KRESS Employment Screening

A KRESS HR RESOURCE

What to keep out of AI tools, and what to do if data already went in.

The AI and Employee Data Checklist for HR

One pasted report can leave a copy your screening provider can't correct and evidence you can't take back. Set clear limits for your team, and know your next steps if data has already gone into a chatbot.

KEEP OUT — Never paste these into an AI tool.

- [ ] **Direct identifiers:** Social Security numbers, birth dates and license numbers.
- [ ] **Background screening reports:** consumer reports under the Fair Credit Reporting Act (FCRA).
- [ ] **Adverse-action materials:** pre-adverse and final adverse-action letters.
- [ ] **Medical and disability data:** diagnoses, prescriptions and accommodation requests.
- [ ] **Genetic information:** including family medical history.
- [ ] **Protected-class information:** race, sex, age, religion, disability and more.
- [ ] **Financial and identity documents:** bank details, tax forms and I-9 documents.
- [ ] **Investigation and legal data:** complaints, witness interviews and attorney notes.
- [ ] **Entire personnel files:** HR system exports, discipline and reviews.
- [ ] **Unredacted resumes or applications:** a graduation year signals approximate age.
- [ ] **Applicant disputes:** dispute letters and explanations of records.

KEEP HUMAN — Keep the hiring decision human.

- [ ] Never ask “Should we hire this person?”
- [ ] Never ask “Is this criminal record disqualifying?”
- [ ] Never ask AI to rank applicants by trustworthiness.
- [ ] Never ask AI to infer whether an applicant has a disability.
- [ ] Have a qualified person make the final call.
- [ ] Make sure they can explain it without an AI score.

USE SAFELY — Use AI with clear boundaries.

- [ ] Ask for neutral checklists and templates, not verdicts.
- [ ] Tell the tool not to use or infer protected traits.
- [ ] Train with synthetic profiles and de-identified data.
- [ ] Use approved enterprise tools with legal sign-off.
- [ ] Keep background reports in your screening platform.
- [ ] Limit report access to trained reviewers.

RESPOND — Data already went in? Treat it as a potential data incident.

CONTAIN IT

- [ ] **1.** Stop further uploads immediately.
- [ ] **2.** Preserve evidence: what, when, who and which account type.
- [ ] **3.** Request deletion through the AI provider's process.
- [ ] **4.** Notify privacy, security, legal and HR leadership.

ASSESS IT AND PREVENT A REPEAT

- [ ] **5.** Check whether a consumer report or other FCRA data went in.
- [ ] **6.** Assess state breach-notification rules and document it.
- [ ] **7.** Retrain the team and add technical controls.

State and local rules add their own duties. Many govern AI tools in hiring and fair chance reviews. Check each place you hire in the KRESS State-by-State Compliance Guide.

A general guideline, not legal advice. Requirements vary by location and change over time; confirm what applies with your employment counsel. Hiring decisions always belong to the employer.

Know where your screening reports go.

KRESS keeps background reports inside controlled, FCRA-compliant systems, where your team reviews them and makes the call.

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Book a screening workflow review