
	ROSENBERG POLICE DEPARTMENT	
	General Order 1.07 Personnel Files	
	Effective Date: 06-01-2025	
	Approved:  Chief of Police	
	Reference: TBP: 2.23	

I. POLICY

The Rosenberg Police Department keeps records on all TCOLE licensees. The department keeps all originals or copies of records on personnel as required by TCOLE. The department keeps all files secured and with limited access for those responsible for the safekeeping of the files. This policy identifies the different types of files and records, the responsibilities of each and how the files are maintained.

II. PURPOSE

The purpose of this order is to outline the process for safeguarding TCOLE licensee personnel records and to provide guidelines for the compilation and retention of such files.

III. DEFINITIONS

A. **Personnel File** - A file that contains the following documents:

- a. Any letter, memorandum, or document relating to a commendation, congratulation, or honor bestowed on the license holder by a member of the public or by this agency for an action, duty, or activity that relates to the license holder's official duties;
- b. Any misconduct by the license holder if the letter, memorandum, or document is from the employing agency and resulted in disciplinary action; and
- c. The periodic evaluation of the license holder by a supervisor. For reference, see Texas Local Government Code 143.089(a); Texas Occupations Code 1701.4535(a)(1).

B. **Department File** - Any information not included in the definition of Personnel File. For reference, see Texas Local Government Code 143.089(g); Texas Occupations Code 1701.4522 and 1701.4535(c).

IV. PERSONNEL FILE CONTENTS

- A. This agency shall maintain a personnel file on each license holder employed by the agency.

- B. If a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's personnel file:
1. The agency head or the head's designee shall, not later than the 30th day after the date of the inclusion, notify the affected license holder by certified mail, or by departmental or personal email, or in person;
 2. Notice is considered to be received electronically by the license holder, provided it is sent to the department or personal email address listed in the license holder's personnel file and the license holder confirms receipt;
 3. If confirmation of receipt is not provided by the license holder within seven calendar days of being sent electronically, the agency head or the head's designee must send the notification by certified mail; and
 4. The license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation.
- C. A license holder is entitled, on request, to a copy of any letter, memorandum, or document placed in the license holder's personnel file. This agency may charge the license holder a reasonable fee not to exceed the actual cost of any copies.
- D. This agency may not release any information contained in a license holder's personnel file to any other agency or person requesting information relating to the license holder without the license holder's written permission, unless the release is required by law. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.
- E. As provided by Texas Occupations Code 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's personnel file.
- F. This agency shall provide a license holder's personnel file to TCOLE not later than the 30th day after the date the license holder separates from the agency or on request by TCOLE as part of an ongoing investigation relating to the license holder.

V. DEPARTMENT FILE CONTENTS

- A. Any letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's personnel file if the agency determines that there is insufficient evidence to sustain the charge of misconduct. This information will however be included in the department file.
- B. Rosenberg Police Department shall also maintain a file on a license holder for the agency's use including all information not referenced in the definition of personnel file. This file should be marked 'Designated as Confidential for Statewide Employment Database under Texas Occupations Code 1701.168'

- C. This agency may not release any information in the department file to any other agency or person requesting information relating to the license holder without the license holder's written permission, unless the release is required by Texas Occupations Code 1701.451. The agency shall refer the person or agency requesting the information to the Chief of Police or his or her designee.

- D. As provided by Texas Occupations Code 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's department file.

VI. FILE SAFEKEEPING AND AUDITS

- A. Department files and TCOLE files are kept secure in the administrative offices.
 - 1. Each 12-month period every TCOLE file shall be audited using the TCOLE audit sheet.
- B. Personnel files are maintained by the City of Rosenberg Human Resources Department.