



**Administrative Instruction**

Ref. ICC/AI/2008/002

19 May 2008

**OFFICIAL STATUS FILE**

Section 1

Purpose

- 1.1. The purpose of this Administrative Instruction is to establish procedures for maintaining and viewing the Official Status file of staff members kept pursuant to Staff Rule 104.16.

Section 2

General

- 2.1. The Official Status file shall be a record of a staff member's service with the Court and shall be kept by the Human Resources Section (HR).
- 2.2. The Official Status file shall contain materials such as Personal History Form, offer of appointment, letter of appointment and any subsequent extension(s) thereof, oath of service, copies of personnel actions notified to the staff member, performance appraisal reports, letters of commendation, materials regarding disciplinary proceedings or measures, reprimand, recovery of monies owed to the Court or suspension, and records relating to family status, allowances, copies of national passport, visa and any other documents/records relating to the staff member's service with the Court.
- 2.3. Leave records shall be kept by the designated Attendance Records Focal Point in each Division or Section until the staff member separates from service at which time the leave record shall be transferred to HR for processing of the staff member's final payment.
- 2.4. Any material and any comments received from a staff member on such material, as well as performance appraisal reports, shall be placed in the Official Status file, which constitutes the sole repository of documents relating to the contractual status and the staff member's service with the Court.

- 2.5. All materials and records contained in the Official Status file are confidential and shall not be disclosed to any third party without proper authorisation of the Chief of HR and the knowledge of the staff member concerned.
- 2.6. Where an Organ, Division or Section, for its own convenience, maintains files on individual staff members which contain copies of documents in the Official Status file and correspondence internal to the Organ, Division, or Section concerned, such files shall be kept only as working files for the duration of the staff member's service within such Organ, Division or Section and shall be discarded within thirty (30) days after the end of the service of the staff member.
- 2.7. Any working file kept by an Organ, Division or Section for its own convenience shall not include any adverse material on a staff member's performance or conduct.
- 2.8. It shall be the sole responsibility of the Head of an Organ, Director of Division or Chief of Section to ensure the highest level of confidentiality of any working files maintained in their respective Organs, Divisions or Sections on individual staff members which contain copies of documents in the Official Status file and internal correspondence of the Organ, Division, or Section concerned.
- 2.9. The Official Status file of a staff member shall be transferred to the Court's archives after five (5) years of separation from service.

### Section 3

#### Filing of adverse material

- 3.1. No adverse material shall be placed on the Official Status file of a staff member unless the staff member concerned is first given the opportunity to make comments thereon, which shall also be included in the file.
- 3.2. "Adverse material", for the purposes of this Administrative Instruction, shall mean any correspondence, memorandum, report, note or other document that reflects adversely on the character, reputation, conduct or performance of the staff member. Depending upon its source, such adverse material shall be handled and filed in accordance with the procedures set out below.

### Section 4

#### Procedures for filing of adverse material from external sources

- 4.1. Where adverse material originates from an anonymous source, it shall be discarded.
- 4.2. If the adverse material is not discarded, the recipient shall notify the staff member in writing of the existence of such material. The staff member shall be provided with a copy

of such material for his or her comments. Any comment shall be submitted by the staff member within five (5) working days of the date of receipt of the notification.

- 4.3. Where adverse material originates from an external source and is communicated to the Head of an Organ, Director of Division or Chief of Section, under terms of confidentiality, the Head of Organ, Director of Division or Chief of Section is obliged to treat the adverse material as privileged. The Head of Organ, Director of Division or Chief of Section, shall, upon receipt of such material, advise the external source that the material cannot be taken into consideration in connection with that staff member's service with the Court unless the external source agrees that the communication is disclosed to the staff member concerned.
- 4.4. If that condition is not met, no action shall be taken on the communication. Such adverse material shall be discarded and shall not be included in the staff member's Official Status file. If the condition is met, HR shall notify the staff member of the existence of such adverse material and provide the staff member with a copy for his or her comments. Any comments shall be submitted by the staff member within five (5) working days of the date of receipt of the notification.
- 4.5. After receipt, the adverse material and any comments of the staff member thereof shall be kept in the Official Status file, to which the staff member shall be given access.

## Section 5

### Procedures for filing of adverse material from internal sources

- 5.1. All performance appraisal reports, investigative reports and other communications pertaining to the staff member's conduct or behaviour are a matter of record and shall be open to comment by the staff member.
- 5.2. Only the Head of an Organ, Director of Division or Chief of Section may request the Chief of HR to place adverse material in the Official Status file of the staff member under their direct supervision, provided also that the staff member is given the opportunity to comment on such material.
- 5.3. The staff member shall be notified of any request to include investigative reports or other communications pertaining to his or her conduct or behaviour in his or her Official Status file. The staff member shall be given a copy of the request and the material to be filed. Within five (5) working days of notification, the staff member shall provide HR with his or her written comments, if any.

## Section 6


### Viewing of Official Status file

- 6.1. A staff member shall be permitted to view his or her Official Status file upon written request to HR, on separation from service, if preparing an appeal against an administrative decision or if disciplinary proceedings have been instituted against him or her. Such viewings shall take place under the supervision of an appropriate HR official designated by the Chief of HR.
- 6.2. A staff member is entitled to view his or her Official Status file with the assistance of a staff representative, a staff member or any person of his or her own choosing.
- 6.3. Staff members who wish to view their Official Status file shall submit a written request specifying their name, Organ, Division and Section, telephone extension and room number to the Chief of HR.
- 6.4. The Chief of HR shall designate an appropriate HR official who shall inform the staff member of the place and time to view his or her Official Status file.
- 6.5. If a staff member wishes to make copies of documents or records from his or her Official Status file, he or she shall submit such request in writing to the appropriate HR official designated by the Chief of HR, who shall ensure the preparation of the required copies.
- 6.6. A staff member may be required to produce a valid identification prior to viewing or requesting copies of documents or records from his or her Official Status file. The appropriate HR official shall record the date on which the staff member viewed his or her file.
- 6.7. Notwithstanding the provisions of this section, appropriate officials of the Legal Advisory Services Section, the Internal Audit, the Staff Administration Unit and the HR Liaison and Coordination Officer of the Office of the Prosecutor shall have access to the Official Status file of staff members, as appropriate.

## Section 7

### Final Provisions

- 7.1 This Administrative Instruction shall enter into force on 19 May 2008.



Silvana Arbia  
Registrar