



Administrative Regulations

Office of the Mayor

Title: MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION

A. R. Number: 7.7 Effective Date: 6/1/2007 Page: 1 of 6

Supersedes: N/A A.R.: N/A DATED: N/A

I. Purpose

It is the City's objective to ensure compliance with the Government Data Collection and Dissemination Practices Act and the Virginia Freedom of Information Act. The maintenance and confidentiality of employee personnel and medical records is essential for the efficient operation of City services. An employee's official personnel file shall be maintained in the Department of Human Resources. This policy establishes guidelines for the maintenance of, access to and release of personal information on employees which is maintained by the Department of Human Resources.

II. Policy

A. Information Maintained

The City shall maintain personnel information on an employee which is essential for the administrative operation of the City, including, but not limited to:

1. educational records;
2. medical history (maintained in a separate file);
3. employment history;
4. salary history;
5. test data;
6. performance data;
7. tax withholding data;
8. personnel transaction data; and
9. any other information which is appropriate and directly related to the human resource operations of the City.

B. Disclosure of Information to Third Parties

1. Certain personnel information must be disclosed to third parties upon request and may be disclosed without the knowledge and consent of the subject employee. This information includes:
 - a. employee's position title;
 - b. employee's job classification title;
 - c. dates of employment; and
 - d. annual salary, official salary or rate of pay, if such pay exceeds \$10,000 per year.
2. Other personal information may not be disclosed to third parties without the written consent of the subject employee. This information includes, but may not be limited to:
 - a. performance evaluations;
 - b. mental and medical records;



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- c. credit or payroll deduction information;
 - d. applications for employment;
 - e. records of disciplinary actions;
 - f. records concerning grievances or complaints;
 - g. scholastic records;
 - h. records of arrests, convictions, or investigations;
 - i. material relating to Workers' Compensation claims;
 - j. material relating to Unemployment Compensation claims;
 - k. retirement records;
 - l. confidential letters of reference or recommendation;
 - m. results of pre-employment tests; and
 - n. personal information such as race, sex, age, home address, home telephone number, marital status, dependents' names, insurance coverage, or social security number.
3. The following individuals/agencies may have access to employee records without the consent of the subject employee. This list is not all inclusive.
- a. The employee's supervisor and, with justification, higher level managers in the employee's supervisory chain.
 - b. The employee's agency head or designee and human resources employees, as necessary.
 - c. Specific private entities which provide services to the City through contractual agreements (such as health benefits, life insurance, Workers' Compensation, etc.) in order to provide such services.

C. Requests for Information – General

- 1. All requests for information about employees by third parties should be directed to the Department of Human Resources. It is not necessary for these requests to be in writing.
 - a. Requests for information which do not make specific reference to the Virginia Freedom of Information Act should be treated under the requirements of that Act (see Administrative Regulation 3.1, Virginia Freedom of Information Policy).
 - b. Requests under the Virginia Freedom Information Act must be answered by the custodian of the record within five workdays of their receipt (see Administrative Regulation 3.1, Virginia Freedom of Information Policy).
- 2. Requests for verification of employment.
 - a. Employment verifications shall be provided by designated Department of Human Resources employees for both current and former employees.
 - b. Any requests for verification of employment sent to individual agencies should be promptly forwarded to Human Resources for processing.



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3. Personal employment references may be provided by agency managers and supervisors.
 - a. Agencies are under no obligation to provide personal employment references on current or past employees to prospective employers including other City agencies.
 - b. If personal employment references are provided, the information given should be accurate, verifiable and should be limited to employment-related information.
4. Before releasing verification of employment or personal employment references, written authorization from the subject employee should be received (See Attachment A).
5. Employee information needed to affect transfer, rehire, etc., may be released to other City agencies by telephone.

D. Requests for Information – Court Orders

1. Agencies must comply with subpoenas ordering employee records to be turned over to the court.
2. Agencies may inform subject employees of such subpoenas, but are not required to do so.
3. When the court requests but does not order employees' files, copies of the requests and files should be forwarded immediately to the City Attorney's Office. That office will respond to the request.

E. Reviewing Personnel Files

1. Employees have access to information retained in their own personnel files of which they are the subject, in accordance with law. The following exception will apply:

When employees' physicians have requested in writing that employees' medical and/or mental health records remain confidential, their request shall be honored and employees will be denied access to those records.

2. Individuals seeking access to their personnel files should arrange an appointment with the Department of Human Resources.
 - a. Employees are not required to obtain their supervisors' approval prior to reviewing their official personnel file. However, they must provide adequate notice to supervisors when they wish to obtain releases from work to review their files.
 - b. Human Resources employees, authorized by the Director of Human Resources, may designate the location in which personnel files may be reviewed.

F. Challenge of Records

If an employee gives written notice that he or she would like to challenge or correct information contained in his or her personnel file, the following minimum procedures shall apply:



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1. The Department of Human Resources shall conduct an investigation and record the current status of such information.
2. If after such investigation, information found to be incomplete, inaccurate, not pertinent, not timely nor necessary to be retained, shall be promptly corrected or removed.
3. If the investigation does not resolve the dispute, the employee may file a statement of not more than 200 words setting forth his position.
4. Whenever a statement of dispute is filed, the Department of Human Resources shall supply any previous recipient from the past year a copy of the employee's statement, any subsequent dissemination or use of information in question, and clearly note the dispute and supply the statement of the employee along with the information within 30 days of receipt of the statement of dispute.
5. The City shall clearly and conspicuously disclose to an employee his or her rights to make such a request.
6. Following any correction or purging of information, the Department of Human Resources shall furnish to past recipients (up to one year) notification within 30 days of the removal or correction of information.

G. Copying Records

Agencies may charge fees for providing information to requestors. These charges may not exceed the actual cost of providing the information. Charges may include the actual copying costs plus the costs for labor involved in locating and copying the information. Refer to Administrative Regulation 3.1 (III) (E).

III. Responsibility

A. Agency Responsibilities

1. Review information for accuracy before it is submitted to Human Resources to be maintained in the employee's record.
2. Inform employees of their right to correct information in their files and the process by which it can be corrected.
3. Agency heads must notify employees regarding appropriate handling of confidential information as well as disciplinary actions which may be taken for violations of confidentiality or this policy.
4. Agency heads must ensure consistent application of this policy within their agency.

B. Department of Human Resources Responsibilities

1. Establish a process by which inaccurate information may be corrected (See section II, F).
2. Inform employees of their right to correct information in their files and the process by which it can be corrected.
3. Utilize a written request form for individuals seeking personal information.
4. Notify subject employees if information is changed or purged.
5. Record the names of any third party who has had access to personal information in employees' files over the last three years.
6. Ensure responsible precautions are used to maintain the security of employees' personnel files.
7. Establish procedures for agencies to follow when responding to personal work references. Such procedures should be communicated to all employees.
8. Ensure consistent application of this policy.



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IV. Definitions

Official Records - All written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical form or characteristics, prepared, owned, or in the possession of a public body or any employee or officer of a public body in the transaction of public business.

Personal Information -Describes, locates or indexes anything about an individual including his or her real or personal property holdings derived from tax returns, and his or her education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment records, or that affords a basis for inferring personal characteristics, such

as finger and voice prints, photographs, or things done by or to such individual; and the record of his or her presence, registration, or membership in an organization or activity, or admission to an institution.

The term does not include routine information maintained for the purpose of internal office administration; nor does the term include real estate assessment information.

Third Parties - Individuals other than the subjects of the records, including other City agencies, who request information from the records maintained by agencies.

V. Authority

Government Data Collection and Dissemination Practices Act, Virginia Freedom of Information Act

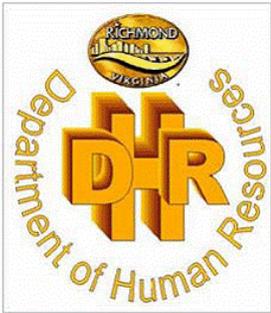
VI. Policy Update

The Department of Human Resources shall be responsible for modifications to this policy.

APPROVED:

A handwritten signature in cursive script, reading "L. Douglas Wilder".

MAYOR



MAINTENANCE AND RELEASE OF PERSONNEL INFORMATION

CONSENT TO RELEASE INFORMATION

In accordance with Administrative Regulation # 7.7 Maintenance and Release of Personnel Information I, *(Employee's Name)* _____ hereby authorize the City of Richmond, Department of Human Resources, to release information regarding *(Subject of Request)* _____ to *(Third Party)* _____.

I agree to hold the City harmless for the way in which the requesting entity uses the information.

(Print Employee's Name)

(Employee's Signature)

(Date Signed)