

City of Hampton
Animal Control
Administrative Guidelines

Title: Confidentiality and Dissemination of Information	Guideline Number: A-104
References: FOIA training, City Attorney’s Office, City of Hampton Personnel Policy Manual	Date Issued: September 15, 2011

Purpose:

The Animal Control Division is responsible for a vast amount of city information that often includes sensitive and confidential information. The purpose of establishing guidelines regarding dissemination of information is to assist employees in understanding what could be considered sensitive and/or confidential information or information that could be considered under the Freedom of Information Act (FOIA) and general information that can be given directly without logging a formal FOIA request.

I. FOIA in general.

- A. Virginia Code 2.2-3700: “The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government.” FOIA is designed to bring balance between “open government” and the need to protect citizen confidentiality.
- To ensure ready access to “public records” in the custody of a “public body” or its officers and employees.
 - To ensure “free entry to meetings of public bodies wherein the business of the people is being conducted.”
 - However, there are exemptions to releasing information – releasing certain information can be prohibited by law or the City can elect to exercise its discretion to withhold records pursuant to a specific FOIA exemption. Only a very few statutes actually prohibit disclosure of certain records:
 1. Tax records
 2. Juvenile records
 3. Certain Social Services department records
 4. Certain student records
- B. Who is entitled to public records?
1. “Citizens” of the Commonwealth
 2. Representatives of newspapers and magazines with circulation in the Commonwealth.
 3. Representatives of radio and television stations broadcasting in or into the Commonwealth.
 4. Note: There are various exceptions and legal issues within FOIA and the City Attorney’s Office will determine eligibility or ineligibility.
- C. Any request for **records** is considered a FOIA request. Whether the requester mentions FOIA or not, we cannot require “magic words” and cannot require writing or completion of forms. FOIA is intended to keep government open to the public. FOIA regulations of what can/cannot be disseminated, and to whom, are constantly being interpreted by attorneys and courts. The City Attorney’s Office is to be consulted with all FOIA requests.

- D. Animal Control employees are not expected to be knowledgeable in FOIA regulations, but are expected to forward requests of a confidential nature to their immediate supervisor.

II. Confidential Information

- A. Customers/Public (in general) requesting information.
- Residents, citizens or complainant's personal information such as name, addresses and phone numbers are considered confidential and are not released to the public unless approved through a FOIA request.
 - Persons requesting records or a list of the types of complaints, cases and/or service requests (lodged against customers or property) are not released to the public unless through a FOIA request.

- B. City Employees requesting citizen information
- Caller/complainant's personal information can be released to city employees with a demonstrated "need to know".
 - Complaints, cases, service requests and various reports can be released to other city employees with a "need to know".

- C. City Employee/Staff Information
- Personal information regarding city employees such as home phone numbers, addresses, etc. is considered confidential and not released to the public.
 - Personal information regarding city employees such as home phone numbers, addresses, etc., can be released to other city supervisory level employees with a "need to know".

III. Departmental guidelines or policies: Animal Control can have varying levels of access to confidential information during the performance of their duties.

- A. Supervisory – At various levels of responsibility, supervisors or team leaders may have access to, or become a part of, personnel performance issues.
1. Performance related issues are not to be disseminated, nor discussed with other employees.
 2. Management will have the responsibility of determining what can be shared for quality assurance and coaching purposes only.
 3. All employees will sign a confidentiality statement. See attached at the end of this policy.
- B. Investigative – Animal Control employees investigate various levels of crimes and violations of state and local ordinances.
1. All investigations of a criminal nature are confidential.
 2. Violations of state and local ordinances are confidential.
 3. Information about parties and properties involved in investigations and complaints are considered confidential.
 4. Information contained in the CAD system that is used to dispatch Animal Control is considered confidential.
 5. Any type of record may be considered confidential and may require a FOIA request to be submitted and forwarded to a manager/supervisor to determine eligibility to be released.

IV. Inappropriate or willful dissemination of confidential information.

A. The City of Hampton, Human Resources Policy and Program Manual provides disciplinary guidelines for employees that inappropriately or willfully misuse or disseminate confidential information.

1. Section 2 – Employee Relations, Standards of Conduct, p2: No employee shall use or allow the use of official information gained through job duties for furthering any private interests.
2. Section 2 – Employee Relations, Disciplinary Infractions and Penalties, p.21: Knowingly accessing, using or releasing confidential information under circumstances which compromise City interests and/or operations. Level 4 penalty.

Authorized by: 	Revision Date:
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Animal Control
Confidentiality Statement and Agreement.

Employees in the **City of Hampton, Animal Control Division** will be exposed to various information that is of a confidential nature. The confidential information shall be held in strict confidence and employees shall exercise a reasonable degree of care to prevent disclosure to others. Employees shall not disclose or divulge either directly or indirectly any confidential information to others unless authorized to do so. Employees shall not reproduce the confidential information, access information electronically nor use this information for any purpose other than for the performance of his/her duties.

Some types of confidential information is protected by state and/or federal law and may be subject FOIA regulations. Employees may be subject to disciplinary action, up to and including termination if they violate the department's Confidentiality Agreement.

Employee Signature Date

Witness Signature Date