



Spotlight on Policy

Policies and Regulations You Probably Never Knew Existed

Know what's in your personnel files ... Government Records Act is for your privacy protection

Except for pre-employment data such as letters of reference, school employees have an absolute right to see and receive copies of all records of any type maintained on them by their employer. The Virginia Government Records Act of 2002 guarantees all "data subjects" of public entities such as school systems the right mentioned above and goes on to say that there shall be no "secret" files. This means that no administrator may claim any form of confidentiality regarding your personnel files. **This applies to the files maintained on employees in the central office or in individual principals' offices or in any information retrieval system, including computers.** The Government Records Act allows employees to see all of these records, receive copies at a reasonable cost per page, and take a representative with them when they view the file.

Often teachers are told by administrators that parental complaints have been coming in about them. When asked which parents are complaining, teachers are told that they are not entitled to know. A 1983

Attorney General's opinion on this issue stated clearly, "although not subject to mandatory disclosure to the public by virtue of (state code) exemption, the personnel record of the employee is available to the employee himself."

Materials in the administrator's file open to employee inspection include all written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other materials, regardless of physical form or characteristic. This covers virtually everything in the administrator's file including letters from parents and "working notes." **The intent of the Act is clear — administrators are not in a position to grant confidentiality to parents who wish to file a complaint and remain anonymous.**

Members sometimes ask, "what if they deny that there is any file or document being maintained on me?" The response to this is simple and direct. The employee should remind the administrator that

the law forbids any secret files and should then give the administrator a memo which documents the fact that on a specific date the employee asked if there were any additional files and was assured that none existed. This action will either cause the suspected documents to be produced or will render them useless.



It should be pointed out that personnel records are the property of the employer and employees may not mark on file documents or insist on viewing them in private. Also, employees should extend the professional courtesy of making an appointment with the appropriate official before going in to view their files.

Members who are denied access to any written record maintained on them by their employer or who have any question or concern regarding their personnel record should contact the EAN office. Legal recourse is available.