

Release of Personnel Records

OVERVIEW

University personnel are responsible for disclosing and withholding disclosure of personnel records in accordance with the following University guidelines.

Personnel records for WSU employees are subject to the public records law, including the Public Records Act (*RCW 42.56*). For general information regarding the release of University records under the Public Records Act, refer to *BPPM 90.05*.

Definition

Personnel records provide information about employees, applicants for employment, and volunteers. NOTE: Certain personnel records are accorded special treatment and greater protection, e.g., reasonable accommodation records, Family Medical Leave Act (FMLA) records, and medical records.

ACCESS TO PERSONNEL RECORDS

Individual's Own Records

An individual employee, applicant, or volunteer has access to any of his or her own personnel records.

Any department holding personnel records is to provide them upon request to the employee who is the subject of the records. The department may contact Human Resource Services and/or Payroll Services for assistance.

Access Guidelines

The Offices of Human Resource Services (HRS), Payroll Services, and other departments provide access to personnel records in accordance with the following guidelines:

Requests From Within WSU

Any employee may review her or his own personnel record upon showing his or her WSU ID card or upon written request.

Upon written authorization or as otherwise recognized by law, the individual employee, volunteer, or applicant may authorize a representative to access personnel records available to the individual.

Supervisors and administrators may review an individual's personnel record in order to make employment decisions. NOTE: These officials do not have access to medical files or related records unless the individual provides permission or the officials have access as otherwise allowed by law.

Any University employee with a "need to know" associated with WSU business may review personnel files. Such access must be approved in advance by the chair or director of the department holding the records.

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Non-WSU Requests

Human Resource Services and Payroll Services provide access to personnel records or personally-identifiable information in compliance with the Public Records Act or when otherwise required by law. See also [Public Records Requests](#) and *BPPM 90.05*.

State Officials/ Prospective Employers

Personnel and payroll records are open to the inspection of the Washington Personnel Resources Board, the state auditor, and the director of the Department of Personnel or the director's designee in conformance with WAC 357-22-015. Personnel and payroll records are open to inspection of prospective employers subject to limitations set forth in the Public Records Act or otherwise under state or federal law.

Employment Verification

For verification of WSU employment, an external requester submits written requests to HRS or Payroll Services. HRS or Payroll Services verifies information provided by the requester, including:

- Dates of employment
- Position title or classification
- Employing department(s)
- Verification of current salary and salary payment history

HRS or Payroll Services does not directly provide employment information without a release from the subject employee.

Providing References

In accordance with RCW 4.24.730, an employer providing an employment reference is presumed to be acting in good faith and is immune from civil and criminal liability so long as the disclosed information relates to:

- An employee's ability to perform his or her job.
- The diligence, skill, or reliability with which the employee carried out the duties of his or her job.
- Any illegal or wrongful act committed by the employee when related to the duties of his or her job.

The presumption of good faith may only be effectively challenged if a current or former employee is able to show clear and convincing evidence that information the employer disclosed involves any of the following:

- Knowingly false
- Deliberately misleading
- Made with reckless disregard for the truth

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Providing References (cont.)

An employing official may decline to respond to an employment reference. However if reference information is provided, the department should create a written record that includes the identity of the person or entity to which reference information is disclosed. The department is to forward a copy of the written record to HRS for placement in the employee's personnel file. An employee or former employee has a right to inspect the written record upon request.

Departments are to retain copies of reference disclosures in accordance with University records retention requirements (*BPPM 90.01*).

Reference resources are available at:

hrs.wsu.edu

Direct questions regarding employee references to HRS.

Subpoenas / Court Orders

If the request for a record is based upon a court order or subpoena, telephone the Office of the Attorney General at 509-335-2636.

Public Records Requests

The public may submit requests to the University's Public Records Office for personnel records by submitting a Public Records Request (*BPPM 90.05*).

Direct questions regarding the disclosure of University records to the Public Records Office; telephone 509-335-3928.

For Academic Research

Access to personnel records may be granted for legitimate academic research provided that:

- Research procedures and the reporting of findings do not violate the individual's privacy as protected by state or federal law and the information is otherwise accessible pursuant to state and federal law.
- Names are not included in the study or in any way linked with the data.
- Case histories or records are sufficiently disguised to prevent identification of the individuals involved.
- Researchers obtain the individual's written permission if individual identification occurs.
- Researchers comply with the policies and procedures in *BPPM 45.50* regarding human subjects.