

UNIVERSITY *of* HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Records

Number: 02.05.01

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 University of Houston System 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) and UH System Administrative Memoranda 02.A.31-Access to and Maintenance of Staff Personnel Files, 03.H.02-Open Records, and 03.H.01-Records Retention.

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

The University of Houston is required to establish and maintain accurate and complete centralized personnel record files for all its employees, with only one official file for each employee. Human Resources maintains that official 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. The Office of General Counsel of the University of Houston System will make decisions regarding access under this act.

II. DEFINITIONS

- A. Employee: Any individual hired through University of Houston Human Resources and paid through the payroll system.
- B. Personnel file: The official file of documents for each employee maintained in Human Resources.
- C. 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

- A. Responsibility for updating records
 - 1. The Records section 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.

2. It is the responsibility of the employee to ensure that the following information is up-to-date in his/her official personnel file:
 - a. Name
 - b. Home address and telephone number
 - c. Highest level of education attained
 - d. Beneficiary and dependents for insurance coverage

Changes to items a, b, and c should be submitted through departmental personnel processes on a Personnel Action Request (PAR). Changes to item d may be sent in writing directly from the employee to Human Resources.

B. Retention of personnel records

1. Official personnel files for all current employees and retirees are maintained in Human Resources, in accordance with the UH System Records Retention Schedule, based on state and federal regulations. Personnel records on all other former employees are maintained on microfilm.
2. Each employee's official personnel file should contain original documentation on employee performance, job and salary history, disciplinary history, benefits selections, and other personnel-related matters.
3. The Assistant Vice President for Human Resources or designee will determine the appropriateness, in accordance with legal guidelines, of inclusion of information in the official personnel record.
4. Each department shall also maintain a file on each employee in their charge, including copies of PAR forms, performance evaluations, attendance records, notes, memos, letters, and other information relating to an employee's job performance.
5. The Human Resources Records section maintains a reference list of documents to be retained in each area.
6. 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.
7. Personnel files will be retained in compliance with the official University of Houston System 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

A. Employee access

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 during Human Resources' 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.

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.
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.
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.
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.

B. Requests for employee information from non-university sources

1. All requests for information from university employee files must be directed to the Records section of Human Resources. Requestors may request the following information by telephoning the Records section:
 - a. To confirm that a current or former employee is or has at one time been employed by the university.
 - b. Affirm or negate salary information.

All other requests for personnel information should be directed in writing to the Records section of Human Resources.

2. Written requests for information not handled routinely by Human Resources shall then be forwarded to the Office of General Counsel.
3. A member of the Records section 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.
4. A requestor must complete the examination of the information not later than the 10th day after the date the Records section staff member makes it available to the person.
5. The Records section staff shall extend the initial examination period by an additional 10 days, if, within the initial period, the requestor files with a staff member a written request for more time.

6. The Records section 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.
 7. The requestor will present proper identification to the Records section staff before being allowed to view the requested information.
 8. The requestor will view the requested information in the presence of a Records section staff member.
 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.
 10. Reproduction costs will be charged in accordance with the rate established by the state.
- C. Limiting access to certain information as allowed by Texas law:
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. A form for requesting this protection may be obtained from Human Resources or the request may be made by memo.
 - Home address
 - Home telephone number
 - Social security number
 - Family member information

UH Police Department officers are protected by the provisions of the Texas Public Information Act from having the above information in their personnel files released.
 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, the University of Houston System or the University of Houston may use such information for any official business purpose.
 3. An employee may rescind an authorization to release or protect personal information at any time by completing a revised authorization form.
- D. Other requests:
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.
 2. Representatives of state and federal agencies may access university personnel files when state or federal statutes or regulations grant that authority to them.

E. 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: Assistant Vice President for Human Resources

Review: Every three years, on or before September 1

VI APPROVAL

Randy J. Harris

Vice President for Administration and Finance

Arthur K. Smith

President

Date of President's Approval: 03/06/00

VII. REFERENCES

- Public Information Act (formerly Texas Open Records Act)
- UH System Administrative Memorandum 02.A.31 - Access to and Maintenance of Staff Personnel Files
- UH System Administrative Memorandum 03.H.02 - Open Records
- UH System Administrative Memorandum 03.H.01 - Records Retention

Index Terms: Access to personnel files
Open Records
Personnel records
Public Information Act
Texas Open Records Act