

Workplace Legal Alert



Law Office of
Ralph A. Somma
Labor & Employment Law

September 28, 2026

New York Personnel-File Access Law Takes Effect Nov. 8

Effective **November 8, 2026**, [New York Labor Law § 210-b](#) gives current and former employees the right to obtain copies of their personnel records and imposes new notice, retention, and anti-retaliation obligations on employers. All New York employers must:

- **Provide a free copy within five business days** after an employee or former employee submits a written request for their personnel record.
- **Notify an employee within ten days** after placing information in their record that has been or may be used to negatively affect employment qualifications, promotion, transfer, additional compensation, or possible discipline.
- Allow review of the record on **up to two separate occasions per calendar year**; a notice and review prompted by newly placed negative information does not count toward those two reviews.

The law also applies to contractors that maintain or supply personnel records for an employer.

The definition of “personnel record” includes records kept by an employer that identifies an employee and “is used or has been used, or may affect or be used relative to that employee’s qualifications for employment, promotion, transfer, additional compensation or disciplinary action.” This expansive definition encompasses records beyond those typically placed in a personnel file and can include, for example, emails, investigatory notes, text messages, etc. The statute excludes personal information about third parties where disclosure would be an unwarranted invasion of their privacy.

The statute requires that, to the extent the following are prepared by an employer, they must be included in and are part of the “personnel record”: (1) name, address, date of birth, job title, and description; (2) rate of pay and any other compensation; (3) starting date of employment; (4) job application, resumes, or other inquiry submitted in response to an advertisement; (5) performance evaluations; (6) written warnings of substandard performance; (7) lists of probationary periods; (8) waivers signed by the employee; (9) copies of dated termination notices; and (10) any other disciplinary actions.



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Note that other laws, such as the American with Disabilities Act (ADA), require certain health information to be kept separate from an employee's personnel record.

Disputes, retention, and enforcement

If an employee disputes information in the record, the parties may agree to correct or remove it. If they cannot agree, the employee may add a written statement, which must be maintained with the disputed information

Employers must retain the complete personnel record until three years after termination.

A collective bargaining agreement is not superseded if it provides employees at least substantially similar access.

The law also prohibits retaliation against an employee and specifically mentions threatening to contact or contacting authorities to report the immigration status of an employee or their family members. The attorney general enforces the law and can impose fines of \$500 to \$2,500.

What should employers do now?

Employers should identify where personnel records are held—including with outside vendors—determine whether the contents align with the new requirements, designate who will receive and fulfill written requests, establish a process to flag newly added negative information and issue timely notices, review retention schedules, and any collective bargaining agreement's access provisions. And of course, train managers not to retaliate when employees request or dispute their records.

Upon signing the bill Governor Hochul required the state legislature to correct ambiguities in the new law during the 2027 legislative session. For instance, the law does not define what constitutes "negative" information that would trigger the ten-day notice or how that notice must be provided. Amendments are also expected to clarify that employers are not required to create a personnel file or produce new documents beyond the records they currently maintain; that covered personnel records are limited to records used to determine an employee's qualifications for hiring, retention, promotion, transfer, additional compensation, or disciplinary action; and, lengthen response times. Until any amendments are enacted, however, the current version of the law governs.

If you have any questions or concerns, do not hesitate to contact me.

