



# Human Resources Professionals' Meeting April 20, 2011

## **RELEASE OF EMPLOYEE INFORMATION**

Jennifer Johnston, DHR Chief of Policy

# Requests from Outside Entities

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- It does not matter if the request is from the media, a member of the public, an outside public agency or a private employer seeking information regarding previous employment with the City, or a formal request for information or public records under the Sunshine Ordinance/California Public Records Act...

# Requests from Outside Entities

## ■ General Guidelines

- Current and previous employees and applicants have a right to privacy under the California State Constitution.
- As such, departments are prohibited from disclosing confidential information about an employee or applicant to an outside entity (that is, someone other than an authorized representative in the same or other department who has a need-to-know such information).
- Examples of confidential information include, but are not limited to: age, ethnicity, gender, social security number, health information, application materials of non-successful candidates, home address, cell phone or home phone number, conviction history information, etc. **When in doubt, as your Deputy City Attorney.**

# Requests from Outside Agencies

## ■ **General Guidelines**

- General, non-confidential employment information is subject to disclosure: date(s) of hire; date(s) of separation; salary; and job class, title and duties.
- As a reminder, if asked, departments can only disclose if the individual retired or separated (not the nature of the separation or the reason for the separation if it was a negative...but there are exceptions for sustained disciplines under public records laws, so ask your Deputy City Attorney).
- Inquiries about a current or prior employee or contact should go to a specifically authorized representative in the department – we recommend the department's human resources representative, who should coordinate with the department's public records representative if it is a request under Public Records Laws.

# Public Records Laws

- Departments should consult with their Deputy City Attorney if an outside agency presses for additional information or submits a request for public records under the California Public Records Act or the Sunshine Ordinance.

- Template response language:

The California Public Records Act specifies that “personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy” are exempt from disclosure. Gov't. Code Section 6254(c). Likewise, the Sunshine Ordinance specifies that certain personnel information may be disclosed “where disclosure is not forbidden.” Admin. Code Section 67.24(c). The right of privacy in the California Constitution protects employees from unwarranted disclosure of confidential information. Cal. Const. Art. I, Section 1. As some of the documents you requested contain information that is considered a confidential personnel matter, redaction was required.