

SMYRNA SCHOOL DISTRICT

POLICY

Section:	4000	Office Responsible:	Human Resources
Policy:	4105 Privacy Rights of Employees		
Related Policies:			

I. Purpose

The Smyrna School District’s philosophy is to safeguard personal employee information in its possession to ensure the confidentiality of the information. Additionally, the district will only collect personal information that is required to pursue its business operations and to comply with government reporting and disclosure requirements.

II. Authority

Delaware Code, Title 19 §732, Inspection of personnel files

III. Definitions

Personal Information – any information about an identifiable individual and includes race, ethnic origin, color, age, marital status, family status, religion, education, medical history, criminal record, employment history, financial status, address, personal telephone number, any numerical identification (such as a social security number), and credit information.

Personal information also includes information that may relate to the work performance, investigations or findings of misconduct or discipline. Personal information does not include “business contact information”, which is defined as “any information that is used for the purpose of communicating or facilitating communication with an individual in relation to their employment”, including the usual data elements such as name or title, work address, work telephone number, work fax number, or work email address.

IV. Policy

- A. Personal employee information is considered confidential and as such will be shared only as required and with those who have a need to have access to such information. Personal information collected by the district includes, but is not limited to, employee names, addresses, telephone numbers, e-mail addresses, emergency contact information, equal employment opportunity (EEO) demographic data, medical information, social security numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials.
- B. Participants in district benefit plans should be aware that personal information will be shared with plan providers as required for their claims handling or record keeping needs.

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- C. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access. Personal employee information maintained electronically will be safeguarded under district proprietary electronic transmission and intranet policies and security systems, with access granted only to those with a legitimate need. Certain records, such as I-9 forms and medical records, will be maintained separate from general personnel records whether maintained electronically or hard copy.
- D. If an employee becomes aware of a material breach in maintaining the confidentiality of employee personal information, the employee should report the incident to a representative of the human resources department. The human resources department has the responsibility to investigate the incident and take corrective action. Please be aware that a standard of reasonableness will apply in these circumstances.
- E. Employees are expected to maintain the confidentiality of all sensitive information they have access to in the course of their job duties, including personal information about employees, and other stakeholders, and proprietary and confidential business information.
- F. Employees are prohibited from sharing or disclosing sensitive information to unauthorized individuals or for unauthorized purposes.
- G. Employees are required to protect the confidentiality of sensitive information by using appropriate safeguards, such as password protection and secure storage of documents and data.
- H. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal of employment.
- I. Personnel information may be provided internally to those with a legitimate business need, to the State of Delaware in furtherance of pension or compensation related requests, when accompanied by a signed release, and to the Division of Professional Regulation when requested. Violation of privacy rights may result in claims against the district and the employee participating in the unlawful disclosure.
- J. Upon written request to the Human Resources Officer, a district employee will have timely access to all information found in the employee's own personnel and medical records. The HR Officer will be present when the employee views his/her file. In certain circumstances, it may be necessary for the district to limit the employees access to part of his/her employee file where such documents would disclose information that is the subject of legal proceedings or arbitration, information protected by privilege, third party personal information, or if granting access would threaten the employee's safety or health. No material contained in a file may be removed from the file.

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Board Approval Acknowledged by:



Christine Malec, President
Smyrna School District Board of Education

Policy Actions

Adopted: 04/29/1998

Revised: 05/08/2019

11/18/2024

1/15/2025