



Independent State of Papua New Guinea

GENERAL ORDER NO 23

MANAGEMENT OF PERSONNEL RECORDS

Being a General Order for the purpose of requiring agency heads to maintain organised and systematic personnel records of staff during and after their employment for specified periods according to the Government policy and in compliance with statutory requirements.

Made under the:-

Public Services (Management) Act 1995 (as amended)

I, **John M Kali OBE**, Departmental Head of the Department of Personnel Management, by virtue of the powers conferred by Section 70 of the *Public Services (Management) Act 1995*, and all other powers me enabling, hereby issue General Order No .23, as part of the Fourth Edition of the General Orders to be brought into force on 1st January 2012 and to remain in force until further notice.

JOHN M KALI OBE
Secretary

GENERAL ORDER NO 23

MANAGEMENT OF PERSONNEL RECORDS

TABLE OF CONTENTS

<u>Subject Matter</u>	<u>General Order Section</u>
Purpose of Retaining Personnel Records and Files	23.1 - 23.4
Principles of Privacy/Confidentiality	23.5 - 23.6
Requests by Officers to View Their Personnel Record Files	23.7 - 23.12
Disciplinary Action Files	23.13 - 23.14
Retention and Disposal of Personnel Files	23.15 - 23.17
Transfer of Records	23.18 - 23.20
Creation of Personnel Files Checklist	
Management of Personnel Files Checklist	
Closing of Personnel Files Checklist	
Disposal of Personnel Files Checklist	
“Personnel Records Retention and Disposal Schedule”	<u>Form PRM 23.1:</u>
“Approval for Disposal of Human Resource Records”	<u>Form PRM 23.2:</u>
“Transfer of Human Resource Records”	<u>Form PRM 23.3:</u>

GENERAL ORDER NO 23

MANAGEMENT OF PERSONNEL RECORDS

GENERAL POLICY OBJECTIVES

Purpose of Retaining Personnel Records and Files

- 23.1 Every Government Department is legally required to manage its personnel records in accordance with this General Order. Personnel Records are evidence of a Department's decisions and actions relating to employment of staff and employees in the National Public Service and the records of specified personnel management transactions must be maintained and managed to comply with the law and with Government Policy.
- 23.2 Every officer and employee must have a Personnel File that will contain all documents relating to their employment. These personnel files and other special purpose files, such as those dealing with recruitment and selection, discipline and training, will be held for periods of time as prescribed by **Form PRM 23.1**
- 23.3 All information relating to the employment of an employee should be readily accessible to assist in informed decision making on human resource management matters. The Statute of Limitations requires that specified employment records are to be retained by the employing Department for a period of not less than seven years following termination of employment in order to respond to legal matters and claims concerning employment that may subsequently arise.
- 23.4 This General Order specifies the minimum list of personnel data that must be held by the department in each officer's computerised and/or manual personnel records and maintained in official Government archives after employment ceases.

Principles of Privacy/Confidentiality

- 23.5 The principles of privacy require that an employee's personnel records may only be accessed by:
- (a) the employing Department or Agency's legal counsel;
 - (b) staff of the Department's HR Branch in the course of their official duties;
 - (c) senior executive management of the Department or Agency in the course of official duties;
 - (d) another Agency which has a legal right to access the records for the purpose of their functions and legislation;
- 23.6 The personnel record of each staff member is to be established in accordance with the following principles of privacy and confidentiality:
- (a) all personal information is provided in accordance with the requirements of this General Order and other General Orders for the purposes of their employment and is to be treated 'in-confidence' by the employing department.

- (b) A breach of confidence by any person having official access to personnel information amounts to a breach of the **Public Service Code of Business Ethics and Conduct**.
- (c) only information that is directly relevant to the employment of the staff member is to be collected in a personnel record, as specified in this General Order.
- (d) personnel records are to be stored and maintained securely in the custody of a specified officer, normally the HR Manager, with access to those legitimate officers listed in General Order 4.5, only as authorised by the HR Manager or authorised delegate;
- (e) persons other than the HR Manager listed in General Order 4.5 must provide to the HR Manager a written request to access personnel record files which must be viewed within the HR area and not removed unless under close supervision by the HR Manager;
- (f) otherwise, the HR Manager will provide validated extracts from the personnel records files and not allow removal of original documents, or allow any additions or removals from personnel record files;
- (g) all care must be taken by the HR Manager/Corporate Services Manager to ensure the personnel records are not compromised but remain complete, intact and unaltered.
- (h) a personnel record may only be updated through the inclusion of additional information. Information already contained on the personnel record must not be altered, removed or destroyed.

Requests by an Officer to View Their Personnel Record Files

- 23.7 Current and past officers who have been employed in the Public Service may only be given an opportunity to view their personnel records following written application, and advance notice in the following circumstances:
- (a) by virtue of a court order to provide specified information;
 - (b) in response to a request by a bona fide legal representative of a past officer;
 - (c) in response to a request by a serving officer to verify data held.
- 23.8 An officer given access to his or her personnel records must not be permitted to remove or to add to or to amend information in any file.
- 23.9 An officer wishing to change any information held in the file must submit in writing to the Departmental Head the reasons for the request, and such requests will be treated on their merits on the advice of the HR Manager.
- 23.10 Particular care must be taken when considering the need to amend information which will have financial implications by affecting current and future salaries, allowances and benefits related to qualifications, length of service and date of birth.

- 23.11 An officer may request in writing photocopies of documentation on their personnel file and this request should either be met within five working days from the date the request was received or the officer should be advised in writing why the request cannot be met.
- 23.12 Photocopies of requested information provided to the officer must be clearly marked “Copied from the Personnel File of [name of employee] held at [name of government agency] on [date] by [name of HR Manager]” and signed by the HR Manager. Copies of the request and the action taken by the Department shall be placed on the officer’s personnel file.

Disciplinary Action Files

- 23.13 Disciplinary action taken in accordance with the requirements of the General Orders must be recorded on a separate Disciplinary Action File for each affected officer.
- 23.14 Disciplinary Action Files are only to be made accessible through the control of the accountable HR Manager as the custodian of personnel records, in accordance with the requirements of this General Order to the following officers:
- a) the Head of the employing Department or his or her delegate in the course of official duties; or
 - b) legal counsel for the employing agency, where legal action is being taken by the Department or the officer;

Retention and Disposal of Personnel Files

- 23.15 Personnel records, including disciplinary files, must be retained and disposed of in accordance with the requirements of **Form PRM 23.1**, the “**Personnel Records Retention and Disposal Schedule**”, in table format, containing the following details:
- a) **Records Reference** – refers to a number which can be used to identify entries in the Schedule. When archiving or disposing of records, this number should be referred to in the description of records.
 - b) **Description of Records** – refers to a broad description of the records by category or general usage.
 - c) **Retention Period** – refers to the time period for which the records should be retained. It generally describes the period during which the records may be required for legal or information purposes. If records have reached their specified retention period, they should be culled, archived or destroyed in accordance with the Disposal Action Plan described in the Schedule.
 - d) **Storage** – Refers to how and where the records should be stored during their retention period.
 - e) **Disposal Action Plan** – Refers to how the records should be disposed of at the end of the retention period.

- f) **Registry Files** - Refers to files which are created by the Department's or Agency's Central Registry and which are recorded on the file registry.
- g) **Last Action** - The term 'last action' is used frequently in the Schedule. This is because it is often deemed that once a record or file has not been referred to for the specified period, it is unlikely to be referred to again. The last action is the last time the file was referred to or an action was taken, such as an additional folio was added or information was obtained from the file.

23.16 Where it is identified that personnel records have reached the end of their retention period, **Form PRM 23.2: "Approval for Disposal of Human Resource Records"** is to be completed and checked by the HR Manager/Corporate Services Manager and submitted for the approval by the supervising Deputy Secretary or equivalent. No personnel records are to be destroyed until this approval has been obtained.

23.17 When approval has been received for disposal of personnel records, the approved methods of destruction are shredding or burning. This may be performed on-site or off-site but must be supervised by the HR Manager/Corporate Services Manager. The date and method of disposal must be recorded on **Form PRM 23.2** and must be retained on file by the Department Agency.

Transfer of Records

- 23.18 In the event of an officer transferring to another Department it is the responsibility of the receiving Department to request the personnel records from the previous employing Department.
- 23.19 It is the responsibility of the previous employing Department to ensure that all personnel records are collected and sent to the receiving Department within 10 working days after the transfer has occurred. For this purpose, certified copies may be transferred.
- 23.20 The HR Manager/Corporate Services Manager is authorised and responsible for carrying out this transfer and must obtain a formal and written record in **Form PRM 23.3** of receipt from the HR Manager/Corporate Services Manager within the receiving Department or Agency.



**NATIONAL PUBLIC SERVICE
GENERAL ORDERS**

**RECOMMENDATION TO THE SECRETARY, MR JOHN M KALI, OBE, TO
APPROVE GENERAL ORDER NO. 23 OF 1ST JUNE 2002**

MANAGEMENT OF PERSONNEL RECORDS

To: Secretary

Date: 08 March 2012

We, the under-signed, confirm that **General Order No. 23 of 1st January 2012**, hereto attached, has been drafted in accordance with Government policies and the appropriate Sections of *Organic Law* the *Public Services (Management) Act*, and the **Regulations** and reflects:

- (a) all policy changes made by the National Executive Council in the period 1st June 2002 to 31st December 2011;
- (b) all changes to the **Constitution**, the *Organic Law on Provincial & Local Level Governments* and the *Public Services (Management) Act 1995*, to effect implementation of the Provincial and Local Level Government Reforms; and,
- (c) all other changes to the *Public Services (Management) Act 1995*, which have been brought into force since 1st June 2002.

On behalf of the Executive Management Team, we recommend that the Secretary authorise this General Order for publication and distribution to line Departments and Agencies.

AGNES FRIDAY
Executive Manager, HRAS

RAVU VERENAGI
Deputy Secretary, Policy

ISIHEL MESULAM
Director, Legal & Investigations

RAVU VAGI
Deputy Secretary, Operations

