



Department of Public Works
Administration

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Commissioner of Public Works

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Director of Administrative Services

To: All DPW Employees who Handle Personnel and/or Medical Information
From: Dan Thomas, DPW Administrative Services Director
Subject: Protecting Personal and Private Information Policy
Issued: November 2020 Reissued: January 2024

This policy defines and describes the expectations associated with the handling of personal and private information by all DPW employees. It is the responsibility of a DPW employee to respect and protect the confidentiality of information used in the performance of assigned responsibilities in accordance with applicable federal and state employment laws, including but not limited to Genetic Information Nondiscrimination Act (GINA), Americans with Disabilities Act (ADA), Health Insurance Portability and Accountability Act (HIPAA), Family and Medical Leave Act (FMLA), Workers Compensation, Wisconsin Privacy Laws and Wisconsin Public Records laws.

DPW Administrative Services and Water Works Business plays a key role in several city-wide functions that create the need to access personal and private information of all employees, applicants, and employee spouses and dependents. Assigned DPW employees will unavoidably receive and handle personal and private information about employees and their immediate family. This policy establishes the requirements and expectations to be followed to ensure that all personal and private information is well protected.

Personal and Private Information includes the following categories of information as related to current and former employees, employee spouses and dependents, and applicants such as:

1. Personal (social security number, address, date of birth, personal e-mail, personal home or cell phone number)
2. Hiring (employment application, interview notes and results, background checks, I-9 forms)
3. Performance (performance reviews, performance improvement plans, warnings and disciplinary notices, grievance and appeals, employee assessments, reports on probationary services)
4. Personnel files of DPW employees
5. Medical files of DPW employees
6. Compensation and benefits (salary or rate of pay information, benefit selection and status, unemployment insurance claims, long term disability claims, tuition reimbursement usage, wellness program participation including onsite clinic utilization)
7. Payroll (pay stubs, direct deposit forms, tax forms)
8. Workers' compensation records
9. Medical, dental and drug utilization information, including drug test results/pre-placement medical evaluation results, FMLA medical certifications, and ADA requests for accommodations and related medical certifications or information
10. Information in computer systems, including all third party websites with personal and private information, records, or data (i.e. third party administrators, claims management systems,

- regulatory administrative sites, human resource management system, financial management system)
11. Any other information that a reasonable person would consider private

All employees must adhere to the following standards:

I. Protecting Personal and Private Information

- A. Personal and private information must be stored in an appropriate secured format when not in use.
- B. Personal and private information must not be displayed or left unattended in a place where it can be easily viewed by others (e.g., printer, copier, desktop, or computer screens). Fax machines in common areas should be checked on a regular basis by a designated group of people for incoming faxes containing personal and private information. If a DPW employee sees an incoming fax or other documents on the printer, that employee should hand deliver it to the person it was addressed to or leave it in the person's mailbox.
- C. Personal and private information should not be discussed in open areas where the confidentiality of the information cannot be assured. This includes using speaker phone in an open area.
- D. Upon separation from employment in DPW, all departmental information must be returned securely to the custody of DPW administration and copies must be deleted from any personal devices.
- E. Personal and private information should not be sought, accessed, reviewed, duplicated or distributed for purposes that are not related to a specific assignment. Employees must have a legitimate reason as it relates to associated job responsibilities to seek, access, duplicate and/or review personal and private information.
- F. Personal and private information should not be accessed for personal use no matter how well intentioned the use of information (i.e., looking up home addresses for sending a greeting card).
- G. When disposing of personal and private information in compliance with DPW's record retention schedules, it must be destroyed under supervision. Personal and private information is not to be deposited into the trash or recycling bins.
- H. Personal and private information should only be viewed on secure devices that are in compliance with the technology security polices set forth by DOA-ITMD.
- I. When traveling with personal and private information outside of DPW, employees must take all appropriate precautions to safeguard the information.

II. Public Records Requests- Sharing Personal and Private Information

- A. All Public Records Requests must be referred to the DPW Administrative Services Manager, DPW Human Resources Representative or the Water Works Personnel Officer.

III. Reporting Disclosure of Personal and Private Information

- A. Employees are required to report violations of this Policy without regard to the relationship between the individual who initiates the prohibited behavior and the individual reporting it. An employee who believes that another employee may be in violation of this policy should report the alleged violation to the DPW Administrative Services Director, DPW Administrative Services Manager, DPW Human Resources Representative or the Water Works Personnel Officer and/or the reporting employee's immediate supervisor or manager.
- B. Employees are required to self-disclose violations of this Policy. An employee who believes he/she may have disclosed personal and private information should report the incident to the DPW Administrative Services Director, DPW Administrative Services Manager, DPW

Human Resources Representative or the Water Works Personnel Officer and/or the reporting employee's immediate supervisor or manager.

IV. Enforcement

- A. Deliberate efforts to disclose personal and private information or to access information not required by an employee's assignment and associated job responsibilities will be considered a violation of this Policy.
- B. Violation of this Policy is considered a serious offense. Any abuse, misuse, or dissemination of personal and private information will result in disciplinary action up to and including discharge from employment.
- C. No employee may retaliate against an employee who has reported a possible violation of this policy.
- D. All employees must sign the Statement of Acknowledgement. The signed Statement of Acknowledgement is to be kept in the employees personnel file.
- E. Any questions on the confidentiality of a record or information should be directed to the DPW Administrative Services Director, DPW Administrative Services Manager, DPW Human Resources Representative or the Water Works Personnel Officer.

**STATEMENT OF ACKNOWLEDGEMENT- CONFIDENTIALITY AGREEMENT
PROTECTING PERSONAL AND PRIVATE INFORMATION POLICY**

As an employee, I understand that I may have occasion to come in contact with documents or information that is personal and private. By signing below, I acknowledge and agree that I am required to follow the terms and conditions of this Agreement. A violation of this agreement may result in a disciplinary action up to and including discharge or other consequences that may be imposed by agencies other than the City of Milwaukee Department of Public Works.

- It is understood and agreed that all documents and information maintained by and in the Department of Public Works Administrative Services Accounting, Contracts, Human Resources (HR), Water Works Business and Payroll sections that is of a personal and private nature must remain confidential. This includes, but is not limited to, employee personnel files, records, documents, financial documents, and information of which I may become aware in any capacity during the course of my work, or on behalf of, Payroll, Accounting or HR and the City of Milwaukee Department of Public Works. This also includes information gained through conversations or meetings.
- I understand that individuals assigned to work for the City of Milwaukee Department of Public Works in any capacity including, but not limited to regular employees, temporary employees, employees assigned to modified duty, former employees, co-workers, former co-workers interns, students, vendors, volunteers, and re-entry program participants will not disclose any confidential information obtained from working said assignment, unless required to do so by law.
- I agree to preserve and protect the confidentiality of information and all physical forms or images thereof, whether disclosed to me before or after this Agreement is signed. In addition, I agree that I will not make copies, photos, or images, or disclose or disseminate any of the types of information identified in this Agreement to any third party (outside the normal course of my work responsibilities) and shall not use the information for my own benefit or for the benefit of any third party without prior written approval from the DPW Administrative Services Director or designee.

By signing this agreement, I acknowledge that I have read and understand the Department's requirements and expectations as established in the DPW Protecting Personal and Private Information Policy. I also acknowledge that I am subject to disciplinary action up to and including termination of employment or the termination of my assignment, or status as a volunteer if I commit a breach of any of the terms and conditions contained in this Agreement. I further acknowledge and understand that a breach of this Agreement may result in penalties imposed by other agencies.

 Signature of employee

 Date

 Print Full Name

 Employee ID

 Signature Administrative Services Representative

 Date

 Print Full Name

 Employee ID