

# VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

## CHAPTER 495

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:4, relating to the release of an employee's personal identifying information.*

[H 1931]

Approved March 18, 2013

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:4 as follows:**

***§ 40.1-28.7:4. Release of employee's personal identifying information.***

*A. As used in this section, "personal identifying information" means any of the following items of information about a current or former employee: home telephone number, mobile telephone number, email address, shift times, or work schedule.*

*B. An employer shall not, unless an exemption described in subsection C applies, be required to release, communicate, or distribute to a third party any current or former employee's personal identifying information.*

*C. The provisions of subsection B shall not apply to a release, communication, or distribution of personal identifying information that is:*

*1. Required pursuant to any applicable provision of federal law that preempts the provisions of this section or of state law that requires an employer to release, communicate, or distribute personal identifying information;*

*2. Ordered by a court of competent jurisdiction;*

*3. Required pursuant to a warrant issued by a judicial officer; or*

*4. Required by a subpoena issued in a pending civil or criminal case, or by discovery in a civil case.*