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New York State Mandates Employee Access to Personnel Records

September 9, 2026

New York Governor Kathy Hochul has signed into law a bill that will provide private and public sector employees and former employees a right to access and dispute their personnel records. It takes effect on November 8, 2026 (60 days following signing of the bill on September 9).

S3460 adds new Section 210-b to the New York Labor Law and will require employers to:

1. notify an employee within 10 days of the employer placing in the 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";
2. provide a free copy of the employee's personnel record within five (5) business days after receiving a written request from an employee or former employee;
3. permit employees at least two (2) reviews of their personnel record per calendar year, with reviews prompted by newly added negative information not counting toward that limit; and
4. generally retain the complete personnel record throughout employment and for three (3) years following termination.

The bill defines "personnel record" as a record kept by an employer (or a third-party contracted agent) that "identifies an employee, to the extent that the record 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." It includes:

- The employee's name, address and date of birth;
- Job title and description;
- Rate of pay and any other compensation paid to the employee;
- Starting date of employment and dated termination notices;

- Job application and resumes;
- Waivers signed by the employee;
- Employee performance evaluations and evaluation documents;
- Written warnings of substandard performance;
- Probationary periods; and
- Any other documents related to disciplinary action.

It does not, however, include information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy.

If an employee disputes information in the personnel record, the parties may mutually agree to correct or remove it. If they do not agree, the employee may submit a written statement explaining the employee's position, which must be made part of the record. The bill also provides mechanisms for seeking expungement of information the employer knew or should have known was false, as well as protections against retaliation for employees exercising their rights under the law.

The law does not supersede the terms of a collective bargaining agreement, provided that such agreement provides at least substantially similar access by an employee to their personnel record as required by the law.

The law will be enforced by the New York State Attorney General, with violations punishable by fines ranging from $500 to $2,500.

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With this new law, New York joins a number of other states with laws enabling current and former employees to access their personnel records, including Massachusetts' Personnel Record Law, upon which the NY law was modeled.

UPDATE: In her signing memo to the bill, Governor Hochul expressed concerns that the bill as drafted has "ambiguities that needed to be resolved to avoid uncertainty for both employers and employees, including clarifying that employers are not required to create a personnel file or produce new documents beyond the records they currently maintain, and that personnel files only include records or documents used to determine an employee's qualifications for hiring, retention, promotion, transfer, additional compensation, or disciplinary action." Governor Hochul indicated that she reached an agreement with the State Legislature to address such concerns in the upcoming legislative session.

Employers should begin taking steps toward compliance with the new law, including ensuring mechanisms for timely access to personnel records. We will report on any changes to the law as they may develop.

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