

EXECUTIVE SUMMARY—GUIDANCE ON RECORDS REQUEST AND RETENTION ISSUES IN PERSONNEL SEARCHES

OFFICE OF THE GENERAL COUNSEL, UNIVERSITY OF IOWA

1. Public Records

The term “public record” broadly encompasses documents, tapes, and electronic information created or received by University employees in the scope of employment. Every person has a right to examine and copy public records. However, certain records can be kept confidential.

a. Materials That Do Not Identify Individual Applicants.

Job descriptions, advertisements for University positions, and notes or records relating solely to the function and procedure of the search committee are public records.

b. Identities/Application Materials From “Internal” Applicants.

Applicants that are presently employed by the University of Iowa, the Board of Regents, or another agency of the State of Iowa are considered “internal” applicants. The identities of internal candidates, and their resumes and applications, are public records. All other materials or records relating to internal candidates may be kept confidential under Section (1)(d) below.

c. Identities/Application Materials From “External” Applicants.

If committee members “reasonably believe” that outside applicants would be discouraged from seeking the position advertised if their identities or application materials were made available to the general public, the committee may withhold such materials from disclosure. There is no inherent time limit on how long this information can be retained as confidential. A committee intending to maintain the confidentiality of application materials from outside candidates pursuant to this provision should ideally do the following: (a) place an explicit question about the outside candidate’s desire for confidentiality in the application materials, and (b) should make a formal “finding” that outside applicants would be discouraged from seeking the position without privacy guarantees.

d. Confidentiality of Other Materials Relating to an Appointment or Hiring.

A search committee may retain materials about applicants, such as the notes of committee members, drafts of interview or hiring justifications prepared for EOD, or letters of reference written for applicants, as confidential until the position is filled.

After “final action” is taken by the committee, only materials and communications received by the committee from outside government (i.e. from outside applicants, from references, etc.) may continue to be maintained as confidential. In order to do so, the committee must “reasonably believe” such communications would have been discouraged if made public. Again, any committee intending to maintain the confidentiality of materials under this provision should ideally do the following: (a) place an explicit question about the outside candidate’s desire for confidentiality in the application materials, and (b) should make a formal “finding” that outside applicants would be discouraged from seeking the position without privacy guarantees.

2. Record Retention

a. Official Records.

The job description, advertisements, and information regarding where and when an advertisement for a specific position was posted are all “official records” belonging to the State of Iowa. Such records should be maintained by the University for five (5) years following the closure of a search per the University records retention policy.

Similarly, the list of candidates to be interviewed and the hiring justification prepared for the Office of Equal Opportunity and Diversity are also “official records”. Those official documents are retained by the University in the official search file, and must be kept for five (5) years following the closure of a search per the University records retention policy.

Finally, cv’s, letters of recommendation, and transcripts of candidates who applied for the position being filled are “official records” which must be retained for five (5) years following the closure of a search per the University records retention policy.

b. Convenience Records.

Photocopies or extra copies of any search materials are considered “convenience records” in the University Operations Manual. Convenience records may be maintained or destroyed at the discretion of the user.

c. Non-Records.

Post-it notes, fax cover pages, route slips, and other miscellaneous papers or correspondence without official significance are considered “non-records” in the University’s Operations Manual.

Committee notes, drafts of interview lists, or drafts of hiring justifications that were used to develop a final official product are considered “non-records” in the University’s Operations Manual.

The committee may compile background information or materials on nominees, with or without the knowledge or involvement of the nominee. Materials that relate to nominees who do not ultimately apply and become candidates for the position are draft documents generated to develop a final, official hiring list. Accordingly, such materials are “non-records”.

Non-records may be maintained or destroyed at the discretion of the user.