

New York

New York Enacts Personnel Records Access Law

On Sept. 9, 2026, New York enacted a [law](#) to grant employees access to their personnel records and impose related notice, correction, retention and anti-retaliation obligations on employers. The new law takes effect **Nov. 8, 2026**.

Overview of the Law

Right to Access Records

Employers must provide employees with a copy of their personnel records within **five business days** of receiving a written request from an employee. However, employers are only required to allow employees to review their personnel records on no more than two separate occasions per calendar year.

A **personnel record** is defined broadly to mean a record kept by an employer that identifies an employee, to the extent that the record is used, has been used, or may affect or be used relative to the employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. At a minimum, a personnel record must include the following for each employee, to the extent prepared by an employer regarding such employee:

- Name, address, date of birth, job title and description;
- Rate of pay and any other compensation;
- Starting date;
- Job application;
- Resumes or other forms of employment inquiry in response to a job advertisement;
- Performance evaluations;
- Written warnings of substandard performance;
- Lists of probationary periods;
- Waivers;
- Copies of dated termination notices; and
- Any other documents relating to disciplinary action.

Notice of Negative Information

Employers must notify employees within **10 days** of placing any information in their personnel record that is, has been or may be used to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or disciplinary action.

Highlights

Sept. 9, 2026

New York enacts a new law granting employees access to their personnel records and imposing notice, correction, retention and anti-retaliation obligations.

Nov. 8, 2026

The new law takes effect.

Record Correction

If there is a disagreement with any information in a personnel record, the employer and employee may mutually agree to remove or correct such information. If an agreement is not reached, the employee may submit a written statement explaining their position, which will become part of their personnel record and be included in any transmittal of the personnel record to a third party.

If the employer places any information they know or should have known to be false, the employee may have such information expunged through a collective bargaining agreement, other personnel procedures or judicial process.

Recordkeeping

Employers must retain personnel records during employment and for **three years** after an employee's termination of employment.

Written Policy

Any written personnel policy must be continuously maintained at the office of the employer where personnel matters are administered.

Collective Bargaining

The law does not supersede the terms of a collective bargaining agreement, provided that such agreement provides at least substantially similar access by an employee to their personnel records.

Anti-retaliation

Employers may not discharge, threaten, penalize or in any other manner discriminate or retaliate against (including by threatening to contact or contacting U.S. immigration authorities or otherwise threatening to report an employee's or employee's family member's suspected citizenship or immigration status to a federal, state or local agency) an employee who exercises their rights under the law.

Enforcement and Penalties

The law is enforced by the attorney general. Any violation of the law may result in a fine of between \$500 and \$2,500.

Next Steps for Employers

Employers may consider updating the personnel record practices and procedures, including recordkeeping practices and procedures for responding to personnel records requests, prior to the law's effective date. Employers may also consider reviewing existing personnel records to ensure that they contain all required information. Finally, employers may train HR personnel on their obligations under the law.
