

State of California Department of Justice



**XAVIER BECERRA**

*Attorney General*

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# Attorney General Becerra Issues Advisory Providing Guidance on the Privacy Requirements of the Immigrant Worker Protection Act

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Tuesday, February 13, 2018

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*The Immigrant Worker Protection Act became law on January 1, 2018*

**SACRAMENTO** – California Attorney General Xavier Becerra today issued an advisory providing an overview of and guidance on the privacy prescriptions under the Immigrant Worker Protection Act (Assembly Bill 450). Attorney General

Becerra and Labor Commissioner Julie Su also issued joint guidance on frequently asked questions to help employers and workers understand and comply with the new state law.

The Attorney General's advisory explains to employers that under state law they cannot voluntarily grant immigration enforcement agents physical access to nonpublic areas of the worksite or to private employee records.

"The Immigrant Worker Protection Act seeks first and foremost to protect Californians' privacy at the workplace. The advisory and guidance released today are important tools to help workers and employers feel more secure, by educating them about their rights and responsibilities under the law," said **Attorney General Becerra**. "Everyone has an obligation to follow the law, whether it's the Constitution, federal, or state law. AB 450 works in concert, not in conflict, with our Constitution and federal laws. Today's advisory and guidance aim to illustrate that. My office will work to ensure businesses have the appropriate guidance to protect both employers' and employees' privacy rights."

"No one should have to go to work every day scared of the threat of deportation," said **Assemblymember David Chiu** (D-San Francisco). "AB 450 was meant to not only give protections to California workers but also to ensure employers know what to do if immigration officials visit their workplaces. Thank you to Attorney General Xavier Becerra and Labor Commissioner Julie Su for quickly issuing guidelines so employers understand their rights and responsibilities under this law."

Under the Immigrant Worker Protection Act, employers are required to notify all employees of inspections of their employment records by federal immigration agencies within 72 hours of receiving a federal notice of inspection. The employer's notifications must be available in the language the employer normally uses to communicate employment information.

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