



BOISE STATE UNIVERSITY

University Policy 7060

Employee Records

Effective Date

July 1, 1978

Last Revision Date

August 2013

Responsible Party

Human Resources and Workforce Strategy, (208) 426-1616

Scope and Audience

This policy applies to all University employees.

Additional Authority

Idaho Code Title 74, Chapter 1 (Idaho Public Records Act)

1. Policy Purpose

To outline who has access to employee records and the procedure for disclosing records information.

2. Policy Statement

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 protect the individual's rights and personal information. This policy protects potential, current, and former employees against

possible threats to their privacy inherent in the maintenance of records and any disclosures regarding them.

3. Definitions

3.1 Employee Records

Name-linked files of potential, current, and former employees assembled during normal University operations.

4. General Statement of Internal Records Philosophy

- a. Employee Records information in the University directories is public information. Upon request, all other information should be made available if there is a reasonable "need to know" and permission from the requester's supervisor.
- b. Each University department or unit should keep the minimum amount of information directly required for its official functions.
- c. Questions regarding the release of employee information should be directed to the Chief Human Resources Officer.

5. Disclosure of Information

- a. Some information in an Employee's Record may not be released without their consent. For release of this information, explicit consent is needed.
 - (i) Explicit Consent: In all cases listed in Appendix 1, and in all cases where employees request privacy, the University does not release information unless authorized by the employee in writing. Only that information authorized shall be released. Information must never be transmitted or disclosed if it could possibly discredit or damage an individual without their express knowledge and written consent.
- b. Occasionally, information in an Employee's Record may be released without their permission where permission is implied (or "implicit") as a condition of employment. There are two types of implicit consent.
 - (i) Implicit Consent for Full Disclosure: It is assumed that employees give consent to the release of information in Table 1, Column A.

- (ii.) Implicit Consent for Limited Disclosure: It is assumed that employee information in Table 1, Column B may be released for use in research. The information must be of a general nature and the employee must not be identifiable.
- c. See Appendix I, the Disclosure of Employee Information Chart, for additional information.

6. Procedure upon Receipt of a Subpoena

Upon receipt of a legislative or judicial subpoena, the appropriate University official must notify the Office of General Counsel who will:

- a. Make every reasonable effort to immediately notify the person(s) affected by the subpoena and confirm such notification in writing.
- b. Inform person(s) affected by the subpoena of their rights and privileges and the advisability of legal counsel.
- c. Gather all information requested under subpoena and submit it to the Office of General Counsel, or designee, for action.

7. Procedure Upon Request for Information by Investigatory Agency

- a. Whenever a local, state, or federal police or investigatory agency requests information about an employee, the University will immediately notify the employee that such a request has been made. However, if such notification might reasonably interfere with the investigation, the investigating agency may request that notification be withheld from the employee.
- b. 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 Section 4.

8. Access to Employee Records

- a. Only personnel specifically named by the responsible administrative authority of the relevant department shall have direct access to Employee Records maintained by that department.
- b. Employees have the right to be informed of the nature of the content of their record. Employees may discuss the contents of their records with the responsible administrative authority.

- c. Employees may 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 through the appropriate problem solving process if within the proper time frame.

9. Retention of Employee Records

- a. Employee Records will be retained 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.
- b. Basic employee records of all former professional teaching and contract employees (e.g., employment application, employee contract, etc.) will be maintained properly, as per Idaho State Board of Education guidelines.

10. Appendix I – Disclosure of Employee Information Chart

In this appendix, the type of employee information retained by Boise State University has been listed.

- a. Implicit consent for full public disclosure of these items is assumed in accordance with Section 5.b.(i) of this policy. This full disclosure covers items which are customarily published in University directories. The information contained in these general University publications may be disclosed to anyone upon request and includes the following information:
 - Name
 - Office Address and Phone Number
 - Department
 - College
 - Faculty
 - Rank
 - Degree Earned

- Years of Service at Boise State
 - Salary
- 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 and includes the following information:
- Marital Status
 - Date of Birth
 - Previous Places of Employment
 - Record
 - Ethnic Background
- c. Explicit consent covers information that may never be released to anyone without the employee's written approval and includes the following information:
- Application Form
 - Letter of Recommendation and/or Credentials
 - Transcripts of Academic Work
 - Annual Contract Copies
 - Evaluation Data
 - Social Security Number
 - Number of Dependents
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Revision History

July 1, 1995; August 2013