

## CHAPTER 91B

### PERSONNEL INFORMATION

Referred to in §173.1

91B.1	Files — access by employees.	91B.2	Information provided by employers about current or former employees — immunity.
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#### **91B.1 Files — access by employees.**

1. An employee, as defined in [section 91A.2](#), shall have access to and shall be permitted to obtain a copy of the employee's personnel file maintained by the employee's employer, as defined in [section 91A.2](#), including but not limited to performance evaluations, disciplinary records, and other information concerning employer-employee relations.

2. However, an employee's access to a personnel file is subject to all of the following:

a. The employer and employee shall agree on the time the employee may have access to the employee's personnel file, and a representative of the employer may be present.

b. An employee shall not have access to employment references written for the employee.

c. An employer may charge a reasonable fee for each page of a copy made by the employer for an employee of an item in the employee's personnel file. For purposes of this paragraph, "*reasonable fee*" means an amount equivalent to an amount charged per page for copies made by a commercial copying business.

[90 Acts, ch 1033, §1](#); [98 Acts, ch 1022, §1](#); [2008 Acts, ch 1032, §201](#)

#### **91B.2 Information provided by employers about current or former employees — immunity.**

1. An employer or an employer's representative who, upon request by or authorization of a current or former employee or upon request made by a person who in good faith is believed to be a representative of a prospective employer of a current or former employee, provides work-related information about a current or former employee, is immune from civil liability unless the employer or the employer's representative acted unreasonably in providing the work-related information.

2. For purposes of [this section](#), an employer acts unreasonably if any of the following are present:

a. The work-related information violates a civil right of the current or former employee.

b. The work-related information knowingly is provided to a person who has no legitimate and common interest in receiving the work-related information.

c. The work-related information is not relevant to the inquiry being made, is provided with malice, or is provided with no good faith belief that it is true.

3. For purposes of [this section](#), "*employer*" and "*employee*" are defined as provided in [section 91A.2](#).

[97 Acts, ch 179, §1](#)