

Expanding VCDPA to Protect Against Applicant Tracking Systems

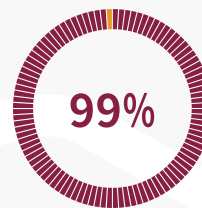


Applicant Tracking Systems

Applicant tracking systems (ATS) are Artificial Intelligence (AI) based recruiting tools that allow companies to sift through job applications easier and quicker by filtering out candidates whose resumes do not meet the hiring criteria.

In 2018, Amazon reportedly scrapped a secret ATS that discriminated against women. The tool penalized resumes mentioning "women's" and downgraded applicants from all women's colleges. The system was trained on resumes submitted to the company over a 10-year period, which were mostly from men.²

- **ATS is trained on biased data** and has shown a tendency to reinforce those biases, discriminating against applicants based on gender, race, religion, and geography¹
- For companies that are trying to meet diversity and inclusion quotas, **using ATS can be detrimental.**



**of Fortune 500
Companies
Utilize ATS**

Figure 1: Percentage of Fortune 500 that use ATS¹

ATS Usage in Virginia

Company	Employee Count	ATS
Northrup Grumman	~97,000	Workday
Capital One	~52,000	Workday
BAE Systems	~35,000	Brassring
Booz Allen	~29,000	Workday
Peraton	~22,000	ICIMS

Figure 2: ATS used by companies in Virginia²

22 Fortune 500 Companies Operate in Virginia²

- The majority opt to use ATS to mitigate the costs of an overwhelmed hiring staff
- **ATS may also toss the resumes of qualified candidates when it reinforces hiring biases¹**

Tactics Used by Applicants to Bypass ATS²



Fill resume with keywords from job description



Be as average as possible on personality tests



Incline to conservatism on personality tests



Add "buzz words" in white ink at the end of resume

Expanding VCDPA to Protect Against Applicant Tracking Systems



Virginia Consumer Data Protection Act

The Virginia Consumer Data Protection Act (VCDPA) went into effect on January 1, 2023. This new law provides Virginia residents certain rights for personal data collected by businesses under conditions outlined in the law.⁴

Rights Granted by the VCDPA ⁴



Access

Consumers have the right to confirm whether a controller is processing the consumer's personal data and to access such personal data.



Pull

Consumers have the right to obtain a copy of their personal data they previously provided in a portable and readily usable format.



Correct

Consumers have the right to correct inaccuracies in their personal data, considering the nature of the personal data and the purposes of its processing.



Opt-out

Consumers have the right to opt out of the processing of the personal data for purposes of targeted advertising and the sale of personal data.



Delete

Consumers have the right to delete any and all personal data willingly provided by and/or data obtained about the consumer.



Appeal

Consumers have the right to the right to appeal a business's inaction. A business must respond to a consumer request within 45 days of the request.

Supporting Workers by Amending the VCPDA

To protect the privacy of job seekers and alleviate/prevent the discriminatory tendencies of ATS, the following amendments should be made to the VCPDA:

- Companies shall be mandated to disclose the use of ATS in the application process
- Individuals shall be given the right to opt out of the use of their data in machine learning processes used in making future hiring decisions.

Reach out to your local representatives and senators to express your support for the expansion of the VCDPA!

Citations

