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| Division: | Human Resources (HR) |
| Title: | Standard Operating Procedures |
| Procedure: | RELEASE OF CONFIDENTIAL INFORMATION GUIDELINES |
| Original Effective Date: | |
| Revised Effective Date: | 4/10 |

Release of Confidential Information Guidelines

Personnel files consist of any information gathered by the agency which relates to the individual's application, selection or non-selection, promotion, demotion, transfer, salary and leave, performance evaluation forms and suspension, disciplinary actions and termination of employment.

The following is public information:

Name
Age
Date of original employment or appointment to state service
Current position and title
Current salary
Date and amount of most recent increase or decrease in salary
Date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification and office or station to which employee is currently assigned

All other information in an employee's file is confidential. Specifically:

Employment application
Selection or non-selection to a position
Promotion or transfer history
Leave balance or status
Salary history
Performance rating
Disciplinary action (warnings, disciplinary suspensions, demotions, dismissals)
Termination of employment

1. All requests for confidential information should be directed to the division/facility/school Human Resources Manager.
 - a. Local Human Resources Manager sends a request to Central Employee Relations.
 - b. Central Employee Relations prepares a letter for the DHHS Secretary to sign, giving the Local Human Resources Manager permission to release the confidential information that was requested.
 - c. Once the letter is signed by the DHHS Secretary, it is returned to Central Employee Relations.
 - d. Central Employee Relations forwards the signed letter to the Local Human Resources Manager.
2. All information in an employee's personnel file may be released to
 - a. The immediate supervisor and those in the employee's chain of command
 - b. Members of the General Assembly
 - c. Anyone authorized by a court order
 - d. Anyone authorized by the DHHS Secretary when the Secretary deems it in the best interest of the Department.
3. Confidential information may not be released for purposes of assisting in a criminal prosecution or a tax investigation.
4. Each individual requesting access to confidential information is required to submit satisfactory proof of identity.
5. A record will be kept of each disclosure.
6. If the DHHS Secretary deems it in the best interest of the Department and allows confidential information in a personnel file to be released, the Secretary must prepare a memorandum stating the circumstances that require disclosure and the information that is to be disclosed. A copy of the memorandum will be sent to the employee and retained as a public record in the Secretary's files.
7. The employee and his/her properly authorized agent may view the personnel file in its entirety except for:
 - a. Letters of reference solicited before employment and
 - b. Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. That information may be disclosed to a licensed physician designated in writing by the employee.
8. Any public official or employee who permits access of confidential information in a personnel file to an unauthorized person is guilty of a misdemeanor. If convicted the fine will not exceed \$500.00
9. Any person not specifically authorized to have access to confidential information in a personnel file that examines, removes, or copies any of the confidential information is guilty of a misdemeanor. If convicted the fine will not exceed \$500.00

DHHS Appendix C, Guidelines for Release of Employee Information

http://info.dhhs.state.nc.us/olm/manuals/dhs/pol-50/man/Pol2_ER_AppendixC1.htm

State Personnel Policy, Personnel Records, Section 3

<http://www.osp.state.nc.us/manuals/2005/Personnel%20Records.pdf>