§ 7A-339.15. Confidential information in personnel files.

(a) Other than information made public by G.S. 7A-339.5, all other information contained in a personnel file is confidential and shall not be open for inspection and examination, except to the following persons:

(1) The employee or his or her properly authorized agent, who may examine his or her own personnel file in its entirety except for (i) letter of references solicited prior to employment or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee.

(2) The supervisor and indirect supervisors of the employee.

(3) A potential supervisor during the interview process, only with regard to performance management documents or to prevent application fraud.

(4) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19.

(5) A party by authority of a proper court order may inspect and examine a particular confidential portion of an employee's personnel file. In this subdivision, "court order" includes a lawfully issued subpoena or discovery request so long as the parties have moved for the court to issue a protective order regarding the confidential personnel file information. A party may lawfully delay producing requested confidential personnel file documents until the court has ruled on that party's motion for protective order regarding those documents.

(6) An official of an agency of the federal government, State government, or any political subdivision thereof. Such an official may inspect any personnel records when the inspection is deemed by the judicial branch employer as necessary and essential to the proper function of the judicial branch or to protect the safety of another person. This information shall not be divulged for purposes of assisting in a criminal prosecution or for purposes of assisting in a tax investigation.

(7) Staff performing human resources functions for the judicial branch, including staff at the Office of State Human Resources, only to the extent necessary to maintain human resources data on behalf of the judicial branch.

(8) Persons accessing a personnel file under G.S. 17C-10.2 or G.S. 17E-7.1.

(b) Notwithstanding any other provision of this Article, the judicial branch employer may, in its discretion, disclose to a person any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment, or nonemployment of any employee and the reasons for the action. The judicial branch employer may also permit any person to inspect or examine the personnel file, or any portion of the file, of an employee when it determines that disclosure is essential to maintaining the integrity of the judicial branch employer or the level or quality of services it provides. Before releasing any information or making any file available under this subsection, the judicial branch employer shall prepare a memorandum stating the circumstances requiring disclosure and identifying the information to be disclosed. The memorandum shall be retained in the judicial branch employer's files and shall be a public record. (2026-40, s. 3.)