

New Virginia Law Protects Personal Identifying Information of Employees

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Virginia Governor Bob McDonnell recently signed into law H.B. 1931, which makes it unlawful to require an employer to release to third parties certain personal identifying information about current or former employees. In the bill, personal identifying information is defined as a home telephone number, mobile telephone number, email address, shift times or work schedule. The law creates an exception for the release of such information when required by federal law, pursuant to a court order, pursuant to a warrant or as required by a subpoena in a pending court case or discovery in a civil case. The law will become effective on July 1, 2013.

TIP: Employers should be aware of an increasing number of state laws governing the release or disclosure of employees' personal identifying information, and establish a process for handling employee record requests and subpoenas. Although this bill was originally intended to apply only in the union organizing context, the statute is worded much more broadly, covering any third party. This would arguably include vendors such as insurance providers, making it potentially difficult for insurance providers to *require* employers to disclose employees' information. When contracting with an employer, companies may thus wish to be careful about how they word any employee disclosure provisions.

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