



Confidential Information, Texas Public Information Act, and Records Management



What is covered?

- Confidential information
- Texas Public Information Act
- Records management
- Records Retention Schedule
- Destruction of University records
- Procedures for destroying records
- Additional resources

Confidential information

- As a general rule, the following items are confidential and **should not be disclosed** without the prior written consent of the individuals involved:
 1. Employee personnel files:
 - All information relating to participation in medical plans or information identifying medical conditions.
 - Personal financial information for an employee (including voluntary participation in deferred compensation plans).
 - I-9 and photocopies of identification cards and social security cards.
 - Information protected by the **Public Access Option Form**, as indicated in the employee's file.
 2. Information that, if released, would give advantage to a competitor or bidder.
 3. Student records – for questions regarding student records, contact the Registrar's Office.
 - **In the normal course of business, treat all personally identifiable information as confidential.**
 - **This is not a complete list. For guidance on the release of information, contact the Office of The Vice President for Business Affairs (VPBA).**

Confidential information (continued)

- The ethics policy as outlined in UTS134 Code of Ethics for Financial Officers and Employees states that employees may not disclose confidential information gained by reason of the employees' official position.
- Employees also may not engage in any business or professional activity which might reasonably be expected to require or induce the employees to disclose confidential information.
- State law requires that state-owned information resources be used only for official state purposes.
- Section 39.02 of the *Texas Penal Code* states it is a crime for an employee of a governmental agency to misuse government property, services, personnel, or other items of value belonging to the state with the intent to obtain a benefit or to harm another person.
- The University of Texas System (UT System) policy requires information resources to be used only in support of UT System missions.
- An employee may use confidential information as necessary and appropriate in the performance of his/her official duties.
- An employee may share confidential information with other employees of The University of Texas at El Paso (UTEP) who have a valid need for the information as part of their official duties.
- Every individual has the right to see his/her personal information that is being maintained by UTEP upon request, provided he/she presents proper identification.

Texas Public Information Act

- All records created in the course and scope of business may be subject to release to third parties under the **Texas Public Information Act**.
- The **Public Information Act Handbook** prepared by the Office of the Attorney General identifies information which may be exempt from disclosure requirements under the Act.
- Information may be exempt from release:
 - by law,
 - if it is specific information in an employee's personnel file,
 - if it is a student record, or
 - as specifically identified in the Act.
- Under the **Texas Public Information Act**, all information that is not specifically excluded by law from public disclosure must be released upon proper request. The **Office of The Vice President for Business Affairs (VPBA)** is responsible for responding to requests for information that fall under the Texas Public Information Act.

Texas Public Information Act (continued)

- Pursuant to section 552.234 of the Texas Government Code, all public information requests must be sent to the designated public information office.
- A **request is not valid** if it's hand delivered or mailed to **any** employee other than the public information officer or that officer's designee.
- In the event that a UTEP employee receives a request (whether email, hand deliver or postal mail) under the Texas Public Information Act, the best practice is to respond **as quickly as possible** with the following message:

In order to submit a valid public information request to The University of Texas at El Paso, please submit your request to one of the following listed below:

- ***E-mail: tpia@utep.edu***
- ***Address:
Office of the Vice President for Business Affairs
The University of Texas at El Paso
500 W. University Avenue
El Paso, TX 79968***

- For any questions related to Open Records, please contact: The Office of The Vice President for Business Affairs (VPBA) at (915) 747-5113.
- For more information, please visit: **<https://www.utep.edu/vpba/open-records/index.html>**

Mid-module questions

Question #1 (Refer to Slide #2)

As a general rule, employee personnel files, including student records, are confidential and should not be disclosed without the prior written consent of the individuals involved.

True or False

Question #2 (Refer to Slide #3)

State law and UT System policy states that an employee may not share confidential information with other UTEP employees even if they have a valid need for the information as part of their official duties.

True or False

Question #3 (Refer to Slide #4)

Which office is responsible for responding to requests for information that fall under the Texas Public Information Act?

- a. The Office of the President
- b. The Office of University Communications
- c. The Office of the Vice President for Business Affairs (VPBA)

Question #4 (Refer to Slide #5)

Which is the appropriate e-mail where a requestor may submit an Open Records request?

- a. security@utep.edu
- b. tpia@utep.edu
- c. vpba@utep.edu

Records management

- Definition of a **state record** – as defined by Texas Government Code 441.180(11), any written, photographic, machine-readable, or other recorded information created or received by or on behalf of a state agency or an elected official that documents activities in the conduct of state business or use of public resources. The term does not include library or museum material made or acquired and maintained solely for reference or exhibition purposes, an extra copy of recorded information maintained only for reference, or a stock of publications or blank forms.
 - **Records are critically important to the daily operation of UTEP. They serve as the University's memory providing evidence of past activity and future actions.**
 - UTEP recognizes the need for orderly management of all official records, documented records, and destruction schedules congruent with all state laws and related regulations.
 - Records Management is the **law**. The Records Management Department is here to provide advice and guidance with state retention requirements.
 - **Each employee** is responsible for the integrity, accountability and accuracy of University documents and records.

Records Retention Schedule

- UTEP's **Records Retention Schedule (RRS)** is a document that identifies university records and the length of time a record series must be retained in active and inactive storage before its final disposition.
- The Institution is **required by Texas State Law** to develop a records retention schedule and submit the schedule to the State and Local Records Management Division, Texas State Library and Archives Commission, Texas Government Code 441.185(a) for approval every five years (13 TAC S 6.10): <https://www.tsl.texas.gov/slrmpubs/bulletin4>
 - The schedule identifies University records, the nature of the information contained in the record, and determines the length of time records must be retained for legal, fiscal, administrative, student records, and historical purposes.
 - The **RRS** is your guide to maintain, store, preserve and final dispose of institutional records.
 - To obtain a copy of your department's retention schedule, you may contact the **Records Management Department** at (915) 747-8726 or at the website: <https://www.utep.edu/vpba/purchasing-and-general-services/>

Destruction of University records

CAUTION

- “A University record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.”
- “A University record whose retention period expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.”
 - **Please do not destroy records without consulting the Records Management Department.**

<https://www.tsl.texas.gov/sites/default/files/public/tslac/slrmpubs/RRS%202020-05-10.pdf>

Procedures for destroying records

- The following are the procedures to follow for destroying records that have met their retention:
 1. Contact the Records Management Department for a records review and assessment to verify that the state required retention period has been met prior to destroying any university records.
 2. After the initial consultation, the disposal approval form is processed and completed by the Records Management Department and submitted to the department dean/chair or to the director for a signature approval; and finally, it will be submitted to the Director of Purchasing and General Services for final approval. The Records Management Department ensures the administrative procedures are carried out.
 3. Once all signature approvals have been obtained, the Records Management Department will inform the respective department. The department must contact Work-Control, Facilities Services, at [\(915\) 747-7187](tel:9157477187) for instructions and to have the records/boxes picked up. The Labor Crew, Facilities Services, will transport the boxes to Records Management.
 4. Records Management is consistent with state and university policy to ensure all approved university records are processed for destruction by protecting the integrity and confidentiality of the record without exposing sensitive information.
 5. The shredding is conducted on-site and Records Management Staff witness the entire process. Upon completion, a certificate of destruction is presented to Records Management for validation.

Additional resources

- **Handbook of Operating Procedures**
<https://www.utep.edu/hoop/index.html>
- **Open Records Division**
<https://www.texasattorneygeneral.gov/og/open-government>
- **Privacy Act of 1974 (5 U.S.C. § 552a.)**
<https://www.justice.gov/opcl/privacy-act-1974>
- **Records Retention Schedule**
<https://www.utep.edu/vpba/purchasing-and-general-services/>
- **Texas State Records Management Retention Schedules**
<http://www.tsl.texas.gov/slr/recordspubs/state.html#rr54>
- **UTS115 Records and Information Management**
<https://www.utsystem.edu/board-of-regents/policy-library/policies/uts115-records-and-information-management>
- **UTS134 Code of Ethics for Financial Officers and Employees**
<https://www.utsystem.edu/sites/policy-library/policies/uts-134-code-ethics-financial-officers-and-employees>
- **UTS165 Information Resources Use and Security Policy**
<https://www.utsystem.edu/sites/policy-library/policies/uts-165-information-resources-use-and-security-policy>
- **Records Management Department**
(915) 747-8726
- **Office of Institutional Compliance**
(915) 747-6478

End-module questions

Question #1 (Refer to Slide #7)

Who is responsible for the integrity, accountability and accuracy of University documents and records?

- a. Only the employees of the Records Management Department
- b. Each employee
- c. No one

Question #2 (Refer to Slide #8)

Once the minimum retention period has expired, all records should be immediately destroyed.

True or False

Question #3 (Refer to Slides #8 & #9)

John is cleaning the office file cabinet and wants to get rid of old grant travel expense reports and receipts. What steps should John take to get rid of the old records?

- a. He should shred the grant travel expense reports plus receipts and throw them away in the trash.
- b. He should verify the retention requirement of those records on the approved University Retention Schedule and contact the Records Management Department for a consultation.
- c. Neither of the above