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THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 11-106

1 May 2024

OFFICIAL PERSONNEL FILES AND RECORDS RELEASE

1. PURPOSE

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

2. REFERENCE

SC Code of Laws 30-1, 30-4-10 and 41-1-65
State Human Resources Regulations 19-720.02 and 19-720.03
Freedom of Information Act (FOIA)

3. POLICY

- A. The official personnel files of the College are located in the Human Resources Department. Information contained in the files is confidential and subject to disclosure only according to the procedures described below.
- B. 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 a historical account of the employee's work record at The Citadel.
- C. Employees have the right to view information maintained in their official personnel file.
- D. 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 personnel files may include: employment applications, resumes, curriculum vitae, hire or appointment documents, appraisal forms and letters, HR/Payroll transaction forms, disciplinary documentation or such other information deemed by The Citadel as being reasonably related to an individual's employment or performance thereof.
- E. The Citadel will adhere to the regulations of the **Freedom of Information Act (FOIA)**. FOIA offers 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.

4. PROCEDURES

A. Employee's Access to File

1. An employee or the employee's designee, upon written request of the employee, has the right to view and have a member of the Human Resources Department copy information maintained in the employee's official personnel file upon presentation of a valid identification card or other credentials which verify the identity of the employee. There is a twenty cents charge per page for copying service for files greater than 10 pages.
2. Information in an employee's official personnel file with which the employee disagrees may be so noted by the employee with an appropriate memorandum of explanation or disagreement which will be added to the file by appending it to the relevant document.
3. 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 Chief Human Resources Officer.

B. Third- party access to Official Personnel Files

1. Information in the official personnel files is confidential and will only be released under the following circumstances:
 - a. Information subject to disclosure under State or Federal Freedom of Information laws will be released upon written request.
 - b. Personnel in the employee's supervisory chain of authority have access to the employee's official personnel file upon presentation of a valid identification card or other credentials which verify identity. Proof of supervisory authority may also be required by way of a written statement from the department head.
 - c. Authorized employees of the Human Resources Department, a General Counsel Office, Division of Law Enforcement and Safety, and the Internal Auditor who have a business need to work with the files will have access upon presentation of proper identification.
 - d. 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.

e. Official personnel files which are subpoenaed by law will be released.

F. 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.

4. COMPLIANCE

Violations of this policy may result in disciplinary action, up to and including termination and may have legal consequences

5. NOTES

A. Dates of official enactment and amendments

Approved by the Vice President for Finance on 1 May 2024

B. Responsible Department

Human Resources

C. Responsible Official

Vice President for Human Resources

D. Cross Reference

None

6. RESCISSION

All previous versions of the Human Resource Policy "Official Personnel Files and Records Release" are rescinded

7. REVIEW

Review this policy on a biennial basis.

FOR THE PRESIDENT

OFFICIAL

LEAH SCHONFELD
Colonel, SCM
Vice President for Human Resources