

ASK THE EXPERT

Can employer legally share workers' personal information?

Ive discovered that companies I worked for reported my personal information, such as employment dates, address, Social Security number, job title, wages, etc., to another company. I signed a release for a pre-employment background check, but not with



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this company, and I did not agree to the release of this information to be stored and shared with a third party. Can I require that employers not share my personal information? Can I make this company delete my information? Do I have legal standing to sue an employer that has shared my information after being

notified in writing not to do this?

When it comes to the hiring process, future employers will conduct background checks in order to verify that you were truthful when you described your employment history. Employers typically seek to verify your dates of employment and position held and, sometimes, your salary.

There is no data-privacy law prohibiting an employer from releasing such information. Some employers will not release wage information without written permission, though there is no

law prohibiting this disclosure, either. The unauthorized release of personal information is unsettling. It leads to concerns of violation of privacy and identity theft. However, you cannot force an employer to delete records relating to your employment.

Government agencies are prohibited from releasing your Social Security number. Private employers are not likely to release that type of information unless they are required to do so by law. As a general rule, employers will not release Social Security or other personal information in the context of job references.

Employers are prohibited from releasing private medical information under HIPAA (Health Insurance Portability and Accountability Act) and certain financial information under FACTA (Fair and Accurate Credit Reporting Act), and there are penalties and fines for the unauthorized release of such information.

Potential claims against former employers for providing personal information without permission can include claims for invasion of privacy, or even defamation, if the information released is untruthful.

— Compiled by Georgann Yara

Have a question? Send it to Ask the Experts, The Arizona Republic, 200 E. Van Buren St., NM19, Phoenix, AZ 85004. E-mail asktheexperts1@gmail.com or fax 602-444-8044.