

TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Records

NUMBER: 02.04.01

TITLE/SUBJECT: Access to/Maintenance of Personnel Records
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I. PURPOSE AND SCOPE

This document establishes guidelines to meet the requirements of federal and state regulations and Texas Southern University policies related to personnel records, to ensure the integrity of personnel files and the accessibility of file information, and to preserve the confidentiality of records when such disclosure would constitute an unwarranted invasion of privacy. Specific pertinent laws and policies include the Public Information Act (formerly the Texas Open Records Act).

This document applies to all University employees, and defines the processes for collection and maintenance of personnel files and accessing information in personnel files of all current and former employees of Texas Southern University, regardless of status, classification, full-time equivalency (FTE), and duration of employment.

Texas Southern University is required to establish and maintain accurate and complete centralized personnel record files for all its employees. Human Resources is responsible for maintaining each employee's official file, and may seek information from employees to update their files. If requested to provide information by the Office of Human Resources, employees shall comply with all requests as needed to ensure the maintenance of an accurate and complete employee personnel file. The university will respect individual privacy and maintain all employee information and records in confidence, to the extent practicable and provided by law.

The University will permit access to personnel-related information as required by the Texas Public Information Act and provisions regarding right of self-access. The Office of General Counsel of Texas Southern University will make decisions regarding access under this act.

II. DEFINITIONS

1. Employee: Any individual hired through Texas Southern University Human Resources and paid through the payroll system.
2. Personnel file: The official file of documents for each employee maintained in Human Resources.
3. Public information: For the purposes of this document, data and records available to the public, including but not limited to, the name, sex, ethnicity, salary, title, and dates of employment for each employee, as set forth in the Texas Public Information Act

(formerly the Texas Open Records Act) and related rulings from the Texas Attorney General.

III. COLLECTION AND MAINTENANCE OF PERSONNEL FILES

1. Responsibility for updating records

1.1. The Records unit of the Office of Human Resources is responsible for maintaining the official personnel records. Normally, documents are routed through the employee's department or college/division administrator to Human Resources.

1.2. It is the responsibility of the employee to ensure that the following information is up-to-date in his/her official personnel file:

1.2.1. Name

1.2.2. Home address and telephone number

1.2.3. Highest level of education attained

1.2.4. Beneficiary and dependents for insurance coverage

Changes to items 1.2.1, 1.2.2, and 1.2.3 should be submitted through the Personnel Data Sheet, which may be obtained in the Office of Human Resources. Changes to item 1.2.4 may be sent in writing directly from the employee to the Senior Benefits Specialist in Human Resources.

Each employee or official and each former employee or official shall choose whether to allow public access to information that related to the person's home address, home telephone number or social security number or whether the person has family members. Each employee and official and each former employee and official shall state their choice in writing no later than the 14th day after the date on which they begin employment; are elected or appointed; or the end of service with the University. Failure to state a choice will allow public access to the information. An employee, official or former employee or official may choose to open or close access by contacting the Office of Human Resources and completing the appropriate paperwork.

2. Retention of personnel records

2.1. Official personnel files for all current employees and retirees are maintained in Human Resources, in accordance with the TSU Records Retention Schedule, based on state and federal regulations. Personnel records on all other former employees are maintained in archive files in accordance with the TSU Records Retention Schedule.

- 2.2. Each employee's official personnel file should contain original documentation on employee performance, job and salary history, disciplinary history, and other personnel-related matters.
- 2.3. The Associate Vice President of Human Resources or designee will determine the appropriateness, in accordance with legal guidelines, of inclusion of information in the official personnel record.
- 2.4. Each department may also maintain a file on each employee in their charge, including copies of PA forms, performance evaluations, attendance records, notes, memos, letters, and other information relating to an employee's job performance.
- 2.5. Before documents that include information on more than one employee are placed in an employee's personnel file, all references to other employee(s) must be deleted when such references may constitute a clearly unwarranted invasion of personal privacy. Human Resources is responsible for ensuring that existing information in an employee's file conforms to these editing standards.
- 2.6. Personnel files will be retained in compliance with the official Texas Southern University Records Retention Schedule, which is prepared in accordance with state and federal regulations. At the end of the retention period, records that may be destroyed under this schedule will be disposed of in a manner appropriate to the type of record.

IV. ACCESS TO PERSONNEL FILES

1. Employee Access

- 1.1. An employee may request to see his/her official personnel file and be provided a photocopy of any document in the file. The review of the file may be made by appointment in the Office of Human Resources during regular business hours. The employee must present identification when requesting to see the file. A Human Resources representative will be present when the employee reviews his/her file.
- 1.2. An employee's designated representative may be furnished copies of information in the employee's official personnel file upon receipt of a written request signed by the employee.
- 1.3. An employee must designate in writing that a representative may see his/her personnel file. The written designation requires the name of the designee, the signature of the employee, and whether the representative may see the entire personnel file or only specified documents in the file.

- 1.4. Should the employee or designated representative request a photocopy of any document in the file, he or she will be required to pay a copying charge not to exceed the rate established by the state.
 - 1.5. Personnel records of employees may be accessed by supervisors and others within the university only on a need-to-know basis related to their job functions, except as required by law.
2. Requests for Employee Information from Non-University Sources
- 2.1. All requests for information from university employee files must be directed to the Records unit of the Office of Human Resources. Requestors may request the following information by telephoning the Records section:
 - 2.1.1. To confirm that a current or former employee is or has at one time been employed by the university.
 - 2.1.2. Affirm or negate salary information.

All other requests for personnel information should be directed in writing to the Records unit of the Office of Human Resources.
 - 2.2. Written requests for information not handled routinely by Human Resources shall then be forwarded to the Office of General Counsel.
 - 2.3. A member of the Records unit staff will contact the requestor promptly upon receiving the request to either arrange a time for the requestor to review the information or advise the requestor that their written request has been forwarded to the Office of General Counsel for review. The Office of General Counsel may forward the request to the Attorney General for an opinion, if necessary.
 - 2.4. A requestor must complete the examination of the information not later than the 10th day after the date the Records unit staff member makes it available to the person.
 - 2.5. The Records unit staff shall extend the initial examination period by an additional 10 days, if, within the initial period, the requestor files a written request for more time with a Records unit staff member.
 - 2.6. The Records unit staff shall extend an additional examination period by another 10 days, if, within the additional period, the requestor files with the staff member a written request for more time.
 - 2.7. The requestor will present proper identification to the Records unit staff before being allowed to view the requested information.

- 2.8. The requestor will view the requested information in the presence of a Records unit staff member.
 - 2.9. The time during which a person may examine the information may be interrupted by a staff member if the personnel file is needed for use by the university. This period of interruption is not considered part of the time during which the person may view the information.
 - 2.10. Reproduction costs will be charged in accordance with the rate established by the state.
3. Limiting Access to Certain Information as Allowed by Texas Law:
 - 3.1. Each new employee will be offered the opportunity to exclude the following information from public access at the time of employment. Likewise, any current employee may request any or all of the following information be excluded from public access:
 - Home address
 - Home telephone number
 - Social security number
 - Family member information

A form for requesting this protection may be obtained from Human Resources, or the request may be made by memo.

TSU Police Department officers are protected by the provisions of the Texas Public Information Act from having the above information in their personnel files released.
 - 3.2. The protected information will not be published in directories, nor included on lists of employees secured from personnel files requested by organizations or individuals under the Public Information Act. The information will not be given to anyone else who requests it, except for requests under court order, as long as the authorization to deny public access has not been rescinded. However, Texas Southern University may use such information for any official business purpose.
 - 3.3. An employee may rescind an authorization to release or protect personal information at any time by completing a revised authorization form.
4. Other requests:
 - 4.1. Court orders and subpoenas: When records are requested as a result of court orders and subpoenas issued by a court, all requested information will be released. All

subpoenas are processed by the Office of General Counsel. Employees will receive notice from the Office of General Counsel that files/records have been subpoenaed.

4.2. Representatives of state and federal agencies may access university personnel files when state or federal statutes or regulations grant that authority to them.

5. Confidentiality

Contents of personnel files shall be treated as confidential, with access only on a need-to-know basis, except as required by law. Absent any conditions described elsewhere in this document, violation of confidentiality by any employee involved in maintenance or handling of personnel records may be grounds for disciplinary action, up to and including dismissal from employment.

V. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President/CHRO

Review: Every three years, on or before September 1

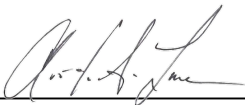
VI. APPROVALS



Responsible Party/Policy Owner



Vice President



President

Effective Date 2/1/2018