DEPARTMENT OF CORRECTIONS

Policy Number:	**106.230**
Title:	**Data Protection for Human Resource Systems and Personnel Files**
Effective Date:	**5/19/20**

PURPOSE: To comply with the Minnesota Government Data Practices Act (MGDPA), and with Minnesota Management and Budget (MMB) and Department of Corrections (DOC) policies, and to ensure that non-public data contained in human resource (HR) systems and employee personnel files are accessible only to the subjects of the data and persons within the agency whose work assignments and job duties reasonably require access to the data. Also, to ensure that employees with access to non-public data take steps to ensure the security of the data is protected. The DOC follows MMB's Data Protection Policy for Human Resource (HR) Systems policy as currently in effect and includes the procedures outlined below as additions.

APPLICABILITY: All employees

DEFINITIONS: None

PROCEDURES:

A. When written informed consent by the subject of the data is required, use the DOC Release of Information Authorization (attached).

B. Employees may review public and non-public personnel data maintained on them:
   1. Subject to availability of human resources (HR) staff time and resources.

   2. The review must be done in the presence of the individual(s) responsible for the maintenance of the data, which may include HR staff or the appointing authority/designee.

C. Staff with access to non-public data in HR systems and personnel files must take reasonable measures to ensure employees making requests for data on themselves are who they say they are and must reference DOC Policy 106.210 Providing Access to and Protecting Government Data, procedure E when providing the data.

D. Employees may challenge the personnel data maintained on them if the employee believes that it is inaccurate or should be removed by following the data challenge process outlined in DOC Policy 106.210, "Providing Access to and Protecting Government Data."

E. An employee may request copies of any private or public personnel data maintained on the employee. Requests for personnel data must be submitted in writing to the employee's HR office and the agency response will be provided in accordance with DOC Policy 106.210, "Providing Access to and Protecting Government Data." No fee will be charged for one copy of the requested data (refer to Minn. Stat. § 181.961, Subd. 2 (d)). However, if multiple copies of the same data are requested, fees apply for the additional copies.

F. All personnel files must be maintained in a secure location and pursuant to MMB and DOC retention schedules.

1. Personnel files include the following materials:
   a) Performance evaluations;
   b) Position descriptions;
   c) Employment history; and
   d) Other data, including data as provided for by collective bargaining agreement, plan, or law.

2. Personnel files must not include medical information.
   a) Employee medical information (including worker's compensation information) must be maintained in a separate and secure confidential employee medical file.
   b) The employee medical file is available to the employee upon request.

G. Employment verifications and references

1. All employment verification and reference requests must be referred to HR. Any requests for subjective, evaluative, or speculative comments or opinions about current or former employees will not be provided to non-department entities.

2. After consultation with HR staff, a supervisor may prepare a reference letter in response to an employee's written request for a reference. The letter must be provided directly to the employee (or former employee). The employee is responsible for providing a copy of the letter to others.

H. All DOC staff with access to HR Systems must read MMB's Data Protection for Human Resource (HR) Systems Policy and complete the "Data Protection Policy for Human Resources Systems – Acknowledgement" attached to this policy.

1. The supervisor or designee must send copies of the completed Acknowledgement to HR.

2. HR must retain a copy in the employee's personnel file.

INTERNAL CONTROLS

A. Documents are retained in the appropriate employee file (e.g. personnel, medical, etc.) in accord with DOC and MMB data retention schedules.

B. Completed Data Protection for Human Resources Systems - Acknowledgements are retained in the appropriate employee's personnel file.

ACA STANDARDS: 2-CO-1C-23; 2-CO-1C-01; 4-4048; 4-4067; 4-4068; APPFS-3E-12; 4-APPFS-3E-02; ABC-1C-02; 4-JCF-6D-01

REFERENCES: Minn. Stat. §§ 13.43 and 181.960 through 181.967
Minn. R. 2920.3700, and 1205.1300
Policy 106.210, "Providing Access to and Protecting Government Data"
HR-LR Policy 1429 Data Protection Policy for Human Resource Systems
MMB Data Practices for Personnel Records

REPLACES: Policy 106.230, "Data Protection for Human Resource Systems and Personnel Files," 11/19/18.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Data Protection Policy for Human Resources Systems (MMB HR/LR Policy #1429) – Acknowledgement form (106.230B)

APPROVED BY:
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