

Confidentiality in the Workplace

What HR Partners Need to Know

Speakers:

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Overview

- **Primary Sources of Confidentiality in Your Unit**
 - Education Records/FERPA
 - Faculty Records/State Law & Faculty Records Rule
- **Scope of Confidentiality**
 - Protection from Disclosure
 - Faculty/Student Access Rights
- **HIPAA**
- **Personnel Files**
- **New Records Manager!**

Primary Source 1: FERPA

- **Family Educational Rights & Privacy Act**
 - Protects privacy of UO students' education records.
- **Key terms:**
 - Education Record
 - Record
 - Directly related = personally identifiable
 - Directory information
 - Disclosure
 - Consent
 - Exceptions

Primary Source 2: Faculty Records Policy

- **Four decades**
 - **ORS → OAR (OUS + UO) → Faculty Records Policy**
 - Sources: ORS 352.226, OAR 571-030, OAR 580-020
- **Key Terms**
 - Faculty
 - » 19 examples in UO Policy
 - Personal Records
 - » Laundry list
 - » Evaluative
 - Directory Information
 - Exceptions
 - Subpoenas

Scope of Confidentiality

- **Protection from Disclosure**

- Faculty Records Rule:

- Broad definition
 - Consent; Demonstrably Legitimate Purpose; Subpoena

- FERPA:

- Consent or exception
 - Note: UO policies may add more protections

- **Faculty/Student Access**

- Faculty Records Rule:

- Request; Demonstrably Legitimate Business Purpose

- FERPA:

- Student's "Big 4"; Registrar's Access Procedure

Third Source: HIPAA?

- **Health Insurance Portability & Accountability Act**
 - Imposes requirements on public and private entities to protect the privacy and security of Protected Health Information (“PHI”).
- **UO is a Hybrid Entity under HIPAA**
- **Most Departments/Units Fall Outside HIPAA**
- **A few fall within the Hybrid Entity Umbrella**
 - UHC; UCTC (Counseling Center); EC Cares
- **Key Terms**
 - PHI
 - Covered components
 - Consent
 - Exceptions
- **UO Confidentiality Policy**

Personnel Files

- **SEIU, Article 16**
 - **One official personnel file kept with HR. Employee has the right to inspect. Employee has the right to request that certain materials are kept in the personnel file.**
 - **Can have a supervisory file but notify employee of the existence of a supervisory file. Employee has the right to inspect upon reasonable notice.**
 - **Materials relating to discipline are subject to certain restrictions.**

University Records Manager

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- **Introduction and update**

- **Mission:**

- The University of Oregon's Records Management Program provides campus units with recordkeeping **guidelines**, **tools**, and **services** consistent with applicable laws, UO policies, international standards and best practices.

- **Goal:**

- Improve **search**, **access**, and **use** of records by facilitating consistency in **tagging**, **organizing**, **tracking**, and **disposal** across disparate storage systems.