



ADMINISTRATIVE RULES OF MONTANA



2.21.3728 ACCESS TO DOCUMENTATION AND CONFIDENTIALITY

- (1) Job information as described in ARM 2.21.3726(2) is public information.
- (2) Screening information as described in ARM 2.21.3726(3) is public information; however, an agency may maintain the confidentiality of selection procedures and criteria if:
 - (a) the agency can establish a legitimate business need to reuse the procedures and criteria; or
 - (b) agency managers determine public disclosure of the information would jeopardize the agency's ability to select the best-qualified candidate for the position.
- (3) Applicant information described in ARM 2.21.3726(4) is confidential pursuant to Montana's constitutional guarantee of privacy; however, an agency may release applicant information to third parties if the agency:
 - (a) receives a court order;
 - (b) receives a release from the applicant; or
 - (c) notifies applicants, as part of the application or selection process, that upon weighing the merits of public disclosure against an applicant's individual privacy interests, the agency has determined continued consideration for the position was contingent upon the applicant providing authorization for release of specified applicant information.
- (4) Agency managers shall release applicant information under (3) consistent with the terms of the court order or release.

Authorizing statute(s): 2-18-102, MCA

Implementing statute(s): 2-18-102, MCA

History: NEW, 1984 MAR p. 1560, Eff. 10/26/84; AMD, 1994 MAR p. 1412, Eff. 5/27/94; AMD, 2003 MAR p. 1531, Eff. 7/18/03; AMD, 2006 MAR p. 2901, Eff. 11/23/06; AMD, 2010 MAR p. 2208, Eff. 9/24/10.