

Office of Personnel Management

§ 293.502

Privacy Act (5 U.S.C. 552a(b)) and, with regard to the routine use provisions of that section, only under a routine use published by the Office for the system of records covering these records. However, to the extent that this system contains the data identified as being available to the public in §293.311, for most Federal employees and under the same restrictions listed in that section, that information shall also be made available to the public from this system.

Subpart E—Employee Medical File System Records

SOURCE: 51 FR 33235, Sept. 19, 1986, unless otherwise noted.

§ 293.501 Applicability of regulations.

The applicability of this subpart is identical to that described in §293.301.

§ 293.502 Definitions.

For the purpose of this Subpart—

Employee is defined at 5 U.S.C. 2105 and excludes student volunteers and contractor employees.

Employee Assistance and Counseling Record means the record created when an employee participates in an agency assistance/counseling program (e.g., drug or alcohol abuse or personal counseling programs under Pub. L. 91-616, 92-255, and 79-658, respectively).

Employee Exposure Record (which is to be interpreted consistent with the term as it is defined at 29 CFR 1910.20(c)(8)) means a record containing any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents (as defined at 29 CFR 1910.20(c)(11)):

(a) Environmental (workplace) monitoring or measuring, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;

(b) Biological monitoring results which directly assess the absorption of a substance or agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which

assess the biological effect of a substance or agent;

(c) Material safety data sheets; or

(d) Any other record, in the absence of the above, which reveals the identity (e.g., chemical, common, or trade name) of a toxic substance of harmful physical agent.

Employee Medical File System (EMFS) means the agency's complete system (automated, microformed, and paper records) for employee occupational medical records.

Employee Medical Folder (EMF) means a separate file folder (normally SF 66-D) established to contain all of the occupational medical records (both long-term and short-term records) designated for retention, which will be maintained by the employing agency during the employee's Federal service.

Epidemiological Record means a record maintained by an agency or subelement thereof as a result of an official medical research study conducted under the authority of the agency.

Implementing instructions means any form of internal agency issuance that provides the guidance required in §293.503 and any other guidance the agency deems appropriate.

Occupational Medical Record means an occupation-related, chronological, cumulative record, regardless of the form or process by which it is maintained (e.g., paper document, microfiche, microfilm, or automatic data processing media), of information about health status developed on an employee, including personal and occupational health histories and the opinions and written evaluations generated in the course of diagnosis and/or employment-related treatment/examination by medical health care professionals and technicians. This definition includes the definition of medical records at 29 CFR 1910.20(c)(6); when the term "Occupational Medical Record" is used in these regulations, it includes "Employee Exposure Records" (as that term is defined in this section) and occupational illness, accident, and injury records.

Non-occupational/Patient Record means a record of treatment or examination, created and maintained by a health care facility, when the person is