



The data included in staff records are used by both internal and external agency stakeholders. Some staff data are considered public records, under either the federal Freedom of Information Act (FOIA) or an open records law at the state level and must be publicly reported or released upon request. Other data only can be released in aggregate reports, and some data are private and cannot be released. State and local education agencies (SEAs and LEAs) have developed best practices for evaluating and responding to requests for staff data access and managing the use of these data.

Best Practices for Providing Internal Access and Use

- Encourage staff members to verify their information
- Establish processes for making additions and changes to staff records
- Determine who has a legitimate professional interest before granting access to staff records
- Teach and encourage staff to value data privacy and security
- Develop and require Acceptable Use Policies (AUPs)

Acceptable Use Policies (AUPs) typically are used to outline staff members' responsibilities for using agency technologies. However, they also are a useful tool for clarifying to staff that information they transmit via agency devices and resources may be considered part of the staff record. In addition, AUPs can include prohibitions on sharing information about others, including other staff members, and requirements for maintaining data privacy and security.

Best Practices for Managing the Release of Staff Data Outside an Agency

- Designate a custodian or records official
- Require that any staff who receive a records request refer the request to the records official
- Create standard request forms for staff data
- Securely transmit any non-public data that are approved for release
- Document all requests and releases

These best practices are discussed in more detail in Chapter 3 of the Forum Guide to Staff Records, available at https://nces.ed.gov/forum/pub_2021094.asp.

Public Records and Freedom of Information Act (FOIA) Requests

Staff records include data considered to be in the public record. A public record is a record or file subject to public inspection under the federal Freedom of Information Act (FOIA) or any state-specific open records law. State laws have different definitions of public records and what information is a matter of public record. Not everything included in staff records is subject to a FOIA request or other state open records law request. Agencies often think of staff records in two categories:

- **personnel records**, which contain information that a district collects and keeps on file for day-to-day work—these data may be as general as an employee's name, or as sensitive as Social Security numbers (SSNs) and banking information; and
- **public records** (also commonly called FOIA or open records), which contain information such as pay rate, licensure, and certifications that an agency may be required to release.

For more information on FOIA, visit <https://www.foia.gov/>. It is important to note that while FOIA is widely known as an instrument for public access to government documents, FOIA is only applicable to federal agencies. States may have open records acts that closely mirror FOIA, but the federal act does not confer right of access to state or local documents; these must be accessed through requests to the state or local agency's relevant body. FOIA also grants a number of exceptions, specifying kinds of data that are considered private by default (for reasons of national security, law enforcement, privileged communications, and others).