

UPDATING INFORMATION

2212

(No. 4 October 1998)

When a record is used to make a determination about an individual or is transferred outside state government, the person responsible for that record must correct, update, withhold or delete any portion of the record he/she knows or has reason to believe is inaccurate (CC Section 1798.18).

Each department is responsible for determining its own record retention and destruction policies consistent with the body of law specifically governing each record system. The Records Management Act (Government Code Sections 14740-14768), the State Administrative Manual (Section 1600 et seq.), and Government Code Sections 6200 and 6201, which provide penalties for the unlawful destruction or alteration of public records, also apply to most agencies in the executive branch of state government.

Government Code Section 19589 prohibits the maintenance of letters of reprimand in a state civil service employee's personnel file for longer than 3 years. Government Code Section 19635 prohibits bringing punitive action against an employee after three years from the cause of action, or discovery of the cause, in cases of fraud, etc. Collective bargaining agreements may also deal with this subject and must be considered in any decision relating thereto.

Copies of or references to grievances and complaints filed by an employee should not, as a general rule, be kept in the employee's personnel file. Unless there is some good reason to do so, such practice could be construed as an unfair employment practice or to be discriminatory.

REQUEST TO INFORM OF CORRECTIONS AND DISPUTES

2212.1

(No. 4 October 1998)

After July 1, 1978, the department will inform any person or agency of a correction, an error or notice of dispute to any record containing personal information that has been disclosed during the past three years, if accounting of the disclosure is required and if the accounting has not been destroyed (CC Section 1798.35).

CORRECTIONS OR AMENDMENT TO RECORDS

2212.1.2

(No. 4 October 1998)

Requests from individuals for corrections or amendments to records shall be in writing and the individual shall be notified within 30 days if the record has been corrected.

If the reviewing official denies the request to correct or amend the record, the individual shall be informed within 30 days of the reasons for the denial and be informed of his/her right to request a review by the Records Management Coordinator; Forms, Information, and Records Management, Business Services Office at (916) 323-7119 (CC Section 1798.35).

If the request for review of a determination is made, the CDF Records Management Coordinator will notify the individual of the final determination and the reasons, if denied, within 30 days. A 30-day extension may be made with good cause. The individual shall also be informed of his/her right to file a statement of dispute with the department (CC Section 1798.36).

If a statement of dispute is submitted to the department, the unit responsible for maintaining the record will file the statement as part of the original record. A copy of the statement of dispute and reasons for denial of amendment must be made available if the information in the record is disclosed (CC Section 1798.37).

If the record is corrected and the record has been disclosed within the prior three years, the individual or organization to whom the disclosure(s) was made shall be notified of the correction (CC Section 1798.28).

FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.

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