

Davis School District Policy and Procedures

Subject: 2HR-300 Personnel Records

Index: Human Resources – Employee Records Management

Date: January 4, 2022

1. PURPOSE AND PHILOSOPHY

To establish standards by which information contained in personnel records and protected health information records shall be managed to achieve accuracy, security, privacy, and legal compliance and to protect the integrity of Davis School District (District) information.

2. POLICY

- 2.1. Personnel records of all District employees are the property of the Davis School District and access to the information they contain is restricted.
- 2.2. It is the responsibility of each employee to promptly notify the District of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, certifications, endorsements, licensure, and other such information should be accurate and current at all times.
- 2.3. It is the policy of the District to maintain the personnel records of all employees in a legal, secure, and confidential manner and to assure that the contents are limited to those documents that are appropriate to proper personnel management procedures and practices. These files shall be maintained in accordance with the Government Records Access Management Act (GRAMA), the Utah State Archives Retention Schedules, and applicable negotiated agreements.
- 2.4. It is the policy of the District to maintain privacy and security of Protected Health Information (PHI) records in accordance with the Health Insurance Portability and Accountability Act (HIPAA). PHI records shall be maintained separately from other employee records and shall not be commingled with employment records of any kind. All health information obtained by and in relation to the health insurance plans will be used only for health insurance plan-related decisions and will not be used in any employment related decisions.
- 2.5. It is the policy of the District to conduct periodic reviews and audits of policies and procedures to ensure compliance with HIPAA regulations. The District shall cooperate with the Office of Civil Rights, other legal entities, and organization officers in any compliance reviews or investigations.
- 2.6. The District shall retain and dispose of all records in compliance with federal and state laws.

3. RECORDS MAINTENANCE

- 3.1. The official personnel records for all employees shall be maintained under the supervision of the Human Resources Department Director (Director).
- 3.2. PHI records shall be maintained under the supervision of the Human Resources Associate Director responsible to manage employee health insurance. The District shall make reasonable efforts to protect PHI records from accidental exposure whether the data is electronic, paper, or oral communication.

- 3.2. All personnel records shall be kept in a location that shall be secured during business and nonbusiness hours.
- 3.3. Principals and District department heads shall follow established procedures for maintenance of personnel records which can become part of the official personnel files upon which promotions and disciplinary actions are based. School level personnel records shall be maintained in compliance with the provisions contained in this policy regarding security, access, and control and with the Government Records Access and Management Act (GRAMA).

4. CLASSIFICATION OF RECORDS

- 4.1. The Director is responsible to evaluate records in his/her area of responsibility and make designations and classification as set forth in Utah Code Ann. §63G-2-307.
- 4.2. Records shall be classified under the following general categories
 - 4.2.1 Public records as described in Utah Code Ann. [§63G-2-301](#);
 - 4.2.2 Private records as described in Utah Code Ann. [§63G-2-302](#);
 - 4.2.3 Controlled records as described in Utah Code Ann. [§63G-2-304](#); and
 - 4.2.4 Protected records as described in Utah Code Ann. [§63G-2-305](#).

5. ACCESS TO OFFICIAL PERSONNEL RECORDS

- 5.1. An employee or former employee, or the agent of such possessing power of attorney, shall have the right to inspect the employee's official personnel employment file for content, except those records contained in the confidential section of the record.
- 5.2. Access to official personnel files to individuals other than the employee, shall be in accordance with policy 10CR-101 Government Records Access and Management Act.
 - 5.2.1 Request for information from employee records, including request of references on former employees shall be directed to the Human Resources Department.
 - 5.2.2 Only most recent job title and dates of hire and termination shall be verified via telephone. Request for additional information shall be in writing. The request shall be placed in the employee's official personnel file.
- 5.3. Access to official PHI records shall be in accordance with HIPPA. The District shall obtain explicit authorization prior to using or disclosing individually identifiable PHI for any purpose other than treatment, payment, or health care operations.
- 5.4. The Human Resources Department shall maintain a record of persons accessing official personnel files. The record shall note date, time, name, and purpose of the person accessing the file.
- 5.6. While review of official personnel files is being conducted by persons other than those designated by the Director, an employee of the Human Resources Department shall continuously be in attendance.

6. AMENDMENT OF PERSONNEL RECORDS

- 6.1. An employee may challenge and request the District amend any portion of the employee's personnel record that is inaccurate or misleading. Any such request shall be made to the Director.
 - 6.1.1 If the District determines that the challenged information is inaccurate or misleading, the record should be amended accordingly.

6.1.2 If the District determines that the challenged information is not inaccurate or misleading, and should remain in the personnel record, the employee has the right to place a statement in the record, commenting on the challenged information in the record.

6.2 The District shall provide health insurance plan participants and ADA accommodate plan participants requests to amend their medical record or request to restrict access to some or all the PHI in his or her medical records. Any such request shall be made to the Associate Director of Human Resources responsible to manage employee health insurance.

7. SHARING RECORDS

The Director may provide records to another governmental entity or government managed corporation if the requesting governmental entity or government-managed corporation meets the requirements established under Utah Code Ann. §63G-2-206.

8. TRAINING AND INVESTIGATION

10.1. The District shall train employees in appropriate procedures regarding records privacy and confidentiality, District records policies and relevant statutes.

10.2. The District shall investigate reported incidents of alleged violations of PHI privacy, regardless of the source or severity of the claim. Any PHI used or disclosed in an inappropriate manner may result in disciplinary action up to and including termination.

DEFINITIONS

“**Classification,**” “**classify,**” and their derivative forms means determining whether a record series, record or information within a record is public, private, controlled, or protected.

“**Protected health information (PHI) records**” means individually identifiable health information that is: 1) transmitted by electronic media; 2) maintained in electronic media; or 3) transmitted or maintained in any other form or medium.

“**Record**” means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics: (1) which are prepared, owned, received, or retained by the District; and (2) where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

“**Record series**” means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

REFERENCES

45 CFR Part 160 and Subparts A and E of Part 164 - Health Insurance Portability and Accountability Act (HIPPA)

[Utah Code Ann. Title 63G, Chapter 2](#) – Government Records Access and Management Act

[Utah Code Ann Title 67, Chapter 18](#) – Employees’ Personnel Files

RELATED POLICIES

[District Policy 10CR-101 Government Records Access and Management \(GRAMA\)](#)

[State Archives Human Resource Records](#)

[Utah Education Records Retention Schedule](#)

DOCUMENT HISTORY:

Adopted: January 21, 1992

Revised: February 11, 2005 – technical changes to comply with law and practice.

Revised: September 22, 2010 (by consent) – As part of a five-year review, including a reorganization of the Table of Contents, policy was renumbered from 2HR-006 to 2HR-300. No substantive changes required.

Revised: July 12, 2016 – Five-year review. Minor revisions to comply with state law and to clarify current practice.

Revised: January 4, 2022 - Five-year review. Shortened policy with links to state statute instead of copying language into policy. Added language on amendment of personnel record.