

BPA Human Resources Directive 410-02

Employee Records and Privacy

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1. Purpose & Background

Communicates BPA-wide guidance on safeguarding employee records and privacy as permitted by Government-wide regulations and/or applicable Department of Energy (DOE) policy. BPA's HR Directive guidance is in addition to applicable DOE policy found in Orders and other Guidance documents listed in the References section of this policy.

2. Policy Owner

The Chief Administrative Officer (CAO), through Human Capital Management's (HCM) Integrated Strategy (NHI-1), has overall responsibility for monitoring, reporting, executing, and maintaining this BPA HR Directive.

3. Applicability

This policy applies to all records for current and former BPA employees.

4. Terms & Definitions

- A. **Employee Medical File System (EMFS) Manager:** The individual who is assigned responsibility for the management of the BPA-wide EMFS.
- B. **Occupational Medical and Related Records:** A chronological, cumulative record, regardless of the form or process by which it is maintained about the health status of an employee as it relates to his or her employment. This includes personal and occupational health histories, exposure records, medical surveillance records, and records about occupational illness, injuries, and diseases. Related records include the opinions and written evaluations generated in the course of diagnosis and treatment by, but not limited to, licensed health care professionals, allied health care providers, and industrial hygienists.
- C. **Personally Identifiable Information (PII):** As defined in OMB Memorandum M-07-1616, PII refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

5. Policy

BPA emphasizes the protection of private and personal employee information from compromise to unwitting, unauthorized, or malicious individuals. This BPA HR Directive addresses protection of both current and former employee records and the required safeguarding and security of all PII.

6. Responsibilities

As stated in applicable HR Desk Reference and/or Standard Operating Procedures (see "Related HR Desk References" section).

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7. Standards & Procedures

A. Access to Official Electronic Personnel Folders (EOPFs):

1. Current BPA federal employees are permitted unlimited access to their eOPFs from a BPA computer.
2. Managers, supervisors, EEO counselors, or other federal government officials may be authorized access to view eOPFs if they show proper identification and demonstrate a need to know information contained in an eOPF to perform official duties.
3. Third parties may obtain a copy of an eOPF with a specific court order that has been reviewed by BPA's Office of General Counsel.
4. Employees without regular BPA computer access are shipped a copy of their eOPF off-site.
5. Immediate family members of a recently deceased BPA employee are provided a copy of the BPA employee's eOPF by presenting to HCM identification, a power of attorney, and/or a death certificate within the first 120 days of death.
6. The Human Resources Director (HRD) or his/her delegate protects, secures and authorizes access to eOPFs.

B. Occupational Medical Records:

1. Medical evaluations and other restricted medical information submitted to the EMFS Manager pertaining to an employee's medical condition must not be released to the employee's management; only the resulting job restrictions and job modification recommendations are released.
2. Employees must provide acceptable medical documentation when requesting leave related to injury or illness. Documentation to support routine sick leave may be submitted directly to management. However, documentation to support leave requests under the Family and Medical Leave Act or reasonable accommodation requests due to a medical condition should be submitted to the EMFS Manager.
3. The EMFS Manager determines how occupational medical records are maintained, retained, and transmitted.
4. The subject employee and his/her designated representative have access to their electronic medical folder/records and the employee has the right to add material to the medical folder.

C. Employee Relations Case File:

1. Employee relations case files become inactive when the employee leaves their BPA role; the file is destroyed four (4) years after becoming inactive.

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2. Appraisals of unacceptable performance where a notice of proposed demotion or removal is issued but not executed and all related documents must be destroyed after the employee completes one year of acceptable performance from the date of the written advance of the proposed removal or reduction in grade notice.
3. When any performance-related document is needed in connection with an ongoing administrative, negotiated, quasi-judicial, or judicial proceeding, the file may be retained for as long as necessary beyond the one-year retention period to resolve the third-party issue.
4. Employee Relations staff members assemble and maintain all employee relations case files.
5. The files are open to review by the subject employee and his/her representative.

D. Collection, Retention, Protection, and Use of Employee Personal Contact Information:

1. Employees who to respond to emergency work at any time must provide BPA personal contact information. Personal contact information pertains to the employee only and includes home address, telephone number, cell phone number, and e-mail address.
2. Employees who do not have a job requirement that necessitates providing personal contact information and who have not made a personal contact number available must contact their manager/supervisor or other designated person during an emergency situation within 24 hours of the emergency.
 - a. Hourly employees covered by a residency requirement in their job standards are required to provide their home address.
 - b. Access to this information is limited to those whose official duties require an employee’s personal contact information.
 - c. All personal contact information must be purged or destroyed when an employee leaves the manager’s/supervisor’s work unit or when the information is superseded.
3. Supervisors/Managers have authority to request, collect, and maintain employee personal contact information.

8. Authorities & References

- A. 5 U.S.C. 552a, Records Maintained on Individuals
- B. 5 CFR 293, Personnel Records
- C. 10 CFR, Part 1008, Records Maintained on Individuals
- D. OPM Government-wide System of Records Notice (SORN) Guide, April 22, 2010

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- E. OMB Circular No. A-130 (Revised), Management of Federal Information Resources, November 28, 2000
- F. National Archive and Records Administration (NARA) Records Schedule, Chapter 3, Personnel, October 31, 2008
- G. DOE Order 206.1, Department of Energy Privacy Program, January 16, 2009
- H. DOE Order 243.1B, Admin. Change 1, Records Management, March 11, 2013
- I. DOE-11 System of Records Notice, Fed. Reg., Vol. 74, No. 6, January 9, 2009
- J. **Additional resources:**
 - 1. BPA Standard Operating Procedures: Collection, Retention, Protection, and Use of Employee Personal Contact Information.
 - 2. BPA Standard Operating Procedures: Employee Assistance Program

9. Revision History

This chart contains a history of the revisions and reviews made to this document.

Version Number	Issue Date	Brief Description of Change/Review
1.0	1/19/2015	Initial publication.
2.0	4/18/2016	Style, formatting, and grammar changes.

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