

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-56 (rev. 6), “REQUEST FOR AND RELEASE OF
EMPLOYMENT INFORMATION OR DOCUMENTS”
MAY 1, 2010
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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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PAGE: 1 of 7

SUPERSEDES: PD-56 (rev. 5)
November 1, 2006

EXECUTIVE DIRECTIVE

SUBJECT: REQUEST FOR AND RELEASE OF EMPLOYMENT INFORMATION
OR DOCUMENTS

AUTHORITY: *Public Information Act, Texas Government Code §§ 552.001-.353; Public Information Act Manual*

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

POLICY:

The release of information or documents relating to active or former TDCJ employees shall be in accordance with the guidelines established in this directive.

DEFINITIONS:

"Offender" is an individual under the supervision, custody, or incarceration of the TDCJ, including a TDCJ offender housed in federal, county, or other states' facilities. These individuals include, but are not limited to, patients, parolees, individuals under mandatory supervision, incarcerated individuals, and individuals housed in county jails who have been sentenced to the TDCJ but are not yet in TDCJ custody.

“Public Information” is information collected, assembled, or maintained pursuant to a law or ordinance or in connection with the transaction of official business by or for a governmental body.

DISCUSSION:

As a public agency, the TDCJ is subject to the provisions of the *Public Information Act*, which establishes guidelines for the release of all information collected, assembled, or maintained by governmental bodies pursuant to laws or ordinances or in connection with the transaction of official business. For complete information on the *Public Information Act*, consult the *Public Information Act Manual*, which is available on INFOPAC.

PROCEDURES:

- I. Telephone Requests for Active or Former Employee Information
 - A. All telephone requests for active or former employee information shall be referred to the active or former employee’s human resources representative.
 - B. Limited information shall be released to any caller who provides the active or former employee’s name and social security number or the active or former employee’s name and date of birth. If the individual about whom information is being requested can be positively identified without a social security number or date of birth, limited information may be released. (For example: The requested information is about a warden named John Doe. If research reveals only one warden named John Doe, the information may be released. However, if there are two or more wardens named John Doe, the caller must provide the employee’s social security number or date of birth to positively identify the employee.)

The release of information via telephone shall be restricted to the following:

1. Payroll name;
2. Gender;
3. Ethnicity;
4. Current or last unit/department of assignment;
5. Current or last job title held;
6. Most current date of employment or date former employee left TDCJ employment;

7. Current or last gross monthly salary, including hazardous duty pay, longevity pay, benefit replacement pay, unit differential pay, or incentives, if applicable; and
8. Total months of state service.

II. Written Requests for Active or Former Employee Information

A written request may include a request sent by e-mail or fax.

- A. An incarcerated offender's written request for information relating to an active or former employee shall be forwarded to the unit access to courts supervisor at the offender's unit of assignment. For purposes regarding access to courts, an incarcerated offender is entitled to the name, title, and last known business address of an active or former employee. Additional information regarding an active or former employee shall not be provided to an incarcerated offender.
- B. All other written requests for active or former employee information shall be forwarded to the Employee Services Section - Records, Human Resources Division, within 24 hours of receipt. The Employee Services Section - Records shall respond to the request in accordance with the *Public Information Act Manual*.

III. Requests for Copies of Documents

A. Request from an Active or Former Employee

An active or former employee must submit a signed written request that includes the employee's first and last name and social security number to obtain copies of documents maintained in the employee's unit/department file, Employee Master Human Resources File, or Employee Master Medical File.

1. Employee Unit/Department File Documents

a. Active Employee

An active employee must submit the request to the employee's human resources representative.

b. Former Employee

A former employee must submit the request to the Employee Services Section - Records, Human Resources Division.

2. Employee Master Human Resources File or Master Medical File Documents

An active or former employee must submit the request to the Employee Services Section - Records, Human Resources Division.

B. Request from an Incarcerated Offender

An incarcerated offender's written request for copies of any documents maintained in an active or former employee's unit/department file, Employee Master Human Resources File, or Employee Master Medical File shall be forwarded to the unit access to courts supervisor at the offender's unit of assignment. For purposes regarding access to courts, an incarcerated offender is entitled to the name, title, and last known business address of an active or former employee. Copies of documents maintained in an active or former employee's files shall not be provided to an incarcerated offender.

C. Request from Another Individual

1. If someone other than the active or former employee requests copies of confidential documents contained in an active or former employee's unit/department file, Employee Master Human Resources File, or Master Medical File, the requestor must provide a release of information authorization. The release of information authorization must include the active or former employee's first and last name, social security number, and have been signed and dated by the active or former employee within 60 calendar days prior to the request. The requestor must submit the request and release of information authorization to the Employee Services Section - Records, Human Resources Division.
2. If such a request is received by a human resources representative or other employee, the recipient shall immediately fax the request to the Employee Services Section - Records, Human Resources Division (even if the request does not include a release of information authorization).
3. The Employee Services Section - Records shall provide copies of the requested confidential documents to the requestor upon receipt of an appropriate release of information authorization.

D. Subpoenas Duces Tecum and Requests for Discovery

A Subpoena Duces Tecum or a Request for Discovery requires the recipient to produce specific documents. Subpoenas Duces Tecum and Requests for Discovery are not considered to be requests under the *Public Information Act*.

1. All Subpoenas Duces Tecum for copies of an active or former employee's unit/department file, Employee Master Human Resources File, or Master Medical File shall immediately be provided to the Huntsville Office of the General Counsel (OGC) to determine the validity of the Subpoenas Duces Tecum. If the OGC determines the Subpoenas Duces Tecum is valid, the custodian of the requested documents shall notify the requestor of the cost for reproducing the documents.

NOTE: The Employee Services Section - Records, Human Resources Division, shall serve as custodian of all Employee Master Human Resources and Master Medical Files.

2. Generally, Requests for Discovery are submitted through the Office of the Attorney General (OAG) or the OGC Litigation Support Division to appropriate TDCJ staff. If an employee receives a Request for Discovery for copies of an active or former employee's files from a plaintiff's attorney, the recipient employee shall contact the OGC litigation director.

E. Payment for Copies

The *Public Information Act Manual* Chapter 1, "General Information and Costs" shall be referred to for complete information regarding payment for copies.

IV. Victim Information

- A. Any information identifying an employee as the victim of a crime (e.g., police photograph, report, newspaper article, or any language associating the employee's name with a crime) is confidential for three years after the date of the crime. An employee who has been the victim of a crime may complete a PERS 501, Crime Victim's Election to Allow Public Access to Information (Attachment A) electing to:
 1. Allow the information to be public information before the end of the three-year period; or
 2. Make the information confidential forever.
- B. When the Office of the Inspector General (OIG) investigates a crime against an employee, the OIG investigator shall provide the employee with a copy of the PERS 501, Crime Victim's Election to Allow Public Access to Information. An employee who has been the victim of a crime that is not investigated by the OIG may obtain the PERS 501 from the employee's human resources representative. The employee may contact the Employee Services Section - Records, Human Resources Division, for assistance in completing the PERS 501.

V. Required Notice

A sign containing basic information about the rights of a requestor, the responsibilities of the TDCJ, and the procedures for inspecting or obtaining a copy of public information shall be displayed in each human resources representative's office and other designated areas. The sign shall be plainly visible to members of the public who request public information in person and to employees whose duties include receiving or responding to such requests.

Brad Livingston
Executive Director

**Texas Department of Criminal Justice
Crime Victim's Election to Allow Public Access to Information**

THIS FORM IS CONFIDENTIAL

The TDCJ may have information about you that would identify or tend to identify you as a victim of crime, including a photograph or other visual representation. Ordinarily, information identifying you as the victim of a crime is confidential for three years after the date of the crime. You may choose to make that information public now, or you may choose to make that information confidential forever.

Some information is public information even if you are the victim of a crime (e.g., the fact of your TDCJ employment, employment location, salary, and other information possessed by the TDCJ in connection with your employment that does not reveal that you are the victim of a crime).

Some information is confidential even if you are not the victim of a crime (e.g., your home address, home telephone number, social security number, the number of people in your family and their names, and information that reveals whether you have a family).

Please answer the following questions to make your choice.

1. Have you suffered physical or mental harm as a result of the criminal conduct against you? Yes No

If your answer to this question is no, stop here. You do not need to complete this form.

2. You must make this choice within three years of the latest following date.

Date of Crime:	
Current TDCJ Date of Hire:	
Date form (PERS 501) was developed:	9/1/03

If all of the dates listed above occurred more than three years prior to the date you are filling out this form, stop here. You do not need to complete this form.

3. Do you want your photograph or other visual representation, or other information identifying you as a victim of crime, to be public information? Yes No

If you answered yes, your photograph or other visual representation shall be public information if it is requested. If you answered no, your photograph or other information identifying you as the victim of a crime shall be confidential.

Employee Name: _____ SSN: _____
(Print) Last First MI

Signature: _____ Date of Signature: _____
(Employee or Employee's Guardian) (mm/dd/yyyy)

Employee Instructions: Upon completion of this form, mail to the Employee Services Section - Records; TDCJ Human Resources Division; 3009 Hwy. 30 West; Huntsville, TX 77340-3561.

Note to Employee: With few exceptions, you are entitled upon request: (1) to be informed about the information the TDCJ collects about you; and (2) under Texas Government Code §§ 552.021 and 552.023, to receive and review the collected information. Under Texas Government Code § 59.004, you are also entitled to request, in accordance with TDCJ procedures, that incorrect information the TDCJ has collected about you be corrected.

Employee Services Section - Records, Human Resources Division

Name: _____ Date Received: _____
(Print) Last First MI (mm/dd/yyyy)

Signature: _____ Date of Signature: _____
(mm/dd/yyyy)