

BOARD OF EDUCATION
POLICY 7010
CONFIDENTIALITY OF
PERSONNEL RECORDS AND FILES

Effective: July 1, 2008

I. Policy Statement

The Board of Education recognizes its responsibility to maintain accurate personnel records and files and to protect the confidentiality and privacy of records and files except when state and federal legislation provides for disclosure.

II. Purpose

To establish clear expectations as to the confidentiality of personnel records and files.

III. Definitions

- A. Confidential – For purposes of this policy, information that is private, not intended to be shared with others.
- B. Confidentiality – For purposes of this policy, the obligation of school system personnel not to disclose or transmit information to unauthorized parties.
- C. Disclosure – Permitting access to or the release, transfer, or other communication of personnel records of employees or the personally identifiable information contained therein, orally, in writing, or by electronic means, or by any other means to any party.
- D. Legitimate job-related interest – A person's need to know, in order to:
 - 1. Perform an administrative task required in the school employee's position
 - 2. Perform a supervisory or instructional task directly related to an employee
 - 3. Perform a service or benefit for the employee
 - 4. Perform a quasi-judicial function as required by federal or state law or Board of Education policy.
- E. Personnel Files – The file(s) maintained by the Office of Human Resources for each school system employee which contain pre-employment and current employment information. Personnel files may include, but are not limited to, original applications; employee references; evidence of background investigations, performance evaluations; letters of reprimand; any employee rebuttals; and letters or forms related to the retirement system, salary, and

benefits. These records may be stored on paper, film, microfilm, or photostats, or in the form of electronic data.

- F. School System Personnel – For purposes of this policy, persons employed by the Howard County Public School System (HCPSS), persons serving on the school board, or persons or companies with whom the HCPSS has contracted to perform a special task (such as attorneys or auditors).

IV. Standards

A. General

- A. Personnel files and records are confidential. Information shall not be released from personnel files and records except as required by state and federal law and regulation, or to school system personnel who have a legitimate job-related interest.
- B. Maryland State law prohibits the release of the home addresses and phone numbers of public employees.
- C. Personnel record information released in compliance with a lawfully issued subpoena will be limited to the specifics cited in the subpoena.

B. Access to Personnel Files

- 1. No school system personnel will have access to personnel files unless they have a legitimate job-related interest in doing so.
- 2. Employees have the right to review their personnel files according to established office procedures and applicable negotiated agreements.
- 3. Employees have the right to receive copies of documents contained in their personnel files according to established office procedures and applicable negotiated agreements.
- 4. Employee reference letters and information are the property of the Howard County Public School System and are not available for review by the employee nor for the release to any other party except school system personnel who have a legitimate job-related interest.
- 5. Upon termination, employees have no further access to their personnel files. Exceptions may be authorized by the Superintendent/designee.

6. Records of grievances and 4-205 appeals will not be included in an employee's personnel file except as it may confirm a salary or position adjustment.

V. Compliance

The Office of Human Resources serves as the custodian of employee personnel files and has the responsibility to preserve the confidentiality of the files.

VI. Delegation of Authority

The Superintendent is authorized to develop appropriate procedures to implement this policy.

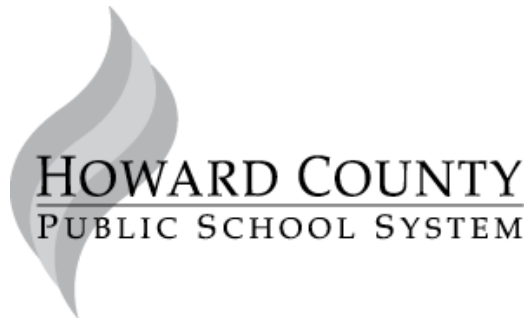
VII. References

- A. Legal
 - The Annotated Code of Maryland, Education Article, Section 4-205 (Powers and duties of county superintendent)
 - The Annotated Code of Maryland, State Government Article, Section 10-616 and 10-617 (Specific records)
- B. Other Board Policies
 - Policy 3030 Research Involving Employees and Students
- C. Other
 - Master Agreement Between the Board of Education and the American Federation of State, County and Municipal Employees
 - Master Agreement Between the Board of Education and Educational Support Professionals
 - Master Agreement Between the Board of Education and the Howard County Administrators Association
 - Master Agreement Between the Board of Education and the Howard County Education Association

ADOPTED: June 2, 1970

AMENDED: September 10, 1992
February 7, 2008

EFFECTIVE: July 1, 2008



POLICY 7010-PR
IMPLEMENTATION PROCEDURES
CONFIDENTIALITY OF
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There are no implementation procedures for Policy 7010.