CITY OF LAKEWOOD

ORDINANCE NO. 289

AN ORDINANCE SETTING FORTH POLICIES AND PROCEDURES FOR DISCLOSURE OF PERSONALLY IDENTIFYING EMPLOYEE INFORMATION OF POLICE OFFICERS

WHEREAS, in Kallstrom v. City of Columbus, 136 F.3d 1055, (6th Cir. 1998), the Sixth Circuit Court of Appeals found that providing free access to the public of certain private information about police officers and their families, without prior notification of such request(s) to the officers, could result in seriously jeopardizing the officers' and their family members' personal safety; and

WHEREAS, the Sixth Circuit Specifically held that disclosure of such information encroached on the officers' fundamental rights to privacy and personal security under the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution, and that if the officers and their families are to have a meaningful opportunity to protect themselves against the risk of irreparable harm and the unjustified or arbitrary deprivation of their constitutionally protected rights to privacy, personal security and bodily integrity, the City must provide the officers with prior notice of a request and the opportunity to be heard before the personal information is released; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakewood, Tennessee as follows:

Section 1. As a matter of policy, the City of Lakewood will not disclose personally identifying information about specific employees or applicants, if the employee invokes his/her right to privacy, personal security and bodily integrity. If the employee does not invoke his/her right to privacy, personal security and bodily integrity, the information will be released to the requestor.

Section 2. Personally identifying information includes addresses, phone numbers, drivers' licenses, and social security numbers. It also includes, but is not limited to the names, addresses, phone numbers, driver's licenses, and social security numbers of family members, if such information is in the city's personnel files.

Section 3. Procedures for Requesting information on Individual Employees.

a. All Requests to review a file or information from a file must be handled by the City Manager;

b. The person(s) requesting the information must submit a request in writing specifying the requestor's name, address, telephone number, what information is being requested and the reason for the request. The request shall be as specific as possible. The City manager may specify a form to be used for this purpose.

c. The city manager will offer the requestor a work history on the employee, and may also provide copies of individual items from the file with the personally identifying information redacted or blacked out.

d. Requests for unedited copies of an employee's file or any personally identifying information will result in notification to the employee whose information has been requested. The City Manager will notify the employee within 48 hours that the request has been made

to disclose personally identifying information. The employee then will have 24 hours to object to the information being disclosed.

e. If the employee makes no objection to full disclosure, the City Manager will allow the unedited file or personally identifying information to be disclosed.

f. If the employee objects to the disclosure, the information will not be disclosed. If the requestor objects, he will be referred to the City Attorney for appropriate resolution.

g. The City Manager is the only official authorized to verify employment upon request. The official may not release or verify an employee's social security number, address, driver's license, or other personally identifying information, unless compelled to do so by a final order of a court of competent jurisdiction.

h. Any requests for this information must be made in writing. The administrative staff is authorized to fax the appropriate form to the requestor; however, all other aspects of request(s) for police officers' personally identifying information must be handled by the City Manager.

Section 4. This Ordinance shall become effective upon final passage, the public welfare requiring it.

PASSED THIS:

FIRST READING 8th DAY OF February, 2001.

SECOND READING 8th DAY OF March, 2001.

Louise Worden
MAYOR

ATTEST:

Victor Ellis
CITY RECORDER