

University of Houston Clear Lake

MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: Human Resources

Number: 02.A.31

AREA: General

SUBJECT: Public Access to Personnel Files

I. PURPOSE

- 1.1. This document has been established to facilitate compliance with federal and state regulations, ensure the integrity of 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 employees, regardless of status, classification, full-time equivalency (FTE), or duration of employment, who have been hired by the University of Houston Clear Lake.

II. POLICY

- 2.1 It is the policy that University of Houston Clear Lake human resources department will establish and maintain accurate and complete centralized personnel record files for all its employees, with only one official file on each employee.
- 2.2 The University of Houston- Clear Lake will comply with all aspects of the [Public Information Act](#) pertaining to access and maintenance of personnel-related information. Requests for information covered by the Public Information Act are subject to the provisions of [SAM 03.H.02 – Open Records](#).
- 2.3 The University of Houston Clear Lake will respect individual privacy and maintain in confidence all information and records pertaining to its employees to the extent practicable.
- 2.4 The policy of the University of Houston Clear Lake is to ensure equal opportunity in all its educational programs and activities, and all terms and conditions of employment without regard to age, race, color, disability, religion, national origin, veteran's status, genetic information, or sex (including pregnancy), except where such a distinction is required by law. Additionally, UH-Clear Lake prohibits discrimination in all aspects of employment and educational programs on the basis of sexual orientation,

gender identity, or gender expression. For the University of Houston System Non-Discrimination Statement, see [SAM.01.D.05 – Equal Opportunity and Non-Discrimination Statement](#).

III. POLICY PROVISIONS

- 3.1 Collection: The university 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 Clear Lake Records Retention Schedule, which is prepared in accordance with state and federal regulations. At the end of the retention period, the university may decide to retain these official records for a period longer than required by the Records Retention Schedule. Records will be disposed of in a manner appropriate to the type of record once they have reached their minimum retention period, based on the above mentioned schedule, and they are no longer administratively valuable. 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 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 appropriately stored in 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 statement of disagreement with any item in the file. The final decision about revising, deleting, or adding rests with the University of Houston Clear Lake chief human resources official or designee. The final decision of the university's chief human resources official will be communicated to the employee. The employee has an opportunity to appeal the human resources decision; this appeal will be heard by the appropriate Vice President (VP)/designee or the President.

- 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 or on a need-to-know basis, except pursuant to a subpoena or a public information request.

- 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 university for personnel information concerning applicants for employment, current employees and former employees shall be directed to the university 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.

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:

3.6.1 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(s); 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 University of Houston Clear Lake 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 university; promotion, transfer, and/or demotion materials; and all committee reports relevant to the employment relationship of the individual with the university.

3.6.2 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 university 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.

3.6.3 Confidentiality: Contents of personnel files are considered confidential, with access only on a need-to-know basis. Absent any conditions described elsewhere in this administrative memorandum, 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. 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.

3.6.4 Medical Records and Documentation: Medical records will be stored separately from the official personnel file.

IV. REVIEW AND RESPONSIBILITIES

Responsible Party: Executive Director for Human Resources

Review: Every five years on or before August 31st

V. APPROVAL

Mark Denney

Mark Denney

Vice President for Administration and Finance

Dr. Ira Blake

Ira K. Blake

President

Date: 6/18/2021

VI. REVISION LOG

Revision Number	Approved Date	Description of Changes
1	6.18.2021	UH System Policy adopted and placed in UHCL Standardized MAP Template.

VII. REFERENCES

- [SAM 03.H.01 – Records Retention](#)
- [SAM 03.H.02 – Open Records](#)