

Maintenance and Release of Employment and Personal Information

Responsible Office:
VCU Human Resources

POLICY STATEMENT AND PURPOSE

Virginia Commonwealth University seeks to protect the privacy of every employee's employment and personal information, including social security numbers (SSN), whether that data is maintained through paper or electronic means.

This policy clarifies which employee records do and do not require third-party disclosure under the Virginia Freedom of Information Act and the Privacy Protection Act.

WHO SHOULD READ THIS POLICY

All faculty and staff should read this policy.

RELATED DOCUMENTS

State Government Data Collection and Dissemination Practices Act, § 2.2-3800
State Policy 6.05, Personnel Records Disclosure
State Policy 6.10, Personnel Records Management
VCU Computer and Network Resources Use Policy
VCU Information Security Policies and Standards
VCU Web Privacy Statement
Virginia Freedom of Information Act
Virginia Privacy Protection Act

CONTACTS

VCU Human Resources officially interprets this policy and shall revise or eliminate any or all parts as necessary to meet the changing needs of Virginia Commonwealth University. Please direct policy questions to VCU Human Resources.

Initial Policy Approved: 12/1/93
Revision History: 8/1/98
1/1/04
3/9/05
11/1/06

Last Revised 1/16/09

DEFINITIONS

Personal Data

Any information relating to an identified, or identifiable, individual.

Third Parties

Individuals outside of VCU, including other state agency representatives, who request information from the records maintained by VCU.

PROCEDURES

Collecting Employee Information

VCU will collect only employee data that is needed for valid business purposes or to comply with law, and any such data will be obtained only by lawful and fair means. All data will be used only for the purpose authorized by the employee, to comply with applicable laws, or in support of University-business purposes.

VCU will strive to maintain the accuracy of the personal data held, including establishing, as appropriate, mechanisms allowing employees to have the opportunity to review and update or correct their personal information.

Data Protection

Employees should have a reasonable expectation of privacy in both electronic and paper-based environments. Human Resources will take reasonable steps, in conjunction with technical assistance from Technology Services, to protect personal data from unauthorized access, including developing other personal identification methods (e.g., eID and Banner “V” number) and limiting access to such data to those employees with a business need to know. All VCU departments maintaining paper or electronic personal data are required to adopt and implement similar protection procedures, including discontinuing the use or dissemination of social security number as an identifier on documents and reports.

Use of Social Security Numbers

In accordance with State Policy 6.10, Personnel records Management, the use of the SSN within VCU will be limited to:

- Comply with federal, state, and local reporting requirements.
- Comply with subpoenas, court orders and other legal requests.
- Administer and evaluate the University's hiring and benefits programs.
- Effect personnel transactions related to employment status changes.
- Comply with the Virginia Freedom of Information Act by verifying subject of data request.
- Serve as an internal indexing key within University systems and databases when no other appropriate key is available or feasible to accomplish University business needs.

All VCU departments who may provide personnel records must take care to redact the SSN where it is not required or relevant to the record request.

In accordance with the State Government Data Collection and Dissemination Practices Act, unless disclosure is required by federal or state law, the University will not require employees to provide their social security numbers for any purpose or in connection with any activity. Likewise, the University will not refuse or deny service or rights to employees who do not furnish their social security numbers.

Request for Information by Employees

Employees have access to the contents of their personnel files and other official records, except for letters of reference for employment and certain medical and/or mental health records that employees' physicians have requested remain confidential.

Access to files is allowed during normal business hours and following the employee's proper release from his/her work area. The supervisor's approval or presence is not required in viewing such records; however, a Human Resources staff member will be present. Fees appropriate to the cost of

reproduction will be charged for copies made of any information.

Request for Information by Third Parties

All requests for employee information should be referred to Human Resources for response to ensure compliance with the Privacy Protection Act and the Virginia Freedom of Information Act.

All vendors who are approved by Human Resources to have access to employee data will be required to sign a confidentiality statement and to provide a copy of their data security plan and the result of their most recent Information Technology (IT) audit upon request. Vendors also should certify their need for data when contracts are initiated and renewed. VCU's "Business Associates and Contracted Sites" Standard details requirements for third-party access to personal information.

Requests regarding expense reimbursements to employees may be obtained from the State Department of Accounts or University Controller's Office.

Records Requiring Third-Party Disclosure

In accordance with the State Freedom of Information Act and Government Data Collection and Dissemination Practices Act, the following information is considered public information and requires disclosure when requested by third parties:

- Job classification and/or position title.
- Dates of employment.
- Annual salary or rate of pay (above \$10,000).

Any other information or personal data does not require disclosure when requested, unless the employee has consented in writing to its release.

In addition to the data above, VCU will provide information required by subpoena or other court orders. Questions about what may or may not be disclosed should be referred to the VCU General Counsel's Office.