



CHAPTER 1

ARTICLE 43B - DEFENSE OF CHARITABLE IMMUNITY ABOLISHED; AND QUALIFIED IMMUNITY FOR VOLUNTEERS

N.C.G.S. § 1-539.12.

Immunity from civil liability for employers disclosing information.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 03:45 UTC	49c4ab7990041c0a07fe1b18 - 5b5e895e7be8fb38f79d752e - 7663d2b1f6e51934

§ 1-539.12(a)

An employer who discloses information about a current or former employee's job history or job performance to a prospective employer of the current or former employee upon request of the prospective employer or upon request of the current or former employee is immune from civil liability and is not liable in civil damages for the disclosure or any consequences of the disclosure. This immunity shall not apply when a claimant shows by a preponderance of the evidence both of the following:

- (1) The information disclosed by the current or former employer was false.
- (2) The employer providing the information knew or reasonably should have known that the information was false.

§ 1-539.12(b)

For purposes of this section, "job performance" includes:

- (1) The suitability of the employee for re-employment;
- (2) The employee's skills, abilities, and traits as they may relate to suitability for future employment; and
- (3) In the case of a former employee, the reason for the employee's separation.

§ 1-539.12(c)

The provisions of this section apply to any employee, agent, or other representative of the current or former employer who is authorized to provide and who provides information in accordance with the provisions of this section. For the purposes of this section, "employer" also includes a job placement service but does not include a private personnel service as defined in G.S. 95-47.1 except as provided hereinafter. The

provisions of this section apply to a private personnel service as defined in G.S. 95-47.1 only to the extent that the service conveys information derived from credit reports, court records, educational records, and information furnished to it by the employee or prior employers and the service identifies the source of the information.

§ 1-539.12(d)

This section does not affect any privileges or immunities from civil liability established by another section of the General Statutes or available at common law.-(1997-478, s. 1; 2021-82, s. 4(b).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II

1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 95-47.1	(c)	"private personnel service as defined in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-539.12 (2026).

PINPOINT

N.C. Gen. Stat. § 1-539.12(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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