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## EMPLOYEE RECORDS

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**PURPOSE:** To identify who has access to employee records and the procedure for disclosing records information

### **I. Definition**

"Employee records" refer to name-linked files of potential, current, and former employees assembled in the normal operations of the University.

### **II. Introduction**

When an individual applies for employment and/or is employed by Boise State University, there is an assumed and justifiable trust placed upon the University to maintain security of personal information for the protection of the rights of the individual. In order to protect employees against potential threats to their individual rights inherent in the maintenance of records and any disclosures regarding them, the following articles are adopted for implementation at Boise State University.

#### **A. Article I, General Statement of Philosophy and Procedure:**

1. Any office of Boise State University should view employee record information in the Boise State University directories as public information. All other information should be available only if there is authorization and a reasonable "need to know." (See Article II and Appendix I)
2. Each unit of the University should keep only that minimum material required directly for its official functions.
3. Inquiries regarding employee information should be directed to the Office of the Director of Human Resources where questions may be referred to an appropriate office of the University for action.

#### **B. Article II, Disclosure of Information:**

Information in an employee's records should not be released, in any form, without the consent of the individual. Information in an employee's record may be released for use in research only if it is of a general, overview nature and the employee is not identifiable.

1. **Implicit Consent:** It is assumed that the employee will give his/her consent to the release of information as specified in Appendix I.
2. **Explicit Consent:** In all cases not listed in Appendix I and in all cases whatsoever for employees requesting privacy, Boise State University shall not release information unless the employee explicitly requests such in writing. Only that information requested shall be released. In no case, however, shall information be transmitted or disclosed which might tend to discredit or damage an individual without his/her express knowledge and written consent.

#### **C. Article III, Procedure Upon Receipt of a Subpoena:**

Upon receipt of a subpoena by a legislative body or court of competent jurisdiction, the appropriate official of Boise State University shall notify the President of the University and on his/her authority:

1. Make every reasonable effort to notify immediately the person or persons affected by the subpoena and confirm such notification in writing.

2. Inform persons affected by the subpoena of their rights and privileges and the advisability of legal counsel.
3. Gather all information requested under subpoena and submit it to the President of Boise State University and/or his or her designee for action.

**D. Article IV, Procedure Upon Request of Information by Investigatory Agency:**

1. Whenever a local, state, or federal police or investigatory agency requests information about an employee, Boise State University shall immediately notify the employee that such a request has been made.
2. Any requests for information, other than implicit consent data, by an investigatory agency must be in writing. Any information provided shall be in writing and governed by the provisions of Article II, Paragraph 2.

**E. Article V, Request for Reference Information:**

Generally, reference information will be provided when authorized by the staff member. No information should be given directly from the University's records unless specifically authorized by the staff member.

**F. Article VI, Access to Employee Records:**

1. Only staff personnel specifically named by the responsible administrative authority of the various departments shall have direct access to employee records maintained by that department.
2. Employees have the right to be informed of the nature of the content of their record. Employees will be able to discuss the contents of their records with the responsible administrative authority.
3. Employees have the right to reply to or suggest deletion of derogatory evaluation material or statements of an accusatory nature placed in their file. Such requests for deletions or replies to material should be in writing to the unit supervisor. If, in the case of requested deletions, the matter cannot be resolved between the employee and the supervisor, it may be taken to the appropriate grievance board or committee for consideration.

**G. Article VII, Retention of Employee Records:**

1. Employee records are to be retained only for the minimum period of time required to serve the basic official functions of the office involved. At the end of that period, such records shall be disposed of in a manner that will not violate their confidential nature.
2. Basic employee records of all former professional teaching and contract employees will be maintained permanently (e.g., employment application, employee contract, etc.).

**H. Article VIII, Amendment Procedures:**

This document may be amended by common consent of the Faculty Senate and President's Cabinet as recommendations are submitted to them by the Records Committee.

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APPENDIX I  
Disclosure of Employee Information Chart

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In Appendix I, the type of employee information retained by Boise State University has been listed. Designation of information to be made available is to be reviewed periodically by the Records Policy Committee.

- A. Implicit consent for full public disclosure of these items may be assumed under Article II-A. This full disclosure covers items which are customarily published in the Boise State University

Directory, the Boise State University Student Directory, and the Boise State University Bulletin. The information contained in these general University publications may be disclosed to anyone upon request. Individuals may withhold home addresses and phone numbers from the publication in University directories.

- B. Implicit consent for limited or qualified disclosure of these items may be made to appropriate state agencies, affiliated institutions, and other sources if deemed appropriate for some type of statistical data or laudatory information regarding the employee in question.
- C. Explicit consent covers that information which shall not be released to anyone without the employee's written approval.

### 1. Disclosure of Information Chart A

	A Implicit Consent Full Disclosure	B Implicit Consent Limited Disclosure	C Explicit Consent CONFIDENTIAL	Information Released To
Name	X			Anyone
Local Address & Phone No. (if listed in University Directories)	X			
Office Address & Phone No.	X			
Department	X			
College	X			
Faculty Rank	X			
Degree Earned	X			
Years of Service at BSU	X			
Previous Places of Employment	X			
Spouse's Name	X			
Number of Dependents				

Marital Status		X		Authorized offices within the University, affiliated institutions, State Board of Education, statistical reports and documents as needed.
Date of Birth		X		
Previous Employment Record		X		
Social Security Number		X		
Salary		X		
Ethnic Background		X		
Application Form			X	No one except with written consent from the employee.
Letter of Recommendation and/or Credentials			X	
Transcripts of Academic Work			X	
Annual Contract Copies			X	
Evaluation Data			X	