

POLICY FOR PERSONNEL RECORDS

Policy No. 2020-12-01

THE PURPOSE OF THIS POLICY IS TO ESTABLISH STANDARDS AND PROCEDURES FOR THE MAINTENANCE OF CONFIDENTIALITY, DISCLOSURE OF INFORMATION, AND SECURITY OF PERSONNEL RECORDS, IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.

I. POLICY STATEMENT

The City of Cumby, Texas recognizes its responsibility to maintain accurate personnel records, to protect the confidentiality and privacy of personnel records, and to secure personnel records except where federal, state, and local laws and regulations provide for disclosure. The City also recognizes the right of employees to access their personnel records.

II. PURPOSE

The purpose of this policy is to establish standards and procedures for the maintenance of confidentiality, disclosure of information, and security of personnel records, in accordance with federal, state, and local laws and regulations.

III. DEFINITIONS

Within the context of this policy, the following definitions apply:

- A. Confidential – Private, not intended to be shared with others.
- B. Confidentiality – Assurance that City of Cumby employees and vendors protect personally identifiable information (PII) and do not disclose or transmit information to unauthorized parties.
- C. Disclosure – The act of permitting access to, the release, transfer, or other communication of personnel records or the PII contained therein, orally, in writing, by electronic means, or by any other means to any party.
- D. Legitimate Job-Related Interest – City of Cumby Council members', employees', and vendors' need to review a personnel record to conduct his/her professional responsibilities.

- E. Personally, Identifiable Information (PII) – Any information that, alone or in combination, would make it possible to identify an individual with reasonable certainty.
- F. Personnel File – The file maintained by the Office of the City of Cumby Secretary for each City of Cumby employee that contains pre-employment and current employment personnel records.
- G. Personnel Records – Records directly related to an employee, in any format and location, that are maintained by the City of Cumby Secretary, except for those confidential records required by Texas Commission on Law Enforcement (“TCLOE”) to be maintained solely by the City of Cumby Police Department.
- H. Vendor – A person or organization that has a legal binding agreement with the City of Cumby to perform a special task, such as an attorney, auditor, school resource officer, medical consultant, or therapist.

IV. STANDARDS

- A. All City of Cumby Council members, employees, and vendors will adhere to federal, state, and local laws and regulations as well as City of Cumby policies, procedures, and guidelines for maintaining the accuracy, integrity, quality, and confidentiality of personnel records in any format and location.
- B. The storage, retention, and destruction of personnel records will adhere to federal, state, and local laws and regulations; City of Cumby procedures.
- C. Access to confidential personnel records will be granted only for the purpose of serving legitimate job-related interest or as required by federal, state, and local laws and regulations.
- D. The release of the home addresses, telephone numbers, Driver’s License Numbers, Social Security Numbers, Passport Numbers and dates of birth of public employees is prohibited by state law, unless the employee gives permission or the City of Cumby determines that inspection of such information is needed to protect the public interest.
- E. Personnel information released in compliance with a lawfully issued subpoena will be limited to the specifics cited in the subpoena.

V. RESPONSIBILITIES

- A. All City of Cumby Council members, employees, and vendors will maintain the confidentiality of personnel records.
- B. City of Cumby Council members, employees, and vendors may disclose a City of Cumby employee's PII to appropriate parties in an emergency if knowledge of the information is necessary to protect the health or safety of the employee or other individuals.
- C. City of Cumby Council members, employees, and vendors may disclose a City of Cumby employee's PII.
- D. The City of Cumby Council members will monitor standards and procedures related to the confidentiality of personnel records as set forth in federal, state, and local laws, regulations and policies.
- E. The City of Cumby will inform City of Cumby employees annually of the general provisions of this policy including procedures related to the protection and confidentiality of personnel records.
- F. The Office of the City of Cumby Secretary will serve as the custodian of employee personnel records in the employee's personnel file and will protect the confidentiality of those records.
- G. The City of Cumby Secretary and immediate supervisors will protect the confidentiality of all active or inactive personnel records stored in City of Cumby files and records.
- H. The City of Cumby Secretary and immediate supervisors will review the standards and procedures related to the confidentiality and disclosure of personnel records with the appropriate employees.
- I. City of Cumby Staff and immediate supervisors will ensure that personnel records in their offices will be maintained, reviewed, updated, retained, and destroyed in accordance with policy.

VI. DELEGATION OF AUTHORITY

The City of Cumby Council is authorized to develop procedures for the implementation of this policy. The repository of employee records shall be with and maintained by the City of Cumby Secretary, except for those confidential records required by Texas Commission on Law Enforcement ("TCLOE") to be maintained in and by the City of Cumby Police Department.