

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: Human Resources

NUMBER: 02.A.31

AREA: General

SUBJECT: Access to and Maintenance of Staff Personnel Files

1. PURPOSE

1.1. This document has been established to facilitate compliance with federal and state regulations, ensure the integrity of staff personnel files and the accessibility of file information, and preserve the confidentiality of records when such disclosure would constitute an unwarranted invasion of privacy.

1.2. This document applies to the personnel records of all non-faculty employees, regardless of status, classification, full-time equivalency (FTE), or duration of employment, who have been hired by any component university of the University of Houston System.

2. POLICY

2.1. It is the policy of the System that each component university's Human Resources Department establishes and maintains accurate and complete centralized personnel record files for all its employees, with only one official file on each employee.

2.2. The System will comply with all aspects of the Texas Public Information Act (formerly Texas Open Records Act) pertaining to access and maintenance of personnel-related information. Requests for information covered by the Texas Public Information Act are subject to the provisions of SAM 03.H.02 – Open Records.

2.3. The System will respect individual privacy and maintain in confidence all information and records pertaining to its employees to the extent practicable.

2.4. Each component university's Human Resources Department is responsible for establishing detailed procedures for administration of this document and monitoring compliance with federal and state regulations.

2.5. Nothing in this document shall be used as the basis for discrimination or retaliation against any individual or group on the basis of race, gender, age, color religion, national origin, disability, sexual orientation or veteran status.

3. POLICY PROVISIONS

3.1. Collection: The System will obtain all necessary personal information directly from each employee except for reference letters.

3.2. Retention: Retention of personnel files will comply 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 will be disposed of in a manner appropriate to the type of record. See SAM 03.H.01 – Records Retention for more information.

3.3. Employee Access to Personnel Files: Each employee or designated representative of the employee is entitled to review the entire contents of his or her own personnel file and to obtain a photostat copy of any document in the file, subject to paying a reproduction charge not to exceed the rate established by the General Services Commission. It is the responsibility of the employee and/or the immediate supervisor to notify the component university's Human Resources Department of any additions to and corrections of information in the employee's personnel file.

No employee is allowed to remove any item from any personnel file. If an employee disagrees with any

information in his or her file, he or she must immediately notify either his or her supervisor or the human resources representative. He or she may ask to correct, ask for a deletion of or write a state of disagreement with any item in the file. The final decision about revising, deleting, or adding rests with the component university's chief human resources official or designee.

3.4. Access to Personnel Files by Other Employees and Supervisors: Personnel records of other employees may be accessed by employees and supervisors only in the course of performing their job functions on a need to know basis, except pursuant to a subpoena or request under the Texas Public Information Act.

3.5. Disclosure of Employee Information to Outside Sources: The public is entitled to obtain information in official personnel files that is not deemed confidential by law. All requests from sources outside the System for personnel information concerning applicants for staff employment, current staff employees and former staff employees shall be directed to the component Human Resources Department. For more detailed information, refer to SAM 03.H.02 – Open Records. File information that is protected from disclosure to the public without the employee's written consent includes medical records and any other information of a highly personal and potentially embarrassing nature.

Public law allows state employees to choose whether they wish to keep confidential their home addresses and telephone numbers, and requires state agencies to record the employee's written election to restrict such access. These home information forms may be obtained from each component university's Human Resources Department. Representatives of state and federal agencies may access personnel files pursuant to authority granted to them by state and federal statutes or regulations.

3.6. Maintenance: These guidelines should be followed in maintaining personnel files:

- a. Contents of the Official Employee Personnel File: Each employee's personnel file should contain all documents or copies of documents relevant to the employment relationship that are collected, assembled, or maintained by the Human Resources Department. This information may include, but is not necessarily limited to, biographical data sheets; transcripts of college work when appropriate; letters of recommendation; completed and signed official application form; letters of appointment; employment contracts or agreements; insurance forms and other documents relating to benefits; personnel action request forms; documentation of receipt of information required by law or System policy; annual appointment letters; in-house and external training records; performance evaluations; awards and honors; documentation of disciplinary action; memoranda and correspondence to and from the employee; memoranda and correspondence to and from administrators concerning the employment relationship of the employee with the component university; promotion, transfer, and/or demotion materials; and all committee reports relevant to the employment relationship of the individual with the component university.
- b. Invasion of Privacy: Before documents that include information on more than one employee are placed in an employee's personnel file, all references to other employees must be deleted when such references may constitute a clearly unwarranted invasion of personal privacy. The component university's Human Resources Department has the responsibility to ensure that existing information in a specific personnel file conforms to these editing criteria when a request for access is received.
- c. Confidentiality: Contents of personnel files are considered confidential, with access only on a need-to-know basis. Absent any conditions described elsewhere in this document, violation of confidentiality by any employee involved in maintenance or handling of the personnel records may be grounds for disciplinary action, up to and including dismissal from employment. Employees involved in administration of personnel policies will not discuss personnel issues or problems with supervisors, other employees or the public except on a need-to-know basis or unless the employee provides written authorization to release such information.
- d. Medical Records and Documentation: Medical records will be stored separately from the official personnel file.
- e. Grievance Records: Grievance records will be stored separately from the official personnel files.

4. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice Chancellor for Human Resources

Every three years on or before May 31.

5. APPROVAL

Approved: Arthur K. Smith

Date: March 27, 2003

6. INDEXING TERMS

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