



Policy Direction Release of Employee Records to Service Providers

**Ministry of Management Services
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1. Purpose

- To ensure that Service Providers receive all information required to manage their business, while at the same time protecting employees' privacy. Service Providers also have a responsibility to protect employees' privacy.

2. Principles

The employee file should be culled by applying the following principles to the generic employee file listing (attached Employee Record Matrix):

- Only information that is necessary to the Service Provider to transition and manage their business should be provided, for example:
 - Expired notices, agreements and forms are not necessary; and
 - Agreements/letters relating to chronic health conditions that are ongoing at the time of transition are necessary.
- Particular cases where care should be taken include instances of sensitive personal information (e.g. health conditions).

3. Process

1. Under government records management legislation, the government must retain original employee files for the entire period of employment and for 7 years after the employee leaves government. Therefore copies, not originals, are provided to Service Providers.
2. Ministry team for the ASD project reviews the stated principles for culling employee files.
3. Ministry team for the ASD project approaches the Service Provider to discuss the information needs as they relate to employees.
4. Prior to release, Government must remove certain personal information in employee files for the purpose of protecting privacy.
5. Ministry team for the ASD project agrees on what will generally be released based on the principles that ensure a smooth transition and ongoing operations while protecting the personal information of employees, in accordance with this Policy Direction and the attached Employee Records Matrix.
6. Ministry team for the ASD project makes arrangements to review each employee's file. This will occur post employee acceptance and contract signing, but prior to transition.

7. The BCPSA HR technician and/or project team member (someone with an HR background and who is familiar with the employees and the contents of their files) reviews the files and prior to copying removes information based on the above principles and the attached employee file contents listing.
8. Ministry team for the ASD project may escalate concerns about specific files to BCPSA or the Information Policy and Privacy Branch of the CIO's office.
9. Ministry team for the ASD project provides copies of culled employee files to Service Provider.

4. Contents of an Employee File

- A typical employee file contains the following types of information:
 - Administration
 - Agreements and policies
 - Appointments
 - Appraisals
 - Labour Relations
 - Tombstone Information
 - Training
 - Grievances and Complaints Administration
 - Payroll and Leave Administration
 - Other
- The matrix below indicates whether the information should or should not generally be provided to the service provider and provides the rationale for providing it or not.
- The matrix should be used in conjunction with the principles above when preparing employee records for release to service providers.

5. Release of Information

A. Pre-Contract for the Purpose of Making Employment Offers

- Information may be released to Service Providers prior to the signing of a contract provided employee names or any personal information that could identify the employee (as defined under FOIPP Act) are not used (unique identifiers/codes may be used).
- This information is released on the basis that it is required by the Service Provider for transition planning and economic modeling purposes.

- No employee personal information (e.g. names or employee files) is given without consent of the employee prior to contract.

Action	Responsibility
<p>Employee data is sanitized. The following information is releasable:</p> <ul style="list-style-type: none"> • Cross reference code for employee name (e.g. employee #1B); • Base position functional job title; • Base position salary • Temporary position functional job title; • Temporary position salary; and • Length of time in temporary assignment. <p>Coded & segmented information could be provided to the Service Provider for the purposes of developing their benefits program.</p>	ASD Project Team
A job offer is issued using the employee reference code.	Service Provider
Union meeting held. Employee meetings with BCPSA to encourage acceptance of offers.	ASD Project Team
The employee reference code is replaced with the employee's name and the offer letter is given to the employee by the ASD project team. The employer still will not know who the employee is at this point. An employee information session is also held (to explain details of benefits etc...Service Provider very involved in this meeting)	ASD Project Team
Employee sends acceptances back to Service Provider. Service Provider provides list of acceptances to project team in order to begin processing	Employee/Service Provider
<p>If the employee accepts the offer, they are given "onboarding documents" (e.g. direct deposit, benefits forms etc.) to complete</p> <p>Note: Service Provider will ask for a clause in the contract to reconcile pension liability – because of the timing.</p>	Service Provider

Notice

- The records in an employee file that are required by the service provider will be released (employee files appropriately culled as per this policy) to the service provider post contract in order to place on payroll etc.
- Offers must contain a notice to employees that some records in their employee files will be provided to the Service Provider after acceptance and post contract (see below).

B. Post Contract:

- All information, including employee names, required to make employee offers can be provided to the service provider so that the service provider can make offers to employees (under section 33.2 of *FOIPPA*).
- The service provider makes offers directly to employees (as per arrangements between the service provider and project team).
- Employee files (culled for personal information not needed by the service provider) are provided to the service provider once the offer of employment is accepted by the employee.
- If there are heightened privacy concerns, the same process as described above for pre-contract offers could be used post-contract (unique identifiers/coded names/project team handles offer letters), but this process is not required.

6. Employee Records Matrix

Categories of Information	Release to Service Provider (if Rationale and Guidelines apply)	Do Not Release	Rationale and Guidelines
<p>Administration</p> <p>Any records related to the maintenance of the employees' electronic and paper records.</p>	<ul style="list-style-type: none"> Correspondence and emails to authorize data actions 	<ul style="list-style-type: none"> Employee Data Action Sheets Transfer of Employee File Forms Appendix N Information 	<p>Only documents, which instruct or authorize changes to an employee's current pay or classification, are to be included.</p> <p>If an accurate electronic record is available (CHIPS), only the electronic record is required.</p>
<p>Agreements/Policies</p> <p>Documents that govern the employees' working relationship.</p>	<ul style="list-style-type: none"> Internet Usage agreements Standards of Conduct Acknowledgement Oaths of Employment Confidentiality Agreements Hours of Work Agreements 		<p>Documents governing the employee's current working relationship are required.</p> <p>For discipline purposes these records demonstrate the employee is aware of the policies and they are not new.</p> <p>Hours of work agreements are required for the Service Provider to make similar arrangements.</p>
<p>Appointments</p> <p>Information detailing the employees' position, status and classification for all appointments.</p>	<ul style="list-style-type: none"> Offer Letters (auxiliary and regular) Temporary Appointments Extension Letters Secondments Transfers 		<p>Records should be limited to those required to calculate seniority, retirement allowances, severance and pension etc.</p> <p>If an accurate electronic record is available (CHIPS), only the electronic</p>

Categories of Information	Release to Service Provider (if Rationale and Guidelines apply)	Do Not Release	Rationale and Guidelines
	<ul style="list-style-type: none"> • Relocation Agreements • Placement Letters • Conversion to Regular Status • Reclassifications (up and down) • Layoff Letters • Separation Reports • Correspondence and emails – review and sever as appropriate 		record is required.
<p style="text-align: center;">Appraisals</p> <p>Documents relating to the employees' performance of their job.</p>	<ul style="list-style-type: none"> • Letters of Commendation • Appraisal forms 		<p>Ongoing issues documented in the appraisal should be included.</p> <p>An older appraisal may be necessary if an employee has been in the same job for many years and it is the only appraisal. Anything older than ten years is not necessary even if it is the only appraisal.</p>
<p style="text-align: center;">Labour Relations</p> <p>Records specific to the employee/employer relation. Includes discipline and non-discipline issues.</p>	<ul style="list-style-type: none"> • Reprimands • Suspensions • Terminations • Letters of expectation • Letters – unacceptable attendance • Subrogation – ICBC Claims, letters from lawyers • Correspondence, interpretations • Request to view personnel file 		<p>Ongoing issues should be included.</p> <p>All suspensions should be included as these documents are never removed from the file.</p>

Categories of Information	Release to Service Provider (if Rationale and Guidelines apply)	Do Not Release	Rationale and Guidelines
<p align="center">Other</p>	<ul style="list-style-type: none"> • Deferred salary leave • Maternity/Parental/Adoption Leave Return to Work Letters • Extended Childcare Leave • Union Leave Information • Employee recognition • Criminal Records Checks • Disability Information/ Accommodations • Purchase of Service information • Service Seniority information • Correspondence and emails – review and sever as appropriate 	<ul style="list-style-type: none"> • Equity and Diversity declarations 	<p>Leave documents need to be forwarded if there are return to work requirements (i.e. an employee needs to work for a year when returning from a maternity leave).</p> <p>Current deferred salary agreements need to be included for the Service Provider to honour them.</p> <p>Accommodations, which are still required, need to be forwarded so the Service Provider can ensure the employee is accommodated.</p>
<p>Tombstone Information</p> <p>Basic personal information about the employee used to hire them into a position. Can be updated throughout their career.</p>	<ul style="list-style-type: none"> • Emergency and personal contact info • Birth, marriage and divorce certificates • Social Insurance Number • Resumes/Applications for the current position only. 		<p>These records may be forwarded electronically through CHIPS.</p> <p>The employee would need to provide this information anyway when completing hiring documents.</p>
<p>Training</p> <p>Records relating to training and education the employee has completed during their time with the provincial government.</p>	<ul style="list-style-type: none"> • Certificates from Courses • Promise to remain in service agreements. • Training reports • Correspondence and emails – review and sever as 	<ul style="list-style-type: none"> • Training and Development forms 	<p>Current promise to remain in service agreements should be included.</p>

Categories of Information	Release to Service Provider (if Rationale and Guidelines apply)	Do Not Release	Rationale and Guidelines
	appropriate		
<p>Grievances and Complaints</p> <p>This information should be in a separate file, but there maybe some in the personnel file.</p>		<ul style="list-style-type: none"> • Classification Appeals • Grievance Forms • Arbitrations • Grievance Resolutions • Harassment and Discrimination Complaints • Misuse of Managerial or Supervisory Authority • Correspondence and emails – review and sever as appropriate 	<p>These records are considered administrative and are therefore not required by the Service Provider. Any relevant outcome would be found under another category (i.e. the outcome of a classification appeal, a reclassification, would be in the appointment letter).</p>
<p>Payroll and Leave</p> <p>This information should be in a separate file, but there maybe some in the personnel file.</p>		<ul style="list-style-type: none"> • Increments • Leave entitlements, usage and applications (ie domestic emergency) • Education Leave • Deferred Salary Leave • Maternity/Parental and Adoption Leave • Extended Childcare leave • Union Leave • Timesheets • Overtime • Direct Deposit • Tax Forms • Benefit Forms • Nomination of beneficiary • Correspondence and emails – review 	<p>Generally, this information is not considered necessary to the Service Provider.</p> <p>These records are considered administrative and are therefore not required by the Service Provider.</p>

Categories of Information	Release to Service Provider (if Rationale and Guidelines apply)	Do Not Release	Rationale and Guidelines
		and sever as appropriate	
<p>STIIP/LTD</p> <p>This information should be in a separate file, but there maybe some in the personnel file.</p>	<p>STO2s Letters to Physicians Rehab Trials Return to Work agreements WCB Information – Form 7 Correspondence and emails – review and sever as appropriate</p>		<p>Records relating to a one-off illness (i.e. broken leg) should not be included.</p> <p>Records relating to chronic conditions or accommodations should be included.</p> <p>Records the Service Provider requires for accommodations or arrangements need to be included.</p>
<p>Workforce Adjustment</p> <p>This information should be in a separate file, but there maybe some in the personnel file.</p>		<p>Notice of Redundancy, Concurrent Position or Layoff Letters Options Forms Placement Letters VDP/ERIP Applications Correspondence and emails – review and sever as appropriate</p>	<p>These records are considered administrative and are therefore not required by the Service Provider. Any relevant outcome would be found under another category (i.e. a surplus placement letter would be in the appointment letters).</p>

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