

New York Enacts New Personnel Record Access Law, With Amendments Expected

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New York became the latest state to enact a [personnel record access law](#), granting employees a statutory right to access personnel records beginning November 8, 2026. Below we summarize key new obligations and compliance steps for employers.

Scope of covered records

Explicitly modeled after the [Massachusetts Personnel Record Law](#), S3460 requires employers to grant current and former employees access to their personnel files. The law broadly defines a “personnel record” as any record kept by the employer that is, has been or may be used to affect the employee’s qualifications for employment, promotion, transfer, additional compensation or disciplinary action. The definition expressly includes, without limitation, the following information about the employee:

- Name, address and date of birth
- Job title and description
- Rate of pay and other compensation
- Starting date Job applications, resumes and other forms of employment inquiry
- Performance evaluations (including self-evaluations and written warnings)
- List of probationary periods
- Signed waivers
- Termination notices
- “Any other documents relating to disciplinary action”

Employers must retain the complete personnel record without deletion or expungement from the date of employment to three years after termination. Notably, the definition of “personnel record” extends to records kept by a third party with a contractual agreement with the employer to keep or supply such records on the employer’s behalf, such as professional employer organizations (PEOs) or payroll vendors. However, the definition excludes information “of a personal nature” about another person other than the employee if disclosure would constitute an invasion of privacy.

Right to access

Employees may submit a written request for a copy of their personnel record, which the employer must provide at no cost within five business days. Employers need not honor more than two requests per calendar year, but a review triggered by a “negative information” notice (described below) does not count toward this cap.

Negative information notice

Employers must notify an employee within 10 days of placement in their employee’s personnel record any information “to the extent that the information is, has been used or may be used, to negatively affect the employee’s qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.” The law does not specify the form of notice or further define “negative information.”

Right to respond and correct

If an employee disagrees with any information in their record, including but not limited to “negative information,” the employee and employer may mutually agree to remove or correct it. Absent agreement, the employee may submit a written statement explaining their position, and such statement must become part of the personnel record, appropriately retained, and included whenever the disputed information is transmitted to a third party. Employees may also seek expungement (through collective bargaining, judicial process or “other personnel procedures”) of information the employer knew or should have known to be false.

Enforcement and penalties

The attorney general will enforce the law, with fines of \$500 to \$2,500 per violation. Employers are also prohibited from retaliating against employees who exercise their rights under the law, including by threatening or making immigration status-related reports against the employee or their family or household members.

Amendments likely

In signing the law, Gov. Kathy Hochul acknowledged its ambiguities and stated she has reached an agreement with the New York Legislature to address them in the upcoming legislative session. Two areas were specifically flagged for clarification:

- Confirming that employers are not required to **create** a personnel file or generate new documents beyond what they currently maintain.
- Clarifying that personnel records are limited to records or documents actually used to determine an employee’s qualifications for hiring, retention, promotion, transfer, additional compensation or discipline.

Next steps

To prepare to comply, employers should consider the following steps:

- **Review existing personnel record policies.** Review current practices for personnel record access and contents, and modify them as needed to comply with the new law. Confirm that retention practices meet the three-year post-termination minimum, keeping in mind that other state or federal laws may require longer retention periods.
- **Establish a request protocol.** Build a process for receiving and responding to personnel record requests within five business days, including a designated point of contact. Employers that use a PEO or third party to maintain personnel records should ensure they have immediate access to those records to meet this deadline.
- **Establish a notice protocol.** Because the law does not define whether “negative information” extends beyond formal discipline to informal records, the notice trigger could be interpreted broadly. Employers should establish criteria for identifying “negative information” and a process for issuing timely notice to employees.
- **Train human resources and management teams.** Train HR and management on the law’s access, notice, response and anti-retaliation requirements. Managers should be especially aware of the tight turnaround between creating a personnel record with “negative information” and notifying the employee, and should coordinate with HR to ensure compliance. Accurate documentation of performance and disciplinary decisions remains critical, as undisclosed issues may be harder to rely on later if the required notice was never given.
- **Stay tuned for amendments.** Watch for legislative developments when the legislature reconvenes in January 2027, and be prepared to adjust compliance procedures accordingly.

If you have questions about these laws or how to comply, please contact the Cooley employment team or one of the lawyers listed below.

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