry out those responsibilities, data are necessary to ensure the proper operation and management of the program, to safeguard the welfare of the apprentices, to issue completion certificates, to provide certifications for Davis-Bacon purposes, and other requirements.
- B. Title 29 CFR Part 29 sets forth the "Labor Standards for Registration of Apprenticeship Programs." Section 29.5 of the Part contains the standards that must be met for an apprenticeship program to be determined eligible for registration. Section 29.3 of that Part states in part:

No apprenticeship program or agreement shall be eligible for Bureau registration unless:

- 1. It is in conformity with the requirements of this Part; and
- 2. It is in conformity with the requirements of the Department's regulation on "Equal Employment Opportunity in Apprenticeship and Training" set forth in 29 CFR Part 30.

- C. Title 29 CFR Part 30 sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor and in State apprenticeship programs registered with State apprenticeship agencies.

1. Section 30.3 of that Part provides that each sponsor of an apprenticeship program shall recruit select, employ, and train apprentices during their apprenticeship without discrimination because of race, color, religion, national origin, or sex.
 2. Section 30.8 subsection (a) of that Part requires as a part of the obligations of the program sponsor that "The records pertaining to individual applicants, selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants."
 3. Section 30.9 of that Part provides that the Department will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations.
- D. Executive Order 11246 as amended requires recordkeeping to include the sex and race of applicants to ensure implementation and compliance of EEO policy and affirmative action obligations for women and minorities.
- E. Title 41 CFR Chapter 60, Section 3 sets forth the Uniform Guidelines on Employee Selection Procedures for the Office of Federal Contract Compliance Programs.
1. Section 3.2-B provides that these guidelines apply to tests and other selection procedures which are used as a basis for any employment decision.
 2. Section 30.4-A provides that each user shall maintain and have available for inspection records or other information which will disclose the impact which its test and other selection procedures have upon employment opportunities of persons by identifiable race, sex, or ethnic group as set forth in that chapter.
 3. The user should adopt safeguards to insure that the records required are used for appropriate purposes such as determining adverse impact or for developing and monitoring affirmative action programs and that such records are not used improperly.

F. Based on the above cited references, apprenticeship programs sponsors are responsible for collecting and maintaining the necessary data with respect to sex, race, national origin, and other data as pertinent for compliance with published regulations, policies, or procedures.

V. PRIVACY ACT

Under the Privacy Act of 1974, there are only twelve permitted forms of disclosure in a system of records plus the written consent of the individual to whom the record pertains. (See Attach. B.)

BAT maintains a system of records--the data contained in the Apprenticeship Management System which contains the records of individual apprentices/trainees and apprenticeship/trainee program sponsors which is used for the operation and management of the apprenticeship system of training. Privacy Act Issuances on the System of Records and Agency Rules are published in the Federal Register.

VI. DATA STORAGE PROCESS

The data is stored in a Digital PDP 11/44 computer in Chicago, Illinois. It resides on direct access storage devices and magnetic tapes.

VII. DATA RETRIEVAL PROCESS

Currently there are four different types of outputs available from the AMS system: Online, AMS reports, BAT reports, and ADM reports.

The online outputs are those available through the terminals in BAT/SAC offices. These online option reports are for internal use only and should not be released. BAT reports and ADM reports are for internal regional and/or administrative use. ADM reports, and most BAT reports, should not be released. The AMS series of reports are for release.

VIII. STANDARD REPORT OUTPUTS

A. Primary Release Reports

The following AMS Reports should be used in responding to requests for data on apprenticeship:

1. AMS 001, National Apprentice Statistics Ranked by DOT.
2. AMS 002, Apprentice Statistics Ranked by DOT for Regions.
3. AMS 004, Quarterly Apprenticeship/Program Size Review by Ethnic/Minority Status.
4. AMS 004, Quarterly Female Apprenticeship/Program -A Size Review by Ethnic/Minority Status.
5. AMS 012, DOT Code/State Usage Report by 4-Digit Sequence.
6. AMS 016, Apprenticeship Registration Actions by Region State.
7. AMS 017, Apprenticeship Registration Actions for Trades with 250 or More Individuals.
8. AMS 018, Apprenticeship Registration Actions for Nine Specific Industries, e.g., Agriculture, Mining, Construction, and U.S. Total.
9. AMS 019, Apprenticeship Registration Actions by State for Trades with 250 or More Individuals.
10. AMS 020, Females and Veterans by State.
11. AMS 021, Race/Ethnic by State.
12. AMS 022, Females and Veterans by Selected Occupational Groups.
13. AMS 023, Race/Ethnic Report by Selected Occupational Groups.
14. AMS 024, Females and Veterans by Selected Industry Groups.
15. AMS 025, Race/Ethnic Report by Selected Industry Groups.
16. AMS 026, Number of Apprenticeship Programs by Industry and Sponsor Type.
17. AMS 027, Number of Apprenticeship Programs by State and Sponsor Type.

B. Secondary Release Reports

If the primary release reports do not satisfy the request, the following AMS reports may be released on an optional basis:

1. BAT 010, DOT Codes in 3 Digit Sequence.
2. BAT 011, DOT Codes in 9 Digit Sequence.
3. BAT 012, DOT Codes in Job Title Sequence.
4. BAT 036, Calendar Year Statistics by DOT Within SMSA.
5. BAT 037, Calendar Year Statistics by DOT.
6. BAT 038, Calendar Year Statistics by DOT Within County.
7. BAT 039, Regional Calendar Year Statistics by DOT.

- C. Administrative Management Reports are internal to the operation of the apprenticeship program by BAT and/or SAC's and are not listed in this document.

IX. DATA RELEASE POLICY

- A. Internal to BAT -- Data from the online options, the AMS report series, the BAT report series, and the ADM report series are available to all BAT staff. SAC states participating in AMS may have access to data retrieved through all online options, the AMS report series, the BAT report series, and selected reports from the ADM series.
- B. External to BAT -- AMS series reports (Primary Release Reports) are available to any organization or individual requesting data on apprenticeship. In addition, selected reports (Secondary Release Reports) from the BAT and ADM report series may be made available if AMS series reports do not meet the requester's requirements.
- C. The BAT is committed to the protection and preservation of the confidentiality of detailed data provided by the apprenticeship program sponsors and the personal privacy of the apprentices. Detailed data regarding the individual apprentices will only be disclosed in accordance with the provisions of the Privacy Act of 1974 (P.L. 93-579). (Note attachment B of Cir. 89-06 which lists the twelve conditions under the Privacy Act for disclosure of records contained in a system of records.) The detailed data regarding the individual

program sponsors is not protected under the Privacy Act. However, BAT will review and act separately upon each individual request for such data under the FOIA. It will be the Bureau's policy that information on individual programs with fewer than five apprentices will only be released in aggregates, unless specifically requested. Before the release of any identifiable commercial information, the program sponsor will be notified of the proposed release.

X. PROCESSING REQUESTS FOR DATA

- A. Requests that can be answered by providing reports indicated in IX-B may be filled at the state or regional level. Information concerning the requester and the reports provided should be maintained by the office responding to the request. The request should be submitted in writing to the BAT State or Regional Director, identifying the data desired. The appropriate report from listing in IX-B can be supplied.
- B. Requests for any data, other than what is included in IX-B, above must be sent to the Director of BAT for final decision. The following process will be followed in these cases:
1. BAT Regional Office will acknowledge receipt of request and forward it to BAT National Office, with comments. The BAT Regional Office will maintain a record of requests received and forwarded for follow-up purposes.
 2. BAT National Office will maintain record of requests received by name, address, and kind of data or report requested.
 3. BAT National Office will be responsible for determining appropriate action to be taken on the request and providing the data requested or otherwise responding to the request. Copies of the response will be transmitted to the appropriate regional office.

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AMS-BAT-ADM REPORT CROSS REFERENCE LIST

AUG 19 1988

AMS SERIES

National Reports for National Release

OLD AMS REPORT

NEW REPORT

AMS001	AMS001
AMS002	AMS002
AMS003	ADM002
AMS004	AMS015
AMS004a	AMS016
AMS006	DELETED
AMS007	DELETED
AMS008	ADM001
AMS012	AMS017
AMS016	AMS003
AMS017	AMS004
AMS018	AMS005
AMS019	AMS006
AMS020	AMS007
AMS021	AMS008
AMS022	AMS009
AMS023	AMS010
AMS024	AMS011
AMS025	AMS012
AMS026	AMS013
AMS027	AMS014

NEW AMS REPORT

OLD REPORT

AMS001	AMS001
AMS002	AMS002
AMS003	AMS016
AMS004	AMS017
AMS005	AMS018
AMS006	AMS019
AMS007	AMS020
AMS008	AMS021
AMS009	AMS022
AMS010	AMS023
AMS011	AMS024
AMS012	AMS025
AMS013	AMS026
AMS014	AMS027
AMS015	AMS004
AMS016	AMS004a
AMS017	AMS012
AMS018	NONE (ANNUAL AMS016)
AMS019	NONE (ANNUAL AMS017)
AMS020	NONE (ANNUAL AMS018)
AMS021	NONE (ANNUAL AMS019)

a. Each Disclosure Officer, upon written request for records that are reasonably described, will make the records available for inspection and copying unless such records are specifically exempt from disclosure under the nine enumerated exemptions (5 USC 552(b), Appendix A-302, and sections 70.21-70.28 of the DOL regulations, Appendix B-302).

b. Documents which fall in one of the nine exempt categories will be made available if the Disclosure Officer determines that the requested inspection or copying furthers the public interest and does not impede the discharge of any of the functions of the Department.

c. Any written request for records that are covered by one of the nine FOIA exemptions will be answered in accordance with FOIA procedures, regardless of whether the request cites the FOIA.

d. Except in the case of information which has been published, made available in public reference facilities, or otherwise placed in the public domain by authority of the Secretary of Labor or head of the appropriate DOL Agency, access by persons outside the Department requires the approval of an authorized Disclosure Officer as defined in section 70.2(c) of the DOL regulations (Appendix B-302).

Nine enumerated exemptions:

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(b) Conditions of disclosure

No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be--

(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) required under section 552 of this title;

(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13;

(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;

(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(11) pursuant to the order of a court of competent jurisdiction;

(12) to a consumer reporting agency in accordance with section 3711(f) of Title 11.