

# POLICY

<b>Approved by:</b> Rebecca R. Hunter, Commissioner	<b>Policy Number:</b> 12-042 (Rev. 1/16)
<b>Signature:</b> <i>Rebecca R. Hunter</i>	<b>Supersedes:</b> 12-042, 11-057, 99-026, 08-022
<b>Application:</b> Executive Branch Agencies, Human Resource Officers	<b>Effective Date:</b> August 1, 2013
<b>Authority:</b> T.C.A. §4-3-1703, T.C.A. §8-30-104, T.C.A. 8-30-313, T.C.A. §10-7-504	<b>Rule:</b> Chapter 1120-13

**Subject:**

## Public Records Personnel and Applicant Files Access

Pursuant to Tenn. Code Ann. § 10-7-504, portions of the personnel record of employees and information submitted by applicants shall be treated as confidential and not open for public inspection. Confidential information includes: social security numbers, home addresses, home and cellular telephone numbers, personal/non-government email addresses, bank account information, performance evaluations, and driver's license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of their job. The same information concerning the employee's immediate family members or household members is also considered confidential with restricted access. In addition, the performance record of each employee is considered confidential and not open for public inspection.

The following procedures are to be used to ensure adequate measures are taken to protect confidential information:

- Agency human resource employees, law enforcement agencies, courts, and certain other governmental employees may, when performing their official job functions, review these files without restrictions. The right to unrestricted access also applies to the person seeking to review his or her own personnel file or application. Proper identification of these individuals must be determined prior to allowing access to the personnel record.
- Employees and/or applicants may allow other individuals to access their personnel files by completing a PR-0358 signature authorization form which may be obtained from the Department of Human Resources. In addition, a valid Tennessee subpoena may permit information to be reviewed or copied with redaction.

<b>DOHR Policy:</b> <b>Public Records</b> <b>Personnel and Files Access</b>	<b>Policy Number:</b> 12-042 (Rev. 1/16)
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- If a signature authorization is not available, a resident of the State of Tennessee requesting to review the personnel file may present a photo identification card along with a completed "Files Checkout Request," PR-0144 form to designated personnel in the Department of Human Resources. When this occurs, the personnel file will be audited and, where needed, confidential information redacted before the review.
- A period of forty-eight (48) hours from the date of request, to include at least two (2) business days, will be allowed for the audit, copying, and redaction of confidential information. A reasonable charge will be required to cover production costs, including labor, duplication and delivery, based on the most current Schedule of Reasonable Charges issued by the Office of Open Records. These costs should be paid upon receipt of the copied file.

Unedited employee and/or applicant files are to be considered confidential in the normal course of business. Access should be limited as described in this policy. Documents containing confidential information are not to be left unattended in an area accessible to the public. When no longer usable, documents containing confidential information should be destroyed in accordance with the appropriate disposition method as required by state law.

Agencies should ensure this policy is disseminated to all individuals in the agency whose work involves access to personnel files.

Questions regarding this policy may be directed to the Office of Records Management/Quality Assurance Division.