

National Guides



Littler on Data Protection & Release of Personal Information

Scope of Discussion. The unauthorized access to and improper disclosure of personal information has serious consequences to both organizations and the individuals involved. There are several federal and state laws that: govern the myriad types of personal information (Social Security numbers, health information, etc.); define personal information; determine whether, and to what extent, employees can access their own personnel files; govern the use, disclosure, and destruction of various types of personal and health information; and dictate notification requirements when there is a data breach. This publication also looks at international laws in this area, including the European Union's strict data protection laws. The publication is designed to provide an employer with an overview of potential areas of risk and offers compliance guidance on several topics.

The focus of this publication is federal law.

1. CONFIDENTIALITY OF EMPLOYEE HEALTH & RELATED INFORMATION

- 1.1 [The Health Insurance Portability and Accountability Act Privacy Rule](#)
- 1.2 [The Health Insurance Portability and Accountability Act Security Rule](#)
- 1.3 [Confidentiality & Privacy Protections Under the Americans with Disabilities Act](#)
- 1.4 [Confidentiality & Privacy Protections Under the Genetic Information Nondiscrimination Act](#)
- 1.5 [State Laws Concerning Medical Records](#)

2. CONFIDENTIALITY OF OTHER PERSONNEL/EMPLOYEE RECORDS

- 2.1 [Access to Personnel Records](#)
- 2.2 [Liability for Unauthorized Access to & Improper Release of Personal Information](#)
- 2.3 [Disclosing Information About Former Employees to Prospective Employers](#)

3. GLOBAL INFORMATION SHARING: THE IMPACT OF INTERNATIONAL DATA PROTECTION LAWS ON MULTINATIONAL EMPLOYERS

- 3.1 [Distinctions in Global Approaches to Privacy](#)
- 3.2 [The European Union's General Data Protection Regulation \(GDPR\)](#)
- 3.3 [Safeguarding Private Information in Countries with Less Established Privacy Protection Schemes](#)

4. PRACTICAL GUIDELINES FOR EMPLOYERS

- 4.1 [Complying with the Health Insurance Portability and Accountability Act & the Americans with Disabilities Act](#)
- 4.2 [Complying with the Genetic Information Nondisclosure Act](#)
- 4.3 [Providing Access to Personnel Records](#)
- 4.4 [Safeguarding Employee Personnel Data from Theft](#)
- 4.5 [Requests for Employee Personnel Data & Employee References](#)
- 4.6 [Transborder Data Transfers](#)