

Model Tool: Privacy Risk Assessment

Why you need this assessment:

Information collected about individual job applicants is considered personal information subject to privacy laws, regardless of whether the information is publicly available. You need to consider these privacy risks you face before using social media sites like Facebook to gather personal information about job applicants.

How this assessment helps you:

Completing the Privacy Risk Assessment below is a good way to ensure you do this systematically.

How to use this assessment:

Complete this Assessment before conducting social media searches to verify that the proposed search meets the criteria for “reasonable”.

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Law Office Manager assumes no responsibility for the effectiveness or legality of any of its online templates or tools. **Always consult your legal counsel and management before implementing any new policies or procedures.**

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ABC Law Firm Use of Social Media for Pre-Employment Screening

PURPOSE: The purpose of this Assessment is to ensure that use of social media resources in the hiring process by ABC Law Firm personnel is carried out in a way that's consistent with ABC's commitment to equality of employment opportunity, respectful of job applicants' privacy rights and in line with all other legal and ethical restrictions.

INSTRUCTIONS: Under privacy laws, collection of personal information about job applicants from social networking sites like Facebook are acceptable only if they're reasonable in scope and methods. HR and other hiring personnel must complete this Assessment before conducting such searches to verify that the proposed search meets the criteria for reasonable. If they do not, such searches must not be carried out.

1. List any privacy laws that apply: [list the federal and state personal privacy laws and any contractual privacy restrictions that apply]:

2. List steps taken to ensure that the proposed search is consistent with the restrictions contained in the above laws:

3. List the purpose(s) for using social media to collect personal information about the applicant:

4. Indicate whether collection of the personal information for the above listed purposes is authorized under the privacy laws—and the basis for concluding that it is so authorized:

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5. Can the purposes for collecting the information spelled out in Item 3 above be accomplished using other measures that are less intrusive of privacy, e.g., via checking the applicant's references?

6. Identify the types and amounts of personal information likely to be collected during the proposed social network site search, including collateral personal information about other people that may be inadvertently collected:

7. List other risks associated with collecting and using this information, e.g., the risks of inaccuracies and/or of collecting information about an applicant's race, sex, age, religion, or other personal characteristic protected by anti-discrimination laws:

8. Describe the policies, procedures and controls in place to address these risks:

9. List steps that will be taken to notify the individual that ABC will be performing a social media background check, including the sites checked, the information collected and how it will be used:

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