

400.1 Personnel Information and Employee Privacy

Purpose To establish standards and procedures to protect confidentiality, to minimize unlawful disclosure, and to limit access to Social Security Numbers and other personal information during the possession, storage, use, and disposal of that data.

Definition For purposes of this policy, personal information includes, but is not limited to: Social Security Number, driver's license number, passport number, a state identification card, credit or debit card account numbers, alien registration number, health insurance identification number, home address or telephone number, e-mail address, Internet identification name or password, and parent's surname prior to marriage. Personal information does not include information publicly available or information that is lawfully made available to the general public from federal, state, or local government records or widely distributed by media.

Policy In collecting, maintaining, storing and disclosing personnel information, Rensselaer makes every effort to protect the privacy rights and interests of employees, including faculty, staff and members of the President's Cabinet, and prevent inappropriate or unnecessary disclosures of information from any employee's file or record.

While complying with its governmental reporting and recordkeeping requirements, Rensselaer strives to ensure that it handles all personal and job-related information about employees in a secure, confidential, and appropriate fashion.

This policy applies to all employees, including faculty, staff and members of the President's Cabinet.

Procedure Confidentiality of Information

Rensselaer treats personal information about employees as confidential and respects the need for protecting each employee's privacy by enforcing secure information handling procedures on the part of all personnel whose job duties involve gathering, retaining, using, or releasing personal information about the organization's employees.

Rensselaer collects and retains only such personal information as it needs to effectively conduct business and administer its employment and benefit programs. Rensselaer takes all possible steps to make sure that all personal and job-related information about employees is accurate, complete, and relevant for its intended purpose. Wherever

possible, Rensselaer notifies affected employees if it needs additional personal information and gives these employees an opportunity to supply the requested data.

Security during Storage, Use and Disposal of Personal and Medical Information

All paper-based documents relating to Rensselaer's personnel record system are kept in secure, locked areas in the Division of Human Resources. These files are accessible only to authorized Division of Human Resource employees and/or executives, managers, and supervisors who have a valid, demonstrable business need to obtain specific information from an employee's personnel record. Employees also are granted access to their personnel files and records in accordance with the access procedures outlined in Human Resources Policy #400.3, *Employee Access to Personnel Files*.

Rensselaer will not publicly post or display an employee's Social Security number, visibly print a Social Security number on any identification badge or card (including time cards), place a Social Security number in files with unrestricted access, or communicate an employee's personal information to the general public.

All paper-based documents containing personal information are secured and protected during disposal. These documents are kept locked and monitored by authorized Division of Human Resources employees and/or executives, managers, and supervisors during the shredding process.

All electronic files are secured with strict restrictions to authorized staff only. Rensselaer ensures all systems are wiped and all data is reliably erased before any system is transferred, donated or disposed.

All personnel files and records must remain in the Division of Human Resources at all times.

If an individual with an authorized need to know requires copies of the information in an employee's personnel file, the Division of Human Resources makes these copies available upon written request, without providing any personal information.

All medical information relating to an employee is kept in a separate file maintained by the Division of Human Resources. Access to these medical files is tightly controlled. Ordinarily, medical information about an employee is supplied only to the worker's designated physician in accordance with the worker's written specific authorization.

Questions or issues about the application or enforcement of these security measures should be addressed to the Vice President for Human Resources or designee.

Internal Disclosures and Uses of Personnel File Information

When information from an employee's personnel file is to be released or disclosed within the organization, Rensselaer may notify the employee of such disclosure if the Division of Human Resources views the disclosure as possibly intruding on the employee's privacy. However, routine or ordinary employment procedures, including, but not limited to, performance appraisals, merit increase reviews, promotion and transfer consideration, and disciplinary investigations, normally are not subject to this notification procedure.

Disclosure or Release of Employee Information to Government Agencies

On occasion, Rensselaer must provide information and data from its personnel records and files to federal, state, and local government agencies in accordance with recordkeeping and reporting requirements imposed by such agencies. In instances where a government agency requests information beyond that which it normally requires, Rensselaer ordinarily advises the affected employee of the agency's information request.

If, however, an agency's information request occurs in the course of an agency investigation or if an agency asks Rensselaer to keep such a request confidential, Rensselaer, at its discretion, can comply with the agency's request. Rensselaer ordinarily honors subpoenas demanding production of information with respect to any employee.

Disclosure or Release of Employee Information to Non-governmental Entities

In response to an information request from an outside organization, individual, or other non-governmental entity, Rensselaer normally verifies only the employment status and dates of employment for former or current employees. Rensselaer does not provide any other information unless and until it has received from the worker or former employee a written authorization to disclose or confirm additional specific information, and a release from all potential liability related to this authorized disclosure.

Employees are prohibited from disclosing personal or personnel information without the express written consent of the Division of Human Resources.

The Division of Human Resources is the official **office of record** for Institute Personnel Records and Documents. Individual departments should forward all records and documents containing personal employee information to the Division of Human Resources.

400.2 References and External Requests for Employee Information

Purpose To establish standards and procedures in dealing with all external requests for employee information.

Definition Reference Check refers to the process of obtaining the work history of a job applicant during the pre-employment phase of the recruitment and selection process.

Policy When replying to requests for information concerning current and former employees, information released will be accurate regarding an employee's work history as shown in the official personnel records in the Division of Human Resources. It is important that any information that is released is true and made in good faith.

This policy applies to all employees, including faculty and members of the President's Cabinet.

Procedure Any external request for information regarding current and former employees **must** be referred to the Division of Human Resources.

REFERENCES

Rensselaer Polytechnic Institute discloses the following information when responding to requests from other employers regarding current and former employees:

- The individual's start and end dates of employment;
- Title of last position held; and,
- Verification of wage and salary information provided to the other employer by the current or former worker. (Rensselaer will only confirm this information.)

No other information is provided without a consent form signed by the current or former employee authorizing Rensselaer to release additional information from the individual's personnel records to the specifically named organization. To be acceptable, this consent form must indicate the general and specific types of information that can be released, and release Rensselaer from all potential liability related to the authorized disclosure.

Authorized Disclosures

The only individuals authorized to release any information about a current or former employee are the Vice President for Human Resources and other authorized Division of Human Resources staff. Executives, managers, or supervisors who wish to provide professional references for current or former employees **must**

consult with a representative of the Division of Human Resources prior to providing such references.

OTHER INFORMATION DISCLOSURES

To obtain disclosure of any other information, a former or current employee must submit a request to the Division of Human Resources, specifying the type of disclosure they are seeking and the identity of the organization authorized to receive the information. The Division of Human Resources reviews and handles these requests on a case-by-case basis. Even with a consent form, the only information normally released is the individual's employment dates, most recent job title, and, where authorized, most recent pay rate and earnings information.

Government Requests for Information

The only exception to the above procedures applies to information requests received by Rensselaer from federal, state, or local authorities, including officials and authorized representatives of the courts, as well as law enforcement and other government agencies. Rensselaer normally honors all such requests and provides the information sought in the form requested by the agency or official.

Disclosure Methods

Normally, the only telephone request for information that Rensselaer responds to is for verification of basic employment information about a former employee (for example, the individual's dates of employment and most recent job title.) All other requests for information about current or former employees must be handled through written correspondence or in a personal interview, and in all cases the former or current employee must have signed a consent form authorizing Rensselaer to release the information.

Consent and Release Forms

Current employees who want Rensselaer to release information from their records or otherwise respond to an outside organization's information request should complete and sign a consent and release form from an external source, which will only be accepted if it specifies the information to be released and specifically releases Rensselaer from any liability associated with the disclosure.

Former employees who want Rensselaer to provide information beyond the categories specified above also must complete and sign a consent and release form before any such information will be released. To ensure the confidentiality of its records and protect each individual's privacy, Rensselaer normally does not release any information, beyond the specified categories, about former or current employees without a signed consent form.

400.3 Employee Access to Personnel Files

Purpose This policy sets out the conditions under which active employees are permitted to review their own personnel records.

Definition The Employment Transaction Form (ETF) refers to the document that is used to submit requests to change the status and update the employment records of faculty and staff.

Personnel File refers to the official personnel records of faculty and staff that are housed in the Division of Human Resources. These records include, but are not limited to employment applications, Personnel Action Forms, performance evaluations, awards and commendations.

Policy All active employees may request to see their personnel records once each year, or as otherwise permitted by applicable law. The Vice President for Human Resources or designee may approve exceptions under which employees can inspect their personnel records more frequently. Former employees do not have access to their personnel records¹. Personnel files and records are the property of Rensselaer.

This policy applies to all employees, including faculty and members of the President's Cabinet.

Procedure Personnel Records Subject to Review

Employees generally have access to the following types of records:

- Employment applications
- Employment Transaction Forms, including those for hiring, promotions, salary changes, and job status changes
- Form I-9, Employment Eligibility Verification Form, and other documents related to employment eligibility
- Form W-4 and related tax withholding information
- Time cards and attendance records
- Performance evaluations
- Awards and commendations
- Accident reports
- Records on past and current workplace exposures to toxic

¹ Former employees who worked at the Rensselaer at Hartford campus and live in the State of Connecticut have access to their personnel records.

substances and any related medical information in Rensselaer's possession

- Warnings, reprimands, and other documents related to disciplinary actions (excluding documents prepared in connection with ongoing investigations—see below)
- Grievances filed by the employee
- Medical records (NOTE: At its discretion, Rensselaer can release medical records to a physician of the employee's choosing rather than to the employee. Also, see below for information on excluded medical documents.)
- Workers' Compensation information, including claims, first notice of injury reports, and medical reports
- Fringe benefit enrollment and elections forms, including designation of beneficiary forms
- Pension and retirement enrollment and election forms
- Emergency contact information
- Biographical information

Rensselaer retains documents in accordance with record retention requirements under federal and state law. After the expiration of the applicable retention period, the records may be destroyed. Consequently, certain historical documents might not be available for review.

Records Exempt from Review

The following types of documents are not part of an employee's general personnel records and are generally not accessible to employees:

- Pre-employment reference information, including letters, telephone notes, and memoranda secured from the employee's prior employers or persons who are not current employees of Rensselaer;
- Medical records created or obtained by Rensselaer that an employee can obtain directly from his or her physician or directly from a health care provider;
- Records relating to ongoing investigations of policy violations, prohibited conduct, or criminal offenses;
- Documents developed or prepared for use in grievance or court procedures; and,
- Documents related to employee planning or business planning, including management succession plans, management bonus plans, and job assignment plans.

Access Rights to Personnel File Information

All employees can review the information contained in their own personnel file, although Rensselaer reserves the right to remove certain sensitive documents. To prevent abuses of this access privilege, Rensselaer reserves the right to limit the number of times an employee can access his or her file to once during a 12-month period, unless an authorized exception is made. Employees wanting to inspect their personnel records must submit a written request to review their personnel file to the Division of Human Resources. The Division of Human Resources shall schedule an appointment during which the employee can review his or her file. All appointments are scheduled during regular business hours.

All personnel record inspections take place in the Division of Human Resources in the presence of a Human Resources' representative. The employee cannot remove any files from the Division of Human Resources.

Copies

Employees can make handwritten notes to record information included in their personnel records. An employee can request photocopies of any documents that the employee previously had provided to Rensselaer or that had previously been provided to the employee. Copies of the documents are provided to the employee within a reasonable period of time after a request has been made. In the case of copy requests that are time consuming or involve an extensive number of documents, Rensselaer reserves the right to charge the employee a reasonable fee to cover its copying costs.

Corrections

An employee can add a statement to qualify or counter information in their personnel files. Statements must be reviewed by the employee's supervisor before being placed in the personnel file. Supervisory approval of an employee's statement is not required as a condition of having the statement included in the employee's file as long as the statement is factually based and directly relevant to the employee's performance or employment qualifications.

Accuracy of Basic Employee Information

To ensure that Rensselaer's personnel files are up-to-date and contain accurate, complete information, employees are asked to notify the Division of Human Resources of any changes that need to be made in the following categories:

- Name,
- Telephone number,
- Home address,
- Marital status,

- Number of dependents,
- Beneficiary designations,
- Scholastic achievements, or
- Individual to notify in case of an emergency.