

Illinois Artificial Intelligence Video Interview Act Protects a New Generation of Job Applicants

The Illinois legislature passed the [Artificial Intelligence Video Interview Act](#) in August 2019. At present, the Act is only four paragraphs long with the first paragraph being its name. Its protections will grow over time. This legislation continues a trend of [greater privacy protections](#) for Illinois employees.

In the second paragraph of the Act, an affirmative duty is placed on employers who use artificial intelligence to screen video interviews of job applicants. Employers' duties are as follows:

- Employers are required to notify each applicant before their video interview that artificial intelligence may be used to analyze the applicant.
- Employers are required to explain to applicants how their artificial intelligence works and what general characteristics it uses.
- Employers are required to obtain consent from an applicant before they use artificial intelligence.

Using Artificial Intelligence to Review Applicants is a Thing??

Most of us had no idea that employers were using video interviews let alone artificial intelligence to review job applicants. [Inc.](#) magazine describes these new interviewing techniques. Prominent employers like Dunkin Donuts, IBM, Carnival Cruise Lines and Unilever are all using artificial intelligence to weed out bias in their hiring decisions, save time,

and find applicants with personalities that are a good fit for the particular job.

The Illinois Legislature Steps In.

Alarmed by a practice that some commentators have described as “a little creepy,” the Illinois legislature passed the Act with the three requirements noted above. The Act prohibits Illinois employers from sharing job applicant videos subject to certain exceptions, the Act requires employers to destroy an applicant’s video within 30 days of the employer’s receipt of a request for its destruction. The Act’s requirements are not burdensome. They will grow over time, however.

There Are No “Teeth” in the Act Just Yet.

Job applicants whose rights are violated by the Act have no remedy yet. There is no provision under the Act for violations to be referred to the Illinois Department of Labor, for example. Similarly, the Act does not provide a private right of action in any Illinois state court, nor does it allow for damages.

The Act is sure to be supplemented over the coming years. Illinois is the first state to pass legislation of this kind. Further protections for employee privacy in Illinois will continue, and they will come from all three branches of Illinois government.

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