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# GENERAL RELEASE OF INFORMATION

**Included:**

Overview

Dos and Don'ts Checklist

Sample General Release of Information

## 1. Overview

Attracting the right employees to your company is essential to starting and growing your business. An employment application will get you part of the way, providing you with some of an applicant's background information - as reported by the potential employee himself. With the right documents, you can verify this important data and have assurance that you are hiring the right person for the job. Your company will be that much closer to a complete evaluation of the candidate's relevant experience, skills, and expertise, and to determining how those qualities will meet with the job's requirements.

A proper release can streamline the search for your next employee and provide you with the framework of a new employee's personnel file. Your company can use the application information, as verified by the companies you contact, to learn about skills not being fully exploited or to search for information about past performance issues. At the same time, your potential employees will be protected from unwanted intrusions into personal matters.

The enclosed release of information form should prove useful to your business and, if you follow the suggestions provided, can set you on a path toward the right hiring process for your organization. Your company can get information verified immediately, and bring aboard the right staff to support your business. In addition, you will have shown consideration for the privacy rights of potential employees, establishing the foundation for a mutually respectful and long-lasting employment relationship.

## 2. Dos & Don'ts Checklist

- Never discriminate against a prospective employee. Treat all applicants equally and be consistent in the questions you ask about qualifications for the open position. Use the same consideration in questions you ask of a potential employee's schools, employers, or listed references.
- Be professional and courteous to prospective employees. Allow applicants ample time to review and complete any employment-related documents. Anticipate and be ready to answer questions about the releases you provide.
- Before revising the enclosed form, decide what information you need or want to obtain. Do not ask for a release of information that is not strictly necessary for your evaluation. Not only will you increase your risk of violating labor laws, you will also waste the time and energy of everyone involved.
- Protect the privacy of the information you receive. Label any papers with that information "PRIVATE" and file them in a safe place. As a general rule of thumb, this information should be released on a "need-to-know" basis only, or if a court orders that information to be provided.
- Consider designating a high-level manager to be responsible for maintaining the privacy of your employee's records. Conduct periodic evaluations of the security and efficiency of this record-keeping system.

- There are a number of ways to verify the accuracy of information provided in an employment application.
  - o If you want to verify that an applicant graduated from a particular school, ask the applicant to request an official transcript from the school on your behalf. Have the transcript sent to your company directly. Although you can try to contact the school directly, many schools will not release private information without the applicant's consent.
  - o If you want to confirm an applicant's employment history, you can either hire an outside company or send this release of information, signed by the applicant. Note, however, that many companies have internal policies prohibiting the distribution of any information except work dates and last (or highest) pay rate.
  
- If you use a consumer reporting agency to do background checks on applicants or employees, you must comply with the Fair Credit Reporting Act. This law requires you to inform those individuals that a consumer report is being used for employment purposes and to obtain the permission of those individuals for that act. In addition, if you receive information from a consumer report that may negatively impact an employment decision (i.e., rejection of the application or denial of a promotion could result), those individuals must be contacted immediately with that information. If you intend to use a consumer reporting agency, the enclosed form **will not suffice**. You will need to use a specific release of credit information form and notice for that purpose.
  
- The Immigration Reform and Control Act requires U.S. employers to verify the eligibility status of newly-hired employees, and makes it unlawful for employers to knowingly hire or continue to employ unauthorized workers. Note that an unauthorized worker can be either a citizen or a noncitizen. Employees must complete Form I-9 within 3 days of being hired at a company, and must provide documentation confirming their identity and eligibility for work in the United States.
  
- Dishonesty on an employment application can provide grounds for later termination. If, for example, an applicant claims to have graduated from a particular school and the information released by your inquiry proves that to be false, he or she can be fired because of that lie. An applicant may also be denied unemployment benefits if he or she lied on their employment application. If potential employees know the consequences of dishonesty, and know that you will be verifying the information they are providing, they may be more truthful in their answers. Moreover, your company will have documentation if there is suspicion of concealment or lies on the part of the employee.

You can use these suggestions and the enclosed model to create a release of information form to fit your needs, a form that can verify the information needed for a comprehensive evaluation of prospective employees. You will have created a document that can be used repeatedly and that may prove invaluable to your business.

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## Form Sample

### AUTHORIZATION TO RELEASE INFORMATION

I hereby authorize \_\_\_\_\_ [Company Name] to obtain information about me from my former employers, educational institutions, credit sources, and other listed references.

I hereby authorize my former employers, educational institutions, credit sources, and other references listed on my employment application to disclose any information they may have pertaining to my work performance, cooperativeness, ability to get along with co-workers, and qualifications for employment to \_\_\_\_\_ [Company Name].

I hereby release \_\_\_\_\_ [Company Name] from any liability arising from any reasonable