



Employment Rights Helpline at Equip for Equality

SELF-ADVOCACY ASSISTANCE ★ LEGAL ADVICE ABOUT EMPLOYMENT RIGHTS ★ SAMPLE LETTERS & FORMS ★ REFERRALS

FACT SHEET: How to Request a Copy of Your Personnel File

Am I entitled to review my personnel records?

Yes, in certain circumstances. Illinois has a state law called the Personnel Records Review Act, 820 ILCS 40.

- *Current employee?* You can inspect your personnel record up to two times per year.
- *Former employee?* You can inspect your personnel file for up to one year after separation.

What type of personnel records can I review?

You are entitled to review any personnel documents which are, have been or are intended to be used in determining your qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action.

Are any personnel records exempt from this law?

Yes, certain documents are exempt from this law, and therefore you are not entitled to review. These documents include:

- Letters of reference or external peer review documents for academic employees of institutions of higher education.
- Any portion of a test document, although you may see a cumulative total test score.
- Materials relating to your employer's staff planning, where the materials relate to or affect more than one employee, except if the materials have been or are intended to be used by the employer in determining your qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.
- Personal information about other employees.
- Records relevant to any other pending claim between you and your employer which may be discovered in a judicial proceeding.
- Investigatory or security records maintained by your employer to investigate criminal conduct, unless your employer takes adverse personnel action based on information in such records.

How do I request my personnel records?

- You should request your personnel records in writing. Attached is a template letter you can use.
- Your employer may require you to make the request through a specific form. This is permissible and you should comply with your employer's request.

What happens after I request my personnel records?

Your employer must provide you with the opportunity to inspect the documents within 7 working days of making the request. Employers are able to extend this deadline another 7 days if they can reasonably show that such deadline cannot be met.

Can I copy my personnel file?

Yes, you are allowed to obtain a copy of the information or part of the information contained in your record. Your employer is allowed to charge a fee for providing a copy, but this fee must be limited to the actual cost of duplicating the information.

What do I do if my employer refuses to let me see my personnel file?

If your employer refuses, the employee may file a complaint with Illinois Department of Labor. Before doing so, however, consider whether you could contact someone else to make the request. For instance, if you submitted the request to your immediate supervisor, you might want to make the request again, in writing, to your employer's Human Resources Department. Alternatively, if your employer has a legal counsel, you can bring this issue to their attention in attempt to obtain a copy of your personnel file without having to seek legal recourse.

My employer does not maintain personnel files. Is this a violation of the Personnel Records Review Act?

No. The Personnel Records Review does not require your employer to create a personnel file if your employer does not already do so.

What if I do not agree with a record in my personnel file?

If you disagree with any information contained in the personnel record, you may try to negotiate a removal or correction with your employer. If you cannot reach an agreement with your employer, you may submit a written statement explaining your position. Your employer is required to attach your statement to the disputed portion of the personnel record and this statement must be included whenever the disputed portion is released to a third party. This does not mean that your employer agrees with your response, but rather is intended to have a record of your position or disagreement.

Where can I go to learn more about the Personnel Records Review Act?

Illinois Department of Labor

- www.illinois.gov/idol/Laws-Rules/legal/Pages/personnel-records-review-act.aspx

TEMPLATE LETTER
Requesting Your Personnel File

DATE (January 1, 2017)

METHOD OF DELIVERY (Email/U.S. Mail/Hand Delivered, etc.)

Human Resources Department
Employer's Address

Re: Request for Employment Records for Jane Smith

Dear Mr./Ms. (Contact at Human Resources Department):

I am writing to request a complete copy of my employment records maintained by (employer's name), including my medical file, pursuant to the Personnel Records Review Act (820 ILCS 40/0.01 et seq.).

Please provide these documents or a written response within seven business days. If you have any questions about my request, you can contact me in writing or by phone.

Thank you for your attention to this matter.

Very truly yours,

Jane Employee
your phone number/email



DO YOU HAVE A QUESTION?

Contact Equip for Equality's Employment Rights Helpline

1-844-RIGHTS-9 (1-844-744-4879) (toll free - voice)

800-610-2779 (tty)

employment@equipforequality.org

www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities. The Employment Rights Helpline seeks to empower individuals with disabilities to advocate effectively. This publication is made possible by funding support from The Chicago Community Trust, the U.S. Department of Health and Human Services, the Administration on Intellectual and Developmental Disabilities and the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration; the U.S. Department of Education, Rehabilitation Services Administration; and the Social Security Administration. The contents of this publication are solely the responsibility of Equip for Equality and do not necessarily represent the official views of any of these agencies.

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