

Independent CAP

Client Assistance Program



CAP AT EQUIP FOR EQUALITY

ADA Employment Rights Series

How to Ask For a Copy of Your Personnel File

This fact sheet answers:

- How Do I Request My Personnel File?
- What Type of Records Can I See?
- What Do I Do if My Employer Won't Let Me See My Personnel File?
- And More

Am I Allowed to See My Personnel File?

Yes, but with some limits.

Current employee? You can see your personnel file twice a year.

Former employee? You can see your personnel file up to one year after leaving.

What Type of Records Can I See?

You can see any records that are used to determine your qualifications for employment, promotion, transfer, pay raise, discharge or discipline.



Are There Any Records My Employer Does Not Have to Show Me?

Yes, some documents are not part of this law including:

- Letters of reference or external peer review documents for academic employees of institutions of higher education.
- Any part of a test document, but you can see the total test score.
- Materials about your employer's staff planning if the materials are about more than one employee. Unless the materials are to be used to determine your qualifications for employment, promotion, transfer, pay raise, discharge or discipline.
- Personnel information about other employees.
- Records relevant to any other pending claims between you and your employer that can be discovered in litigation.
- Investigation or security records used to investigate criminal conduct, unless your employer takes adverse personnel action based on information in those records.

How Do I Ask For My Personnel File?

You should ask for your records in writing. On the last page is a sample letter you can copy and use.

Your employer can make you use a specific form.



What Happens After I Request My Personnel File?

Your employer must allow you to see the documents within 7 business days of the request. Employers can take another 7 days if they have a good reason why they cannot meet the first deadline.

Can I Copy My Personnel File?

Yes. You are allowed to keep a copy of some or all of your file. Your employer can charge a fee for copying, but no more than the actual cost of copying the files.

What Do I Do if My Employer Won't Let Me See My Personnel File?

You can file a complaint with the [Illinois Department of Labor](#).

But first, think about if you could make the request to someone else. For example, if you first asked your supervisor, you may want to ask your employer's human resources department before you file a complaint.

Is an Employer in Illinois Required to Keep Personnel Files for Employees?

No. The Personnel Records Review Act does not require your employer to create a file. If your employer does not have a file, then you have no right to review your personnel records. Though, in reality, most employers have personnel files.

What if I Do Not Agree With a Record in My Personnel File?

If you disagree with any information in the file, you can ask your employer to take it out or correct it. If that does not work, you can write a statement telling your side. Your employer must attach your statement to the part of your record that you do not agree with.

Where Can I Go to Learn More About the Personnel Records Review Act?

To learn more, see the [Illinois Department of Labor Personnel Records Review Act FAQ](#).



SAMPLE LETTER

Asking For Your Personnel File

Copy this letter and use it to ask for your personnel file.

DATE (January 1, 2022)

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

Human Resources Department
Employer's Address

Re: Employment Records for NAME

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

I am writing to ask for a complete copy of my employment records maintained by (employer's name), including my medical file, under 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.

Sincerely,

Your Name
your phone number/email



Equip for Equality
20 North Michigan Avenue
Suite 300
Chicago, IL 60602

www.equipforequality.org
1-800-537-2632

Have More Questions?

Call Independent CAP at Equip for Equality.

855-ILCAP-25 (855-452-2725)
cap@equipforequality.org
www.equipforequality.org/cap