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OFCCP Addresses Data Security and FAAP Approvals In Light of the COVID-19 Pandemic

Government Contractor Compliance & Regulatory Update Blog on **April 10, 2020**

As we previously reported, OFCCP has already informed contractors that it "remains fully operational during the COVID-19 pandemic" and provided the contractor community with information regarding modifications to its operations consistent with current public health guidelines. The agency also stated that it will coordinate with contractors who are experiencing challenges related to COVID-19 and provide reasonable extensions as needed.

OFCCP is continuing its operations despite the fact its personnel are teleworking from their homes. This raised concerns about protections afforded to sensitive contractor data submitted during compliance evaluations. To address these concerns, OFCCP has announced that it "remains committed to safeguarding any nonpublic, confidential, and sensitive data it receives from contractors." OFCCP suggests that contractors should not fear compliance officers accessing contractor information from their homes as, according to the agency, its policy "requires compliance officers to store information received from contractors on the agency's secure network. The network is only accessible using government-issued computers through the agency's secure VPN. In addition, all compliance officers are required to complete annual training from DOL and OFCCP on safeguarding data." The agency further provides that contractors that are concerned about the safety of their data "also have the option of sending their date to OFCCP via their company's secure data or email portals."

OFCCP also announced that, while working remotely, the agency's Functional Affirmative Action Program ("FAAP") team is continuing to process FAAP requests and certifications. FAAP contractors and contractors interested in entering into FAAP agreements can meet with the FAAP team via phone, WebEx and Skype. This announcement further underscores OFCCP's recent change from discouraging FAAPs, to actively encouraging contractors to enter into such agreements.

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