

1 25 NCAC 01C .0304 is proposed to be repealed as follows:

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3 ~~25 NCAC 01C .0304~~ — ~~CONFIDENTIAL INFORMATION IN PERSONNEL FILES~~

4 (a) ~~Except as provided in G.S. 126-23 and G.S. 126-24, personnel files of State employees are not subject to inspection~~  
5 ~~and examination.~~

6 (b) ~~Agencies shall maintain in personnel records only information that is relevant to accomplishing personnel~~  
7 ~~administration purposes.~~

8 (c) ~~Information used in making a determination about employment or other personnel actions shall, to the extent~~  
9 ~~practical, be obtained directly from the individual. There may be instances where it is necessary to obtain information~~  
10 ~~from other sources. This may be obtained either directly from those sources or by the use of a consumer reporting~~  
11 ~~agency. If the consumer reporting agency is utilized, the requirements of the Fair Credit Reporting Act, Title VI of The~~  
12 ~~Consumer Credit Protection Act (Public Law 91-508) must be followed.~~

13 (d) ~~All information in an employee's personnel file shall be open for inspection and examination as set forth in G.S. 126-~~  
14 ~~24. For this purpose, supervisor is any individual in the chain of administrative authority above a given state employee~~  
15 ~~within a pertinent state agency. An official is a person who has official or authorized duties or responsibilities in behalf~~  
16 ~~of an agency; it does not imply a necessary level of duty or responsibility. This right to access includes the circumstances~~  
17 ~~where one state agency is considering for employment a person who is or has been employed in another state agency; the~~  
18 ~~head of the latter agency may release to an official of another agency information relative to the employee's job~~  
19 ~~performance.~~

20 (e) ~~Each individual requesting access to confidential information shall submit proof of identity.~~

21 (f) ~~A record shall be made of each disclosure except to the employee or the supervisor.~~

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23 *History Note: Authority G.S. 126-24; 126-26; 126-29;*

24 *Eff. February 1, 1976;*

25 *Amended Eff. May 1, 2008; October 1, 2004, November 1, 1988; December 1, 1978; October 1, 1977.*