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| Approved by: Juan Williams, Commissioner | Policy Number: 23-001 |
| Signature: | Supersedes: N/A |
| Application: Executive Branch, Legislative Branch, and Judicial Branch Agencies; Human Resources Officers | Effective Date: February 13, 2023 |
| Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 10-7-504 | Rule: Chapter 1120-13 |

Confidential Employee Designations

This policy is established pursuant to Tennessee Code Annotated, Section § 10-7-501 et seq., in order to maintain statewide consistency in protecting sensitive and confidential information regarding state employees. The Transparent Tennessee website was created to ensure the transparency of state government and that citizens were able to locate public information in one location. Transparent Tennessee allows citizens to search for state employees and learn their annual salaries. Typically, each state employee’s name, department, salary and bonuses, job title, and full-time or part-time status is listed.

The Department of Human Resources (the Department) recognizes that in order to protect the confidentiality of some state employees in sensitive positions, it may be necessary to redact information listed on Transparent Tennessee and in the public phone directory by designating certain employees as being in a confidential position. This policy establishes the criteria and procedures for designation.

Confidential position designations must fall under an exception codified in Tennessee Code Annotated § 10-7-504. Examples of common exceptions include, but are not limited to:

- Employees or immediate family members of employees serving in a law enforcement capacity with an emphasis on undercover assignments. Not all law enforcement positions require redaction, and agencies should consider the duties, nature of the work, if the position may ever serve in an undercover capacity, and if disclosing otherwise public information could lead someone to identify or locate an officer who is working undercover;
- Employees who have an order of protection or restraining order issued by a court, or otherwise have a court order protecting the confidentiality of certain information; and
- Employees who have an affidavit from the director of a rape crisis center, domestic violence shelter, or human trafficking service provider, certifying that an individual is a victim in need of protection.

If an agency determines an employee falls under one of the exceptions listed in statute, the agency shall make the “Confidential Position” designation in Edison for the position using the navigation: **HCM >**

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Organizational Development > Position Management > Maintain Positions/Budgets > Add/Update Position Info.

Employees requesting to receive a confidential employee designation based on an order of protection, restraining order, court document, and/or affidavit as noted in T.C.A. § 10-7-504 must present a copy of the protection document to their agency. The document shall be maintained by the agency in a separate, secured file from the employee's personnel file.

Agencies shall regularly review confidential employee designations to ensure currency and a continued need for the designation. Confidential employee designations will remain in effect until the employee notifies the agency there is no longer a need for confidentiality, the protection document expires, or the agency otherwise determines the basis for designation is no longer applicable. The Department may periodically audit agency designations to ensure compliance with this policy and statute.

Questions regarding this policy may be directed to the Office of the General Counsel.