

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Privacy of Personnel Records		
Policy Number: 104.63	Effective Date: 5/7/2020	Page Number: 1 of 7
Authority: Commissioner	Originating Division: Administration & Finance Division (Human Resources)	Access Listing: Level I: All Access

I. Introduction and Summary:

- A. The Georgia Department of Corrections [GDC] has a legal duty to comply with the standards applicable to all agencies for producing, publishing, or distributing government documents maintained within the scope of its authority. Corrections Human Resources Management [CHRM] is the custodian of official personnel files. Appointing authorities are the custodians of the local personnel files maintained at their work locations. The procedures below shall govern the disclosure or release of information from the personnel records of GDC.
- B. To the extent possible, GDC officials and records custodians will protect all personnel records from unnecessary access or disclosure. Except as required or permitted by state law and other legal authority, information contained in an employee's file will not be released without the employee's knowledge.
1. Agency sections, facilities, and/or central office staff are often required (by court order, subpoena, Georgia's "Open Records Act" (O.C.G.A. Title 50), and other sources) to produce copies of GDC records. Records custodians must always attempt to verify the authenticity and legitimacy of such requests.
 2. Any request to copy confidential documents or data protected by law should be routed to the Office of Legal Services.
 3. Any request for confidential information obtained in the selection and hiring process should be processed in accordance with SOP 104.09, Filling a Vacancy.
- C. Only personnel authorized by the Director of Human Resources, or for local files, by the appropriate appointing authority, may add to or copy information retained in personnel files. Appointing authorities will establish measures to ensure compliance with this procedure.
- D. Information in a personnel file may not be altered or removed. To request an exception to this rule, a written request outlining the detailed reason(s) for the request may be submitted to the Director of Human Resources. Upon receipt, the Director of Human Resources will review the document and all pertinent information to make a final determination and provide the same in writing to the requestor within a timely manner. Removal of any documents from the file will

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require written notification to all parties that may have been involved in the document being placed in the file.

II. Authority:

- A. O.C.G.A. §50-18-70, *et seq.* (Georgia’s Open Records Act);
- B. Governor’s Executive Order dated 01-13-2003: Creating the Office of State Inspector General;
- C. State Personnel Board Rule 478-1-.09 - Records;
- D. GDC Standard Operating Procedures (SOPs): 101.07 Open Records Requests and 104.09 Filling a Vacancy; and
- E. ACA Standards; 2-CO-1C-23, 1-CTA-1C-11, 5-ACI-1B-16 (ref. 4-4040), 5-ACI-1C-20 (ref. 4-4067), 5-ACI-1C-21 (ref.4-4068), 4-ACRS-7E-11, 4-ACRS-7E-12, and 4-ALDF-7E-02.

III. Definitions: None.

IV. Statement of Policy and Applicable Procedures:

This policy applies to CHRM and all facilities, centers, units, and offices of the GDC.

- A. CHRM and local personnel files are maintained according to CHRM guidelines with medical files being kept separate and marked confidential.
- B. In carrying out the agency's policy concerning release of personnel record information, department employees should follow six general rules:
 1. Collect and retain only needed information;
 2. Allow records to be examined or reproduced by only those persons who have a legitimate need to know;
 3. Except when verifying employment or responding to legitimate investigatory inquiries or other legal notices, do not release information from personnel records to non-GDC requestors without the employee's approval;

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4. Private facts or information such as social security numbers, date and/or month of birth, mother's birth name, identification of immediate family members, or dependents, home addresses and home telephone numbers, banking and/or financial information, and insurance and/or medical data will not be disclosed without proper authorization;
 5. Provide a means for an employee to examine the employee's own official or local personnel file to ensure its accuracy; and
 6. When in doubt, contact the CHRM or Office of Legal Services representatives.
- C. Inspection or copying of personnel records will be accomplished as follows:
1. A supervisor may review the personnel files of employees under his/her supervision; however, such review will be done during normal business hours at the local personnel office or in CHRM. Supervisors will not be permitted access to employees' medical files.

NOTE: Special arrangements can be made, by contacting the Director of Human Resources, to meet the needs of the Commissioner or other senior officials of the agency.

- a. Personnel files may be reviewed or signed out by authorized personnel only. Files may only be removed from the premises of the local personnel office with the permission of the appointing authority/designee or CHRM with the permission of the Director of Human Resources/designee.

NOTE: Official personnel files in CHRM are scanned into SCRIBE, a computerized electronic imaging system, and would have to be printed.

- b. Authorized individuals who are not members of CHRM staff or local personnel office staff must complete Attachment 1, Request to Review Employee Personnel File before any record is reviewed or released to them.
- c. Except for GDC investigators, hearing officers, Legal Services personnel, or payroll staff, all non-supervisory personnel must receive advance clearance to review or sign out records.

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- d. The records custodian shall be notified immediately if a file is being routed to anyone other than the original requestor. Strict accountability must be maintained.
2. Local Personnel Files:
- a. Current GDC employees may review their own local personnel files by contacting the local personnel office. An appointment is required. Such review will be conducted during normal business hours when there is staff available in the personnel office to monitor the review.
 - b. The file may not be removed from the personnel office area.
 - c. There is no charge for the initial copying of file documents. Subsequent copies will be made at the rate of 10 cents (\$0.10) per page.
 - d. A supervisor may review the local personnel files of employees under his/her supervision following the same procedure for appointment as described above. However, the supervisor may **NOT** have access to the medical file.
 - e. An employee may review his or her own management file and/or performance diary. However, copies will not be provided unless the employee makes an official Open Records Request.
3. Corrections Human Resources Management (CHRM) Official Personnel File:
- a. When desired, or in the absence of a local personnel file, current GDC employees may review their own official personnel files via SCRIBE, a computerized electronic imaging system, in CHRM. Employees must make an appointment by contacting the CHRM file room at (478) 992-5211. Such review will be conducted during normal business hours at a time when staff is available to monitor the review. This will include a review of the medical file upon request by the employee.
 - b. There is no charge for the initial copies of file documents. Subsequent copies will be made at the rate of 10 cents (\$0.10) per page.

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- c. A supervisor may review the official personnel files (via SCRIBE) of the employees under his or her supervision following the same procedure for appointment as described above. However, the supervisor may **NOT** have access to the medical file.
4. Former employees of GDC may review or obtain a copy of their files if they appear in person with proper identification at CHRM.

NOTE: This procedure will also apply to a local personnel file, if one exists.

- a. Advance notice is required so a mutually agreeable time may be coordinated.
- b. Records will be reviewed in the CHRM file room and the individual must be supervised by a staff member at all times.
- c. No charge will be assessed for the first 15 minutes of review. Charges for the time of a supervisory employee will be at a rate of \$9.35 per hour for additional review time.
- d. Charges for copying material will be 10 cents (\$0.10) per page. Additionally, the hourly rate (see section c. above) will be charged for an employee to copy the file.
5. Members of the general public (i.e., non-GDC employees) may review department personnel records or other declassified and non-sensitive materials. The request must be made in writing and in accordance with Georgia's Open Records Act or include an authorization from the employee. The request should be received at least 3 days in advance of the agreed-upon time for review. Following the review, copies may be made of selected records at the above stated rates for copies and supervision by an appropriate GDC employee.

NOTE: Any request for records under Georgia's Open Records Act must be coordinated with GDC's Office of Legal Services in accordance with SOP 101.07, Open Records Requests.

- a. The request must be responded to by the Director of Human Resources within three business days of receipt. This response need only inform the

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requesting party of the department's decision concerning access to the requested record. A mutually agreeable time for review may be coordinated later.

- b. No charge will be assessed for the first 15 minutes of review. Charges for the time of a supervisory employee will be at a rate of \$9.35 per hour.
- c. Charges for copying material will be set at 10 cents (\$0.10) per page. Additionally, the hourly rate (see c. above) for an employee to copy file documents will be charged.

NOTE: Charges may be waived for certain local, state, and federal agencies.

- d. An invoice (letter and/or billing notice) must be sent to the requestor, providing charges which must be paid prior to producing copies of the documents. Payment must be received within thirty (30) days, or the assumption will be made that the requested information is no longer needed.
 - e. Checks or money orders (no cash) for the amount of the total charges will be made payable to: **Georgia Department of Corrections**. After the payment is received, it will be processed through the appropriate business office and GDC's Central Accounting Office.
 - f. Once payment is received, requested records will be released. A copy of the employee's release or the Open Records Request, and the billing notice, should be retained for two years in a file separate from the personnel file.
 - g. Private facts or information will be redacted in the released copies as necessary to comply with legal requirements regarding individual privacy.
6. Exceptions to this procedure may be granted by the Director of Human Resources on a case-by-case basis.

V. Attachments:

Attachment 1: Request to Review Employee Personnel File

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VI. Record Retention of Forms Relevant to this Policy:

Upon completion, this form shall be retained for two (2) years in the employee's local Human Resources file.