



# Employee Access to Personnel File

**Reviewed by the Local Governing Body:** Spring 2019

**To be reviewed:** Every 3 Years

**Next review:** Spring 2022

**Date Approved by the Genesis Education Trust Board:** Summer 2018

*\*Except in the case of dismissal the term 'Head Teacher' refers to the Executive Head and the Heads of School (Federation). The power to dismiss is vested in the Executive Head Teacher or Head Teachers of individual schools. Executive Head/ Head Teacher/Head of School/Associate Head (henceforth referred collectively as Head Teacher, unless specifically stated)*

## **1. Introduction**

- 1.1 All employees have right of access to information held on them. The introduction of GDPR gives employees' access to any personal information held by their employer. In fact the personal data must be accessible to the individual and this includes all personal data in computerised, manual or any other format. An employee's personal file would be covered by the law. Private filing systems held by managers are also included and are the liability of the employer so in the case of any school-based systems, the Governing Body are responsible.
- 1.2 Certain information is deemed to be sensitive under GDPR. This includes information on race, religion or belief, union membership, sexual life and crimes and health information. Sensitive information can only be held with the explicit consent of the employee.
- 1.3 Access to personal references also comes under GDPR. References can only be shared with the individual if the referee gives their consent; otherwise the reference is deemed confidential and cannot be shared with the individual.

## **2. Definition & Scope**

- 2.1 A personal file is a collection of information that relates uniquely to an individual employee. It may contain information related to matters concerning only that employee, or specific information on an employee drawn from a more general collection of information.
- 2.2 A general file (such as a recruitment file or payroll information) containing details of an individual employee is not a personal file as such. However, the individual employee shall have similar rights of access to that part of the information related to him/her held on such a file.

## **3. Content of Personal Files**

- 3.1 Individual files are likely to contain some or all of the following:
  - Employee's personal details e.g. home address, age, and sex.
  - Employee's employment details, e.g. post, salary, appointment dates, original application form, contract of employment, variations etc
  - References from outside bodies, e.g. from former employers
  - References given to enquiries, e.g. prospective employers, mortgage status enquiries
  - Medical/superannuation assessments to and from Occupational Health Adviser
  - Disciplinary letters, formal warnings, complaints dealt with
  - Details of formal grievances the employee may have been involved in some way
  - Performance appraisals including probationary reports
  - Maternity/paternity/special leave applications
  - Information about in-service education and training applications, qualifications details, correspondence arising from attendance on courses.
  - Other miscellaneous correspondence held by the school.

## **4. Access to Personal Files**

- 4.1 For school-based employees, the school will hold the individual's personal file. In addition the employee's line manager will hold records on performance monitoring and appraisal. Employees have the right to access this information. See section 4.3.
- 4.2 Information concerning an employee's salary will be held by payroll and any health records by Occupational Health, although copies will be held on the employee's personal file.
- 4.3 To obtain access to their personal file, an employee needs to give at least 24 hours

written notice to be given to the Executive Head / Head of School or manager responsible for maintaining the file.

- 4.4 The employee must identify her/himself and may be accompanied by a union representative. The representative may view the file alone, but only if the employee gives written authorisation.
- 4.5 The file will be inspected in the office where it is normally kept and may not be removed.
- 4.6 If the employee and/or the union representative wish to make copies of any of the documents contained in the file, then the manager holding the file shall make the necessary arrangements for this, without relinquishing control of the file.
- 4.7 The following items only will be removed from the file before it is inspected by the employee:
  - Employment references from outside referees, unless the referee has given permission for the disclosure.
  - Confidential medical and associated reports about the employee will be disclosed except in circumstances where the originator has not given permission for disclosure of the information/report.
- 4.8 Wherever an item is removed from a file, a note should be clearly inserted, indicating what has been removed, by whom and the date. References prepared during employment shall not be removed.

## **5. Objections & Complaints**

- 5.1 Any employee, who objects to the inclusion or omission from their personal file of any particular item, shall take the matter up with the Executive Head, Head of School or line manager. If not satisfied with the explanation, the employee can pursue this objection through the formal grievance procedure. Any complaint about the operation of this procedure shall also be dealt with under the relevant grievance procedure.