



Employee Personnel Records

CITATION REFERENCE

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Policy Statement

This HRAP establishes guidelines and policy governing the maintenance and confidentiality of employee Human Resources and Health records.

Each Institution shall maintain the proper documents in employee personnel files. The Institution shall collect, use and retain only those items of personal information, which are required for business, regulatory, compliance with federal and state law, and legal purposes.

When requested, the Institution shall provide employees the opportunity to inspect and verify the accuracy of their personnel record. The Institution shall provide interested members of the public access to public records upon proper legal request.

Applicability

All units of the University System of Georgia are covered by this policy.

Who Should Read This Policy

All Human Resources personnel and employees within the University System of Georgia should be aware of this policy.

Definitions

- **Open Records Act** - Inspection of public records.
 - As used in this article, the term “public records” shall mean all documents, papers, letters, maps, books, tapes, photographs, computer based or generated

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information, or similar material prepared and maintained or received in the course of the operation of a public office or agency. "Public records" shall also mean such items received or maintained by a private person or entity on behalf of a public office or agency which are not otherwise subject to protection from disclosure. Provided, further, this Code section shall be construed to disallow an agency's placing or causing such items to be placed in the hands of a private person or entity for the purpose of avoiding disclosure. Records received or maintained by a private person, firm, corporation, or other private entity in the performance of a service or function for or on behalf of an agency, a public agency, or a public office shall be subject to disclosure to the same extent that such records would be subject to disclosure if received or maintained by such agency, public agency, or public office. As used in this article, the term "agency" or "public agency" shall have the same meaning and application as provided for in the definition of the term "agency" in paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally include any association, corporation, or other similar organization which:

- Has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state or their officers or any combination thereof and
- Derives a substantial portion of its general operating budget from payments from such political subdivisions.
 - All public records of an agency as defined in subsection (a), except those which by order of a court of this state or by law are prohibited or specifically exempted from being open to inspection by the general public, shall be open for a personal inspection by any citizen of this state at a reasonable time and place; and those in charge of such records shall not refuse this privilege to any citizen.

- **Open Records Request** - Request to inspect Open Records.

Process and Procedures

Records That Should Be Contained In the Personnel File:

The types of documents that should be maintained in employee personnel files include the following:

- Application for Employment;
- Resumes or Curriculum Vitae;
- Policy and Procedure Acknowledgements;
- Training Acknowledgements;

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- Payroll Authorization Records, including direct deposit;
- Vacation Records;
- Faculty-Staff Information Sheets;
- Performance Evaluations;
- Corrective Action Records;
- Termination notices (including DOL 800 for Georgia employees);
- Internal Complaints/Grievances and additional documentation;
- Appropriate insurance, retirement and other benefits information;
- Diplomas, certificates, training records and related personal accomplishment documentation;
- Tax forms (federal and state), compensation records, pay increases, overtime, employee loans/advances, garnishment notifications etc.; and
- Benefits Information/Elections.

Items That Should *Not* Be Contained in the Employee's Personnel File:

- Medical Records.
- Workers' Compensation Claims.
- I-9 Forms (including supporting documents).
- Family Medical Leave Information for time away from work under the Family Medical Leave Act (FMLA) will be maintained in a separate file. The document listing includes but is not limited to the following: Requests for leave, Certification(s), Notice of Eligibility, and Designation Notice.

General Disclosure Guidelines

Periodically, the Institution may receive requests from employees or others not employed by the Institution requesting information from an employee's personnel file. In such situations, the following rules shall apply:

Personal information maintained about an employee shall only be made available for inspection at the employee's request, except for information described in this procedure requested through other lawful means.

- Employees may contact the institutionally designated officer to arrange for an inspection of their own personnel records.

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- Personnel records shall be made available for inspection by an employee only in the presence of a management representative or a designated Human Resources representative.
- Employees who disagree with any information found in their records have the right to place a statement disagreeing with the contents of their own personnel record and to file a grievance in accordance with procedure.
- The institutionally designated officer shall decide when employee personnel records will be released in accordance with the Georgia Open Records Act.
- As a general rule, most documents that may be found in personnel files must be disclosed, but there are exceptions. The Open Records Act protects the following types of information that may be found in employee personnel files and that should be redacted:
 - Social Security number (see asterisk below)
 - Financial data or information
 - Mother's birth name
 - Bank account information
 - Month and day of birth (see asterisk below)
 - Credit card information
 - Insurance or medical information
 - Debit card information
 - Home address and telephone number
- With respect to specific types of documents, the following rules apply:
 - Subject to Redaction

Applications for Employment

Applications for employment are subject to the Act's disclosure requirements **after** redaction of the information cited in subsection E above.

Certificates of Training

Certificates of training and course completion are subject to the disclosure requirements **after** redaction of the information cited in subsection E above.

Performance Evaluations

Performance evaluations are subject to release **after** redaction (see subsection E above).

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Training Records

Training records are subject to the Act's disclosure requirements **after** redaction of the information cited in subsection E above.

- Time Limitations

Background Investigations

Background investigations for purposes of hiring are subject to the Act's disclosure requirements ten days after the investigation is closed.

Reprimands/Adverse Personnel Actions

Reprimands and adverse personnel actions and records of investigations leading to those actions are subject to the Act's disclosure requirements **after** redaction of the information cited in subsection E above. Release of this information should be delayed until ten (10) days after the investigation is closed.

- Exempt from Release

Benefits Selections/Payroll Deductions

Individual employee benefits selections and payroll deductions are exempt from release.

Birth Certificates

Birth certificates are exempt from release.

DD-214s (military discharge forms)

Military discharge forms (DD-214s) are exempt from release and must **not** be disclosed pursuant to the Open Records Act until after a period of 50 years has elapsed from the date of its filing.

Financial Records

Personal financial data (bank account numbers, etc.) is exempt from release.

Health Insurance Records

Health insurance records as well as other personal insurance information are exempt from release.

Medical Records

Medical records are exempt from release.

- Subject to Open Records Act Disclosure Requirements

Commendations

Commendations are subject to the Act's disclosure requirements.

Criminal History Background Checks

Criminal history background checks which have been incorporated into a personnel file are subject to the Act's disclosure requirements.

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Driver's License Information

Driver's license information and Georgia driving history reports that have been incorporated into a personnel file are subject to the Act's disclosure requirements.

Financial Records

The salary and other compensation paid to an employee, however, are subject to the Act's disclosure requirements.

Law Enforcement Records

When it comes to University police and security personnel, addresses, telephone numbers, social security numbers, identities of immediate family members, and insurance and medical information are protected from disclosure.

Information either subpoenaed or otherwise required to be disclosed through proper court proceedings shall be approved by the institutionally designated officer.

Disagreements regarding interpretations of this policy will be decided by the institutionally designated officer.

In all other cases, all public records (unless exempted by the Open Records Act) are open to inspection by the general public. Requests may be written or verbal. The Institution does not have to prepare summaries of documents, nor must you compile records in any requested order not in existence at the time of the request.

Requests must be acknowledged/fulfilled in response by nature and reasonableness of request. In the case of an Open Records Request, those requests should be acknowledged/fulfilled within three (3) business days. During that time, the Institution must determine whether the records can be inspected (or are legally excluded from inspection), and then, during that same period, the Institution must notify the individual who made the request whether (and when) the records will be available. The Institution must provide a timely schedule even if it will take more than three days to assemble and produce the records. If records are not subject to disclosure, the Institution still must respond within three business days with citation of legal authority exempting the records. The Institution can amend or supplement a designation one time within five days of the discovery of an error.

- *Electronic Records* - Computer records can be made available by electronic means, including internet access. Security can be used to control access. The Institution may charge the actual costs of computer disks and tapes. However, there is no charge for conversion of documents into electronic form.
- *Copy Costs* - The requester has the right to copy records under custodial supervision. You custodian may charge up to 25¢ per page for copies. The Institution must notify the requester of estimated total charges before completing the request, or else the requester is not responsible for the charges.

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- *Service Charges* - The Institution must provide 15 minutes of free staff time to retrieve records. You may charge for time after that. The hourly charge equals the salary of the lowest paid full-time employee with the skill to respond to the request.
- *Redaction of Records* - A document must be produced if a portion of the document is protected but can be “redacted.” To redact a document, you make a copy, black out the offending portion of the copy, and then copy the copy. The second copy is then produced to the person who requested the document.

Responsible Parties and Contact Information

Party	Responsibility	Phone/Email/URL
Vice Chancellor for Human Resources, USG	Maintain and revise employee personnel records guidelines and procedures as appropriate.	404-962-3235 usg-hr@usg.edu
Institution Chief Human Resources Officers	Each institution shall establish and maintain an adequate procedure for implementing this policy.	See University System HR Officer Listing

Appendices (Internal Documents, Forms and Web Links)

- None

Related Documents and Resources (External)

- None

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