

## 6-912 Access to or Disclosure of Personnel Records or Information

Neither the Board of Regents nor the universities under the jurisdiction of the Board shall disclose or permit access to personnel records or information except as authorized by this policy.

## A. Employee Access

On request, an employee or a person authorized by the employee in writing, may review and obtain copies of documents from the employee's own personnel file, subject to reasonable and specific procedures established and administered by each university.

## B. Administrative Access

1. All personnel, employment or related records shall be available only to authorized users for authorized purposes. The president of the institution or the president's designee has final authority to determine what users and purposes are authorized pursuant to this policy. Any unauthorized access, release or use of personnel information shall constitute employee misconduct.
2. As determined by the president of the institution, authorized officers, employees or agents of the Board or of any institution under the jurisdiction of the Board may have access to and may disclose personnel records or information as necessary in the prosecution, defense or resolution of any hearing or dispute regarding personnel matters. This paragraph is a supplement to, and shall not be construed as a limitation of, paragraph B.1 above.

## C. Access or Disclosure to Third Parties

Access to or disclosure of personal records or information shall not be provided to individuals or agencies other than those designated by the universities as mentioned in sections A and B above, except as follows:

1. The following information regarding present or former employees may be disclosed:
  - (a) Name

- (b) Titles or positions (including academic degrees and honors received);
  - (c) Fact of past or present employment;
  - (d) Dates of employment; and
  - (e) Salaries or rates of pay.
2. An individual's dates of attendance at work and home address may be disclosed in response to a subpoena issued by a properly identified law enforcement authority.
3. Access to personnel records or disclosure of personnel information may be provided when necessary to protect the interests of the institution when the institution believes the actions of the individual violate the conditions of employment or otherwise threaten injury to the institution or to others, to a properly identified law enforcement authority when the institution reasonably believes that an applicant, employee or former employee may have engaged in illegal activities, or pursuant to a federal, state or local government statute or regulation that specifically requires disclosure of certain information to certain parties.
4. Access to certain personnel records or disclosure of personnel information may be provided in response to a lawfully issued administrative summons or judicial order, including a search warrant or subpoena, provided:
- (a) that legal counsel has reviewed the matter and approved disclosure; and
  - (b) that, if the request is not issued on behalf of the affected employee(s), a reasonable effort has been made to notify the affected employee(s) of the request prior to compliance therewith.
  - (c) In addition, the institution receiving such a summons or subpoena may seek a protective order to prevent disclosure of certain documents, such as promotion and tenure files, letters solicited from outside reviewers who were given a promise of confidentiality, and performance evaluations, on

the basis that a qualified privilege exists to protect those documents in the employee evaluation system for making determinations of employee retention and the granting of tenured or continuing status.

- (d) Access to personal records or disclosure of personnel information may be provided in compelling circumstances affecting the immediate health or safety of the individual or others.

5. Public Documents Statute

Personnel records and information are confidential and their disclosure, other than as provided for in this policy, would be contrary to the best interests of the state. Accordingly, except as provided for in this policy, personnel records shall be treated as exempt from the public documents statute.

(ABOR 2/88)