

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 438

An Act to amend and reenact § 2.2-435.8 of the Code of Virginia, relating to workforce development; data sharing.

[H 1876]

Approved March 30, 2021

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-435.8 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-435.8. Workforce program evaluations; sharing of certain data.

A. ~~Notwithstanding any provision of law to the contrary~~ *To the extent permitted under federal law, the agencies specified in subsection D may shall share data from within their respective databases solely to (i) provide support the workforce program evaluation and policy analysis required by subdivision A 8 of § 2.2-435.7 and clause (i) of subdivision A 10 of § 2.2-435.7 and; (ii) conduct education program evaluations that require employment outcomes data to meet state and federal reporting requirements; (iii) improve coordination, outcomes, and efficiency across public workforce programs and partner organizations; (iv) enable the development of comprehensive consumer-facing software applications; (v) support requirements for performance-driven contracts; and (vi) support workforce initiatives developed by the General Assembly and the Governor.*

B. Data shared pursuant to subsection A shall ~~not~~ include ~~any personal~~ *only the identifying information and attribute information required to match entities across programs, support the coordination of services, and evaluate outcomes*, shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the Governor or his designee shall ~~re-encrypt the data to prevent any participating agency from connecting shared data sets with existing agency files maintain the data in an encrypted state pursuant to § 2.2-2009 and restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.~~ For the purposes of this section:

1. "Identifying information" means the same as that term is defined in § 18.2-186.3; and

2. "Encrypted" means the same as that term is defined in § 18.2-186.6.

The agencies specified in subsection D shall enter into a memorandum of understanding supporting the Virginia Workforce Data Trust and the associated application ecosystem. "Virginia Workforce Data Trust" means a workforce database maintained by the Chief Workforce Development Advisor of the Commonwealth compliant with § 2.2-2009. In accordance with the governance process defined in the aforementioned memorandum, the data sharing referenced in subsection A shall be accomplished by integrating additional organizations, systems, data elements, and functionality into the Virginia Workforce Data Trust.

C. The Governor or his designee and all agencies authorized under this section shall destroy or erase all shared data upon completion of all required evaluations and analyses. The Governor or his designee may retain a third-party entity to assist with the evaluation and analysis.

D. The databases from the following agencies relating to the specific programs identified in this subsection may be shared solely to achieve the purposes specified in subsection A:

1. Virginia Employment Commission: Unemployment Insurance, Job Service, Trade Act, and Veterans Employment Training Programs;

2. Virginia Community College System: Postsecondary Career and Technical Education, Workforce Innovation and Opportunity Act Adult, Youth and Dislocated Worker Programs;

3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;

4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;

5. Department of Education: Adult Education and Family Literacy, Special Education, and Career and Technical Education;

6. Department of Labor and Industry: Apprenticeship;

7. Department of Social Services: Supplemental Nutrition Assistance Program and Virginia Initiative for Education and Work;

8. Virginia Economic Development Partnership *Authority*: Virginia Jobs Investment Program;

9. Department of Juvenile Justice: Youth Industries and Institutional Work Programs and Career and Technical Education Programs;

10. Department of Corrections: Career and Technical Education Programs; and

11. The State Council of Higher Education for Virginia.