

specific written authorization for the Center to disclose the information.

(d) Privacy rights

The requirements of section 552a of title 5 (commonly known as the “Privacy Act of 1974”) shall apply to personally identifiable information contained in the registries established by the Center under subsection (a) of this section, in the same manner and to the same extent as such requirements apply to a record of an agency.

(e) Removal of information

On the request of an individual, the Center shall remove all information relating to the individual from any registry established under subsection (a) of this section.

(Pub. L. 98–221, title II, §209, as added Pub. L. 105–220, title IV, §412(c), Aug. 7, 1998, 112 Stat. 1241.)

CHAPTER 22—EMPLOYEE POLYGRAPH PROTECTION

Sec.	
2001.	Definitions.
2002.	Prohibitions on lie detector use.
2003.	Notice of protection.
2004.	Authority of Secretary.
2005.	Enforcement provisions.
2006.	Exemptions.
2007.	Restrictions on use of exemptions.
2008.	Disclosure of information.
2009.	Effect on other law and agreements.

§ 2001. Definitions

As used in this chapter:

(1) Commerce

The term “commerce” has the meaning provided by section 203(b) of this title.

(2) Employer

The term “employer” includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) Lie detector

The term “lie detector” includes a polygraph, deception graph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical or electrical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

(4) Polygraph

The term “polygraph” means an instrument that—

(A) records continuously, visually, permanently, and simultaneously changes in cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards; and

(B) is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

(5) Secretary

The term “Secretary” means the Secretary of Labor.

(Pub. L. 100–347, §2, June 27, 1988, 102 Stat. 646.)

EFFECTIVE DATE

Pub. L. 100–347, §11, June 27, 1988, 102 Stat. 653, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this Act [enacting this chapter] shall become effective 6 months after the date of enactment of this Act [June 27, 1988].

“(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.”

SHORT TITLE

Pub. L. 100–347, §1, June 27, 1988, 102 Stat. 646, provided that: “This Act [enacting this chapter] may be cited as the ‘Employee Polygraph Protection Act of 1988.’”

§ 2002. Prohibitions on lie detector use

Except as provided in sections 2006 and 2007 of this title, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, discipline, discriminate against in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test, or

(B) any employee or prospective employee on the basis of the results of any lie detector test; or

(4) to discharge, discipline, discriminate against in any manner, or deny employment or promotion to, or threaten to take any such action against, any employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter,

(B) such employee or prospective employee has testified or is about to testify in any such proceeding, or

(C) of the exercise by such employee or prospective employee, on behalf of such employee or another person, of any right afforded by this chapter.

(Pub. L. 100–347, §3, June 27, 1988, 102 Stat. 646.)

§ 2003. Notice of protection

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this chapter. Each employer shall post and maintain such notice in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

(Pub. L. 100–347, §4, June 27, 1988, 102 Stat. 647.)

§ 2004. Authority of Secretary

(a) In general

The Secretary shall—