



## Privacy of Employee Personnel Records

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### 1.0 POLICY

In accordance with State Law, all information contained in County employees' personnel files maintained by the County of Lee is confidential, except information considered to be a matter of public record. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs.

### 2.0 DEFINITIONS

**2.1 Public Record:** The following information is a matter of public record:

- A.** Name
- B.** Age
- C.** Date of original employment or appointment to the County Service
- D.** The terms of any contract by which the employee is employed whether written or oral. Past and current, to the extent that the county has the written contract or a record of the oral contract in its possession
- E.** Current position and title
- F.** Current salary
- G.** Date and amount of each increase or decrease in salary
- H.** Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification
- I.** Office to which the employee is currently assigned
- J.** Date and general description of the reasons for each promotion
- K.** Date and type of each dismissal, suspension, or demotion for disciplinary reasons. If the disciplinary action was a dismissal, a copy of the written notice

of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.

**2.2 Employee Personnel File:** A file that is maintained in the County Human Resources Department or that is maintained by an operating department, or which is a part of the Personnel Data System, and contains information relating to the employment record of any current or past employee of the County of Lee, permanent, non-permanent, terminated or retired.

### **3.0 PROCEDURE / RULE**

**3.1 The Board of County Commissioners shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.**

**3.2** The information, defined as public record in paragraph 2.1, is maintained in the employee personnel files by the County Human Resources Department. As required by GS153A-98, any person may have access to this information for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt.

**3.3** All information contained in the County employee's personnel file, other than the information made public as defined above, is confidential and shall be open to inspection only in the following instances:

- A.** The employee or his duly authorized agent may examine all portions of his personnel file except:
  - 1.** Letters of reference solicited prior to employment;
  - 2.** Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- B.** A licensed physician designated in writing by the employee may examine the employee's medical record.
- C.** A County employee having supervisory authority directly or indirectly over the employee may examine all material in the employee's personnel file.

- D. By order of a court of competent jurisdiction, any person may examine such portion of any employee's file as may be ordered by the court.
  - E. An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having control over those records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability.
- 3.4** An employee of the County who objects to material in his personnel file on the grounds that it is inaccurate or misleading may seek to have the material removed from the file by filing a formal grievance with his immediate supervisor in accordance with the County's Grievance Procedures; or, the employee may place in the personnel file a statement relating to the material.
- 3.5** The provisions for access to records apply to former employees as they apply to present employees.
- 3.6** All disclosures of records from the employee's personnel file shall be accounted for by keeping a written record (except for authorized persons processing personnel action forms) of the following information: name of the employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two (2) years.
- 3.7** Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction be fined in an amount not to exceed five hundred dollars (\$500.00).
- 3.8** Any person, not specifically authorized to have access to a personnel file designated as confidential who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court, but not in excess of five hundred dollars (\$500.00).
- 3.9** No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty

of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) as provided in G.S. 132-3.

#### **4.0 APPENDIX / APPENDICES**

None.