

<b>ADMINISTRATIVE DIVISION</b> HR Division of Human Resources		<b>POLICY NUMBER</b> HR 1.69
<b>POLICY TITLE</b> Official Personnel Files and Records Release		
<b>SCOPE OF POLICY</b> USC System	<b>DATE OF REVISION</b> June 15, 2021	
<b>RESPONSIBLE OFFICER</b> Vice President for Human Resources	<b>ADMINISTRATIVE OFFICE</b> Division of Human Resources	

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## **PURPOSE**

This document sets forth the University of South Carolina policy on official personnel files and records release pursuant to regulations of the Division of State Human Resources and State and Federal laws.

## **DEFINITIONS**

**Freedom of Information Act (FOIA)** – grants public access to documents or other data in the possession of a public authority, unless the information falls into a category that is excluded from the enabling legislation.

## **POLICY STATEMENT**

The official personnel files of the university are located in the Division of Human Resources. Information contained in the files is confidential and subject to disclosure only according to the procedures described below.

Information maintained in the official personnel files is relevant and necessary in order to serve the mutual best interests of the employee and the employer by providing an historical account of the employee's work record at the university.

Employees have the right to view information maintained in their official personnel file. Information in the official personnel files pertains to job status, job performance, or is otherwise job related or relevant to the employee's ability to perform the duties of the job.

Information maintained in the official files may include: employment applications, resumes, curriculum vitae, hire or appointment documents, appraisal forms and letters, HR and/or Payroll transaction forms, disciplinary documentation or such other information deemed by the university administration as being reasonably related to an individual's employment or performance thereof.

Certificates, diplomas, printed materials, transcripts, and letters of recommendation and commendation, except where confidentiality is requested by the submitting party, will be retained by the individual employee or kept by the supervisor or department head.

## **PROCEDURES**

### Employee's Access to File

- A. An employee or the employee's designee, upon written request of the employee, has the right to view and have copied information maintained in the employee's official personnel file upon presentation of a USC identification card or other credentials which verify the identity of the employee. A copy fee will be charged for 10 or more pages. Copies are 10 cents per page.
- B. Information in an employee's official personnel file with which the employee disagrees may be so noted by the employee with a memorandum of explanation or disagreement that will be added to the file by appending it to the relevant document.
- C. Information once submitted to the file may not be removed from an employee's official personnel file except for good cause shown and with the approval of the Vice President for Human Resources or the Vice President's designee.

### Access to Official Personnel Files

- A. Information in the official personnel files is confidential and will only be released under the following circumstances:
  - 1. Information subject to disclosure under State or Federal Freedom of Information laws will be released upon written request.
  - 2. Personnel in the employee's supervisory chain of authority have access to the employee's official personnel file upon presentation of a USC identification card or other credentials that verify identity. Proof of supervisory authority may also be required by way of a written statement from the department head or director of the department.

3. Authorized employees of the Division of Human Resources, Office of General Counsel, Division of Law Enforcement and Safety, and Audit and Advisory Services who have a business need to work with the files will have access upon presentation of proper identification.
  4. Legally authorized law enforcement personnel, authorized Federal or State agencies, members of duly appointed grievance committees and agencies processing claims made by the employee for worker's compensation, unemployment insurance or other employee benefits will have access to the portions of the official personnel files which are appropriate for their business.
  5. Official personnel files that are subpoenaed by process authorized by law will be released.
- B. Disclosure of information maintained in the official personnel files to any other person, beyond simple verification of employment, will not be made without the written consent of the employee.

**RELATED UNIVERSITY, STATE AND FEDERAL POLICIES**

[Federal Freedom of Information Act \(FOIA\)](#)

SC Code of Laws [30-4-10](#) and [41-1-65](#)

[State Human Resources Regulations 19-720.02 and 19-720.03](#)

**HISTORY OF REVISIONS**

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
June 15, 2021	Updated to new format. Updated names of offices and divisions. Reviewed for content.