

Are employees entitled to see their personnel files?



If an employee asks to see their personnel file, your obligation to show them may vary. Employee personnel records contain confidential information such as performance reviews, applications, and salary details. In addition, they include the results of any complaints, misconduct reviews, performance improvement plans, and termination notices. This information is highly confidential and typically kept in a secure file location within HR – or in a protected digital location.

Most employers have a policy that explains who can view personnel files. Often only human resources managers, employee supervisors, and the employee can access these files. This type of policy protects not only the employee's privacy but also the company. No matter what the approach, always limit access to those who have a valid reason to view the file. There is no federal law that requires employers to allow an employee to see their personnel files. However, some states have specific guidelines companies must follow.

State laws vary greatly

Requirements vary from state to state. HR professionals should follow any applicable rules and regulations when responding to employee requests to see their personnel file.

The following states have specific laws that govern the handling of personnel files: Alaska, California, Colorado, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

HR professionals should be familiar with [state law](#) and company policies outlining when and how employees can access these files. Many of these state laws define how employers should respond to records requests, what documents they should include, what time frame the employer must respond in, and how often employees may view their files. Below are a few examples of the types of laws you may find across different states.

- Employees must have access to see their personnel files.
- Employees can make copies or take notes when viewing their files.
- Requests to review their files must be made in writing.
- Employees may insert comments or rebuttals in their personnel file.
- Companies must notify employees when putting anything negative in their personnel file.
- **Employees cannot view letters of reference or certain parts of their file.**

In states where there is not a specific law, the employer may decide not to allow employees to access their files. However, they could be compelled to do so in the event of a lawsuit. For states where no specific law exists, HR should clearly define the company's policy regarding accessing personnel files.

Finally, most HR teams review these employee files annually to organize, update, and dispose of any outdated files. Each state has timelines for how long employers must retain these files after an employee is no longer with the company.

Maintaining personnel files

Securely store employee documents, either in locked file cabinets or via a secured electronic system – or a specialized HR software system. Modern HR software (such as PeopleSoft and ADP) allows for secure access to files and often lets employees update their own personal data, like their address, email, and phone number, which helps reduce the admin load on the HR team. Since these digital files can be securely stored in the cloud, access can be provided to employees no matter their location – unlike an old-fashioned file cabinet!

With more and more employees working remotely, storing employee records electronically just makes sense. In addition, many software solutions have mobile apps for enhanced user experience.

What should you include in a personnel file?

- The employee's name, address, and date of birth.
- The original job description.
- The original job application.
- The employee's resume and cover letter.
- The original employment offer.
- Formal feedback.
- Promotion requests.
- Employee handbook receipt.
- Emergency contacts.
- Any applicable employment contracts.
- Performance reviews.
- Documents listing any probationary periods.
- Waivers signed by the employee.
- Complaints from clients or co-workers.
- Attendance records.
- Training records.
- Disciplinary action reports.
- Termination records.
- Performance improvement plan records.

- Written warnings.
- Employee resignation letter.
- Exit interview.

Additional Resource: [5 commonly overlooked rules on keeping personnel records](#)

What doesn't belong?

The personnel file should include factual, unbiased documentation – including employment history and records. Do not include observations, opinions, personal notes, preliminary investigations, and any other non-factual information. Generally, any document shared with the employee should be in the employee file.

The personnel file should not contain:

- Medical information should be held in a separate file and follow all Americans with Disabilities Act (ADA) and HIPPA guidelines. In addition, there may be state guidelines that define how businesses can store employee medical information.
- Payroll details.
- Letters of reference.
- Social security numbers.
- Details about age, race, gender, national origin, disability, marital status, religious beliefs, or other Equal Opportunity Employment protected classifications.
- Investigation details related to complaints, interviews, attorney recommendations, or other such findings.
- I-9 forms.
- W4 forms (these are typically in a payroll file).
- Background checks and drug screens (these can be kept with the medical file).
- Equal Opportunity Records like self-identification forms or government reports.

Why would employees want to see their file?

Employees may have a variety of reasons they want to see their employee file.

Whether they've been passed up for a promotion, want to see their performance appraisals, are considering litigation, or wish to see their original employment offer, employees often want to see their file and even make notes or copies.

When employees request to see their personnel file, human resources should first consider any company or state guidelines before allowing access. Many policies require a manager, HR person, or other staff to accompany employees to ensure proper handling of the file. Consistency is of the utmost importance when responding to requests to access employee files.

Your policy should cover:

- Can employees access their personnel files?
- Are they permitted to make copies of documents?
- Can they take notes?
- Will HR or a manager supervise access to the file?
- May they access the entire file or only a portion of it?
- Can former employees access their files, and for how long?
- How often may employees access their files – once a year or more?

Can a past employee view their personnel file?

Past employees may request to see their personnel file – sometimes this is due to litigation proceedings, but others may just want to see their salary progress or formal feedback. Some states have laws that allow former employees to seek copies of their personnel files – either in full or in part. Other states have no such guidelines, and companies should have a consistent policy in place for these requests.

Establishing a clear and consistent policy is the key to avoiding personnel file issues. In states with no specific law, the files are the business's property, which means the company must decide who can see the files and when.

In some cases, it may be necessary for HR to consult with legal counsel before turning over personnel files, especially in cases where there is no state law for guidance. Tracking employee performance, job records, attendance, qualifications, salary increases, and manager concerns are all critical parts of the HR scope, but all employee records should be truthful without being disrespectful.

Organizations should maintain personnel files with accuracy, professionalism, and factual data in case they're ever required for a lawsuit.

Additional Resource: Read more on [what to keep and when to shred certain files](#).