

# MAINE STATE LEGISLATURE

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December 11, 1974

Emilien A. Levesque, Commissioner of Manpower Affairs

Peter B. Dublin, Assistant Attorney General

Release of Information to U. S. Department of Health, Education & Welfare

You have asked if the Employment Security Commission may furnish information to the Federal Department of Health, Education and Welfare (Social Rehabilitation Service) concerning any unemployment benefits paid to certain specified individuals for purposes of a Federal Quality Control Program. We answer in the affirmative. None of the provisions of the Employment Security Law which deal with the release of information or the cooperation with Federal Agencies prohibit the release of the information sought, although they do not require that it be released.

The relevant statutory provisions are 26 MRSA §§1047, 1082(7), and 1082 (11). Section 1047 provides, in part, that information transmitted to the Commission "...shall not be made the subject or basis in any action of slander or libel...."

The confidentiality requirement contained in §1082(7) applies to

...true and accurate work records, containing such information as the commission may prescribe...[and] sworn or unsworn reports, with respect to persons employed by [an employing unit]....

Finally, §1082(11) provides, in part, that

...the commission shall cooperate to the fullest extent consistent with this chapter with the Department of Labor.... Upon request therefor the commission shall furnish to any agency of the United States, charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter....The commission may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law or employment security law.

In the absence of any prohibition against the release of information pertaining to the payment of benefits in particular, and the relationship of the commission with agencies of the United States not directly concerned with unemployment insurance or employment security laws, we feel that the commission may exercise its discretion in deciding whether or not to release the information sought.

PBD:e

cc - Attorney General