

**CITY OF CHESAPEAKE, VIRGINIA**

**NUMBER 1.01 (10.0)**

**ADMINISTRATIVE REGULATION**

**EFFECTIVE DATE: 01/18/05**

**SUBJECT: CITY MANAGER'S OFFICE  
INTERNAL DISSEMINATION OF  
CITY RECORDS POLICY**

**SUPERCEDES: 10/20/92**

## **I. PURPOSE**

The purpose of this regulation is to establish guidelines for the internal dissemination of the Records created and maintained by City departments in the course of their internal administration. It applies to requests for department records made by City employees.

This regulation shall not be construed to restrict the right of any citizen of the Commonwealth, including a City employee, to inspect official records of the City under the Virginia Freedom of Information Act. Such a request may be made by the employee on his or her own time, and it will be handled in the same manner as all other requests. Such a request is not a violation of this regulation.

However, the City Manager has the authority to determine the manner in which the official business of the City shall be carried out by its employees. It is in the best interest of the City to regulate and control the inter-departmental dissemination of department records, and to promote cooperation between City departments. Therefore, department records shall not be disseminated to City employees except in accordance with this regulation or except in accordance with a Virginia Freedom of Information Act request made by the employee on his or her own time.

## **II. DEFINITIONS**

- A. **Department Records:** The term, "department records" means any written or printed books, papers, letters, documents, maps and tapes, photographs, films, microfilms, sound recordings, or reports of other material, regardless of physical form or characteristics, including computer records, which pertain to the administration of any City department.

Department records include, but are not limited to, personnel records, payroll records, budgets, telephone records, automobile records, logs, and internal audits, regardless of the physical location of these records.

- B. **Administration of any City department:** The term, "administration of any City department," means the management of such internal department affairs as personnel selection and retention, cost controls, and equipment maintenance and use. It does not mean the actual work product of the department.

### **III. ACCESS TO DEPARTMENT RECORDS**

- A. The City Manager and his or her designees shall have access to all department records.
  - 1. Equal Employment Opportunity Office is designated by the City Manager to investigate complaints of denial of equal employment opportunity, and as such shall have access to any and all department records relevant to an investigation.
  - 2. The Internal Auditor is designated by the City Manager to perform audits of City departments, and as such shall have access to any and all department records relevant to an audit.
  - 3. The City Manager may designate, orally or in writing, other individuals or offices to have access to department records from time to time, as may be in the best interest of the City.
- B. The Director of Human Resources is charged by ordinance with the duty to seek to resolve impartiality and/or adjust difficulties arising out of or relating to the employment relationship. The ordinance also commands that the Director of Human Resources shall have free and unencumbered access to all data relating to any specific difficulty. Such access shall not be deemed to be restricted by this regulation.
- C. Each Department Director and his or her designee shall have access to all department records of his or her department. The Department Director may grant access to the department records of his or her department to employees outside of the department who require access to the records in order to perform their official duties.
- D. The Department Director responsible for the creation and maintenance of a department record shall have access to the department record for which he or she is responsible. He or she may also permit persons within his or her department access to these records as necessary to perform the work of the department. The Department Director responsible for the creation and maintenance of a department record is also responsible for ensuring the confidentiality of that record.
- E. No other person in the employ of the City may access, directly or indirectly, department records, without first obtaining the permission of the Department Director of the City department to which the records pertain and without obtaining the permission of the City Manager.
- F. This policy shall not be construed to prohibit any City employee access to his or her own personnel record. Nor shall this policy be construed to prohibit any City employee from making a Virginia Freedom of Information Act request on his or her own time, which request shall be handled in the same manner as all others.

**IV. FREEDOM OF INFORMATION ACT REQUESTS BY EMPLOYEES**

- A. Any citizen of the Commonwealth of Virginia, including City employees, may make a request to inspect and copy official records of the City of Chesapeake.
- B. If a City employee, other than an employee whose access to such record is authorized by this policy, makes a request to inspect and copy department records, then the Department Director in possession of the records shall notify the City Manager of the request, immediately upon receipt of the request.
- C. In all other respects, including the time period for responding to the request, and including the decision whether or not to make the records available for inspection and copying, the request by a City employee to inspect and copy department records shall be handled in the same manner as any other Virginia Freedom of Information Act request.

**V. VIOLATIONS**

A violation of this policy is a Class Three Offense, as defined in the City's Disciplinary Policy, and subjects the violator to the range of disciplinary actions appropriate for such an offense.