To Screen or Not to Screen? Using the Internet for Selection Decisions

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Abstract Organizations are increasingly relying on Internet searches and social networking websites to uncover detailed and private information about job applicants. Such Internet screening techniques have the potential to provide additional information beyond that found using traditional screening approaches. However, questions regarding the legality and appropriateness of this practice, as well as issues regarding the standardization, reliability, and validity of the information obtained, need to be addressed. The current work describes these issues associated with Internet screening and provides recommendations to help ensure this practice is used appropriately in organizations. Suggestions for future research on Internet screening are also discussed.

Key words Internet screening · Social networking websites · Personnel selection · Discrimination · Privacy

"What happens in MySpace stays in MySpace." −Anonymous

An employer turns down a 20-year-old college student for a job as a camp counselor after viewing her Facebook page, where she boasts about binge drinking with underage

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friends. A company downgrades a job candidate's ranking relative to others after seeing her "connections" (or lack thereof) on LinkedIn. A recruiter screens out a job candidate after "googling" his name and finding information that someone with the same name had been in prison, although whether or not it is the same individual has not been verified. What do these three scenarios have in common? Each illustrates how the Internet has changed the way organizations screen job candidates, as well as how that screening allows for new criteria and new challenges.

Technological advances associated with greater use of the Internet have changed the way employers recruit and select employees.. Many companies now only accept resumes submitted online, and computer-based and Internet-based testing is also quite common. However, the Internet has given rise to other selection practices that have yet to be examined from legal and scientific perspectives. This paper addresses the new Internet screening issues facing management, HR professionals, and legal counsel. In particular, we focus on how the Internet has changed screening of candidates and background checks, such as "googling" of applicants and searches of social networking profiles (e.g., LinkedIn, Facebook). Although there are various other Internet-based screening and selection techniques (e.g., online applications, Internet testing), we focus on Internet searches and social networking instead, as many of those other techniques have been discussed extensively elsewhere (see Jones and Dages 2003; Mead and Drasgow 1993; Naglieri *et al*. 2004). Moreover, we posit that the newer Internet screening practices such as searching social networking and other Internet sites present new opportunities as well as challenges for staffing specialists, as they represent rich sources of information that may be able to reveal untapped job-relevant (and *job-irrelevant*) applicant characteristics, which may not be available through other sources. For example, given the reluctance of many employers to disclose information about past employees (Gatewood *et al*. 2008), an Internet search might reveal job-relevant information about reasons for termination of a previous employee that would not be revealed via a traditional background check. However, an Internet search might also reveal job-irrelevant information about an applicant's political activities, sexual orientation, or risky behaviors that might not arise during a traditional background check.

Until very recently, there has been little guidance for HR professionals in dealing with these emerging Internet screening practices. For example, research on social networking websites has focused on issues of social dynamics, communication, and interpersonal relationships (e.g., Ellison *et al*. 2007; Goodings *et al*. 2007; Valkenburg *et al*. 2006; Willard 2007), rather than on personnel selection practices (see Kluemper *et al*. in press, for an exception). Since 2009, there has been a growing number of practitioner websites and blogs suggesting appropriate screening techniques (Fishman and Morris 2010; Rosen, 2010; Juffras 2010). But there is limited empirical research on the prevalence and use of these screening techniques (see SHRM Staffing Research 2008), very few professional publications (e.g., Davison *et al*. 2011; Kowske and Southwell 2006), and very few court cases on Internet background checks and searches in the employment context (e.g., Mullins v. Department of Commerce 2007; *Spanierman v. Hughes* 2008; *Pietrylo v. Hillstone Restaurant Group* 2009). Although some academic research has provided recommendations on policy development for corporate use of online social networking (e.g., Clark and Roberts 2010; Kaupins and Park 2010), there is little peer-reviewed guidance for the use of Internet searches for screening prospective employees. Thus, managers and HR professionals are using these technologies with limited policy guidance in place. The size of this problem is illustrated by a SHRM (2008) survey, which found that 72% of organizations do not have a formal or informal policy about using websites for applicant screening. Perhaps even more troubling is SHRM's finding that 89% of organizations did not even plan to implement a policy.

Yet there are serious pitfalls that can befall HR managers who rely on the Internet to screen applicants. For example, a typical reason surveyed managers have suggested they would screen out applicants is if the candidate was shown to be a heavy drinker in an Internet posting (Haefner 2009). However, it should be noted that drinking alcohol is a legal activity in many off-work contexts (Juffras 2010; Fishman and Morris 2010). Moreover, what happens if the HR manager screens out this candidate as a potential problem drinker, but the individual in question is now in treatment and thus covered under the Americans with Disabilities Act?

Our purpose in this article to provide some legal and practical guidance for using Internet screening in organizations. We first briefly review Internet screening, followed by a discussion of the legal implications of using these technologies. We then discuss what these technologies can measure, and conclude with practical recommendations for the use of Internet screening.

Internet Screening Technologies

Use of Internet Search Engines ("Googling") Google and other search engines can be used to conduct an Internet search to find publicly available information about job candidates, such as previous employers and other organizations with which the candidate has been affiliated, donations made to charities, and news reports about candidates (Gatewood *et al.* 2008). The use of these search engines in HR is growing. For example, the SHRM (2008) survey found that 84% of employers have used online search engines as an HR tool, up from 77% in 2006. That survey also reported that 34% of organizations use online search engines to screen applicants and 9% planned to in the future. A survey by the privacy research organization Ponemon Institute (2007) found that 35% of hiring managers use Google to do background searches. Further, at least one court has affirmed employers' rights to use the Internet as a research source. In *Mullins v. Department of Commerce* (2007), the Appeals Court for the Federal Circuit found that an employer's Google search of an employee accused of misusing government property did not violate the employee's fundamental fairness rights. Other cases (e.g., *Spanierman v. Hughes* 2008) have upheld firing of employees for inappropriate postings on the Internet.

Social Networking Websites Social networking websites such as Facebook, MySpace, and Twitter are Internet-based networks of individuals who post information about themselves, their interests and hobbies, and other personal and/or professional information. Individuals can also post weblogs ("blogs") of their lives and opinions, list websites that they recommend, and provide links to videos posted elsewhere on the Internet (e.g., YouTube). Other sites such as LinkedIn are professionally-focused, allowing people to create a profile that is essentially an electronic resume with information about education, career path, and current organization. In addition, LinkedIn has various online professional groups that people can join and link to other professionals within a common area (e.g., college alumni, national professional organizations).

Participation in social networking websites is extensive and growing; for example, as of early 2011, Facebook reported over 600 million active users (Socialbakers.com 2011), and LinkedIn reported over 90 million members (LinkedIn.com 2011). Given the popularity of these websites, it is not surprising that employers are increasingly using these websites as a way to screen job applicants. In 2006, a SHRM survey found that 79% of employers had never used social networking websites as an HR tool, but by 2008, that number had

dropped to 56% (SHRM 2008); by 2010, over 80% of 859 HR managers surveyed used or planned to use social networks in some part of the hiring process (Levinson 2010). The Ponemon Institute (2007) found that 23% of hiring managers relied on social networking websites when conducting background searches, and 21% reviewed applicants' blogs. By 2009, a Career Builder survey found that 45% of HR managers used social networks to screen applicants (Haefner 2009). Certainly, we believe usage has continued to increase in the time since those surveys. Moreover, the use of social networking websites for screening applicants is not restricted to the United States, but is also being used in countries such as Germany, Canada, the United Kingdom, and New Zealand (see Braakhuis 2008; Karl *et al.* 2010).

Why Organizations Use Internet Screening Employers primarily use Internet screening in order to quickly and cheaply obtain information about job applicants. For example, SHRM (2008) found that organizations use social networking websites for screening to gain information with little time and effort (51%), obtain information not in a cover letter, résumé, or curriculum vita (i.e., CV) (49%), easily verify information in a cover letter, résumé, or CV (26%), and assess applicant fit with the organization (26%). Employers in other nations use Internet screening for similar purposes (Karl *et al.* 2010). Moreover, the information obtained via Internet screening may be different than that from traditional background checks, because a broader array of information, and potentially less censored, is available on the Internet. Some information obtained through this method may be job-relevant, including education, work history, and professional memberships. For example, in the 2009 Career Builder survey 18% of hiring managers found reasons to hire employees using social networks, such as employee qualifications, creativity, and communication skills. Conversely, that same survey found that 35% of hiring managers found reasons to not offer a job because of information on social networks, including lying on qualifications, poor communication skills and "bad-mouthing" previous employers (Haefner 2009).

However, other information may be job-irrelevant and even unintended as application information by job candidates. The concern here is when job-irrelevant information pertains to protected class membership (e.g., religion) or other sensitive, private, or protected activities (e.g., political party, union activities). Employers who rely on such information may find themselves in legal trouble. Online information also can be inaccurate, such as when individuals are victims of identity theft (Connerly *et al.* 2001), or when false information is posted about an individual on someone else's website (i.e., libelous information). Another issue is that individuals can "clean up" personal webpages or social networking sites to remove embarrassing or offensive content, and can restrict access to these webpages or sites (see Elzweig and Peeples 2009). Thus, employers may not have access to the webpages of all job candidates. To combat such inaccessibility, the City of Bozeman, Montana, briefly required that applicants for City jobs release their social networking site passwords and usernames (Ricker 2009). The legality of this practice has not yet been determined, but a 2011 decision by the Maryland Secretary of State banned the practice in state employment searches (*The Atlantic* 2011).

In sum, an assumption among managers and HR professionals who use Internet screening appears to be that a more comprehensive and accurate picture of who applicants truly are, what they believe, and how they behave can be obtained via information available on the Internet, and that this is job-relevant information. However, many of these sources were not intended by job candidates for viewing by prospective employers, and even when they are, whether the sites provide valid information about applicants is uncertain. It is worth noting that organizations that do not use social networking websites for screening

question the legality of using the sites (54%), are worried about not being able to verify information obtained (43%), and have concerns about invading applicants' privacy (40%) (SHRM 2008). In the following sections, we address these and other issues by examining the legal and practical issues of Internet screening.

Legal Implications of Internet Screening

The legal implications of Internet screening have not yet been thoroughly examined nor tested in the courts. However, we can make some inferences about the ability of these practices to withstand legal challenge by examining existing laws on discrimination and privacy.

Discrimination Laws The primary U. S. Federal anti-discrimination laws relevant to these technologies are the equal employment opportunity (EEO) laws enforced by the Equal Employment Opportunity Commission (EEOC), namely, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Age Discrimination in Employment Act (ADEA, 1967), and the Americans with Disabilities Act (ADA, 1990), which protect individuals from discrimination in all areas of employment on the basis of race, color, religion, sex, national origin, age, and disability. In addition, various states have laws protecting individuals from discrimination on the basis of other characteristics, such as sexual orientation.

Either disparate treatment or disparate (adverse) impact is possible with Internet screening. The use of Internet screening technologies for selection may be more likely than traditional media (e.g., paper résumés) to lead to disparate treatment discrimination against protected classes, insofar as they often provide demographic or other personal information about the candidate, which can reveal protected class status. Other selection techniques (e.g., résumés) can reveal protected class status such as sex or national origin early in the screening process, via the applicant's name. However, some protected class memberships might go undetected during a traditional selection process, even during an in-person interview, insofar as they are hidden characteristics, such as religion or certain disabilities. For example, if an individual has contributed to an Islamic charitable organization, which could be reported on the Internet, then an assumption could be made that the individual is Muslim. Finding out this information could lead a hiring manager to unfairly and illegally discriminate against the applicant.

With regard to disparate impact, there may be demographic differences in terms of who has a webpage or profile and who does not. Certain socioeconomically disadvantaged racial or ethnic groups (especially Spanish-dominant Hispanics) in our society may be less likely to have access to computers and Internet (see Fox and Livingston 2007; Stanton 1999), and thus may be less likely to have social networking websites. There are also likely to be age differences in access to this technology as well, with younger individuals having greater familiarity with these sites. For example, if an employer is seeking to confirm past employment on an older candidate's résumé, cannot do so because she lacks a website, and consequently screens her out, then a charge of adverse impact could result. However, even if the information obtained from these sources (or the sources themselves) do not discriminate against protected classes, seeking information may constitute an invasion of privacy, which is a major concern with such searches.

In this era of global business, employers must also consider the issues of using Internet screening when the employer has work locations in other countries and when applicants come from other nations. Posthuma *et al*. (2006) provide a useful discussion of when U.S. employment discrimination laws apply to U.S. employers. Generally, U.S. employers hiring U.S. citizens, in the U.S. or abroad, are subject to U.S. EEO laws, as are foreign employers in the U.S., unless there is a treaty exemption. Thus, in these situations, the above discussion of the legality of Internet screening with respect to discrimination will apply.

Beyond the U.S., EEO laws and protected classes differ widely by country, and a full treatment of the commonalities and differences is beyond the scope of this paper. However, many countries offer similar kinds of legal protections from discrimination (both disparate treatment and disparate impact) in various employment practices, including screening and selection, as are offered in the U.S. (Myors *et al*. 2008). Moreover, the primary U.S. protected classes of race, color, religion, sex, national origin, age, and disability also are protected in many other nations, although other classes such as political views, sexual orientation, and marital status that are not covered in the U.S. are often included in the protections offered by other nations (Myors *et al*. 2008). There are also protected classes unique to certain regions or nations; for example, in some European countries union membership is protected, and in some African countries HIV status is explicitly protected. Finally, even the restrictions on selection practices may differ by country. For example, in South Africa, tests have to be shown to be valid and reliable in order to be used (Myors *et al*. 2008). Consequently, it would seem that for Internet screening to be used in South Africa, psychometric evidence of reliability and validity would need to be provided. Thus, when deciding to use Internet screening in other countries, the cautions described above regarding U.S. law apply, and indeed even more caution should be taken considering differences in protected classes and laws across nations. (For a more extensive discussion of the legal environment for selection in various nations, see Myors *et al*. 2008).

Privacy Laws The U.S. Constitution offers certain protections of privacy rights against governmental (federal, state, or local) intrusions (Hames and Diersen 1991). There is disagreement as to whether there is a general "right" to privacy as provided in the 4th Amendment, but courts have agreed the Amendment implies an "expectation" of privacy (Linder 2011). Nonetheless, many laws apply to the maintenance of privacy in financial (e.g., Fair Credit Reporting Act), health (e.g., Health Insurance Portability and Accountability Act) and other personal information. Moreover, some states (such as California and Massachusetts) are much more specific about the right to privacy and are stronger in their enforcement of privacy issues (Siegel *et al*. 2009), and those states will likely monitor the screening processes more closely. Also of late, Connecticut's Attorney General has expressed concerns about Facebook's new facial recognition technology, which allows for automatic "tagging" of people in photos uploaded to Facebook (Ribiero 2011). The U.S. Federal Trade Commission (FTC) has not yet addressed this, but the possibility that such technology could be used to identify individuals without their knowledge is a significant privacy concern with implications for Internet screening.

Some courts have suggested that there may be limited expectation of privacy in emails, but at least one court ruled that a website that is released to the public does not have a reasonable expectation of privacy (*J. S. v. Bethlehem Area Sch. Dist.*, 2000). However, other cases (e.g., *Pietrylo v. Hillstone Restaurant Group* 2009) have found that monitoring postings on private Internet chat rooms is illegal. Whether searching a website for information on a job applicant is unreasonable has not yet been determined by the courts (see Ricker 2009). A court's ruling would likely be based in part of on the job-relevance of

the information obtained from the site (cf. *Soroka v. Dayton Hudson* 1991, which found that psychological testing must be restricted to job-related questions). Thus, if an employer is relying on personal information obtained from Internet sources to make judgments about employees, it is possible that the courts would determine that only job-relevant inquiries would be permitted under invasion of privacy laws

More generally, Americans *expect* privacy, and believe it is their right, and this has been true since at least Warren and Brandeis (1890). Thus, applicants might *perceive* they have a more comprehensive right to privacy than the law provides. This complicates the relationship between HR and legitimately qualified applicants. Good applicants might be driven away from the firm if they find out that personal sites are being reviewed, as an "invasion of privacy". Indeed, a survey by Deloitte (2009) found that 53% of the employee respondents thought that social networking sites were not their employers' business. In turn, an emotional reaction by an applicant against a perceived privacy violation could have a negative "viral" impact with others in the applicant's social network, possibly discouraging other viable candidates from applying. In this context, employers who are technically obeying the law but aggravating their stakeholders network could be winning the battle for compliance but losing the war for talent (Zickar and Lake 2011). As an example, one analyst (unwisely) suggested that to avoid the potential illegality of asking applicants for passwords to personal websites, hiring managers could ask applicants to call up their Facebook pages on the manager's computer during an on-site interview (Juffras 2010). Such activity could lead not only to that applicant's rejection of a job offer, but also to the applicant's warning his or her social network to avoid that firm (Zickar and Lake 2011).

Other nations have more stringent privacy laws. The European Union (EU) created the Data Privacy Directive of 1995, which, as adopted into law by individual countries, restricts commercial use of personal data. Under the Directive, any data that is identifying to individuals is "personal" unless that data is made anonymous (Dowling, 2009; Massey 2009). Also, any personal data collected must have the explicit consent of the individual whose data is being collected as well as disclosure of the purpose of the use of the data. The data must also not be held longer than 6 months, must be used for a legitimate purpose, must not be used for "automated decision-making" or "reprocessed" and cannot be re-transmitted. Moreover, data that is collected from an EU source cannot be transferred out of the EU unless there is assurance that the data recipient adheres to the same standards as the EU. Any entity that processes personal data, outside of personal household use, is subject to the regulation, and is determined to be a "data controller." Data controllers are responsible for adhering to strict compliance to these standards (Dowling, 2009; Massey 2009).

The Directive was initially intended for commercial transactions such as e-commerce marketing (Dowling, 2009). However, the potential breadth of the jurisdiction of the law was made clear in 2002, when an EU ruling declared that any server that processed data in Europe was subject to the regulation, and by definition, if a company placed a cookie on an individual European's computer, that company was processing data in Europe and therefore was subject to the restrictions (Massey 2009; Siegel *et al*. 2009). More recently, the EU has ruled that social networks are also subject to the regulation, and that individuals who retransmit data of third parties for commercial reasons would be considered "data controllers" (Massey 2009; Siegel *et al*. 2009). A recent news report suggests that European officials are investigating Facebook for possible breach of privacy laws through its usage of facial recognition software (Bodoni 2011).

While not initially intended to apply to HR personnel, the Directive complicates Internet screening of applicants. In particular, it requires explicit permission to search be given by European applicants (Dowling, 2009; Massey 2009). But it is unclear at what point

"passive candidates" could be searched for future reference. A site such as Linked-in, with data that has been ostensibly expressly given by individuals for distribution, might pass the Directive that consent be given (although we are unaware of any court tests in this regard). However, searching Facebook posts without express and specific approval of applicants, especially if the candidates are passive, might fall short of European standards (Massey 2009). Most problematically, however, it is not clear what "automated decision-making" or "reprocessing" of data would mean in a Human Resources context, and it would likely depend in part on which kind of requirements are being cited for that data to be accumulated (Dowling 2009; Massey 2009).

To help resolve differences between U.S. and European data processing law, a Safe Harbor agreement was reached between the EU and the United States, where companies self-certify that they follow the European framework, and therefore are compliant with the Data Processing Directive (U.S. Department of Commerce 2011). Firms that enter the Safe Harbor agreement but fail to maintain compliance with European standards can be publicly rebuked through this system and possibly be prevented from transmitting personal data from Europe. (U.S. Department of Commerce 2011). Certainly, HR departments that have both European and US facilities, or U.S. organizations that will likely have European candidates, should make it a priority to consult their legal team for guidance prior to doing Internet screening of applicants. Also, in some corporations where responsibilities are diffused, and/or where the legal team is unable to give guidance, HR personnel might be well-served to check with IT management to determine if a Safe Harbor agreement has been executed by their staff prior to Internet screening.

Defamation Laws In addition to privacy concerns, defamation of character could be a problem if websites contain inaccurate and libelous information, which is a major legal concern with traditional background checks (Gatewood *et al.* 2008). Defamation of character in contrast to privacy, focuses on harm to the employee's reputation, whereas privacy focuses on emotional injury (Robinson *et al.* 2005). Internet sources used as part of a background check may cause particular problems with defamation. First, such information may not be job-relevant, as it may pertain to hobbies, non-work activities, etc. Another problem is the accuracy of the information. Social networking profiles, blogs, and websites allow individuals to post whatever information they want, without regard to the veracity of the information. An employer who relies on statements made by others about a job applicant often has no way of knowing whether the information is accurate. For example, a student competing for a job might post false statements about others to try to harm their employment opportunities. Inaccurate information may not even be posted with malicious intent; friends may post negative information as a joke, but an employer unaware of this could consider the information to be true. Although an employer might not be liable for defamation of character, because the employer did not provide the inaccurate information, it is still a concern in terms of making inaccurate selection decisions.

Further, if an employer discovers negative information about the job applicant using an Internet search, but decides to ignore the information and hire the individual anyway, then the employer could be sued for negligent hiring, if the employee later harms a third party (e.g., customer). For example, if an employer infers from a website that an individual is emotionally unstable, but decides to hire that individual, and the individual later assaults a customer, the employer could be found liable for negligent hiring.

Other Laws The U. S. Fair Credit Reporting Act (FCRA) and the Stored Communications Act (SCA), while not aimed directly at employment practices per se, have been determined

by some practitioners and legal experts to have potential application to U.S. Internet searches (Rosen 2010; Owens 2010; Juffras 2010). The FCRA was intended to be a regulation of credit reporting agencies, but the wording of the legislation has convinced some analysts that most HR departments qualify as a "consumer reporting agency" as defined by the legislation (Rosen, 2010; Owens 2010). The SCA was intended to stop "hackers" from stealing data from company and personal databases, but some analysts believe that it would also apply to HR personnel or managers who attempt to search websites for information that is intended to be private (i.e., password protected or limited by social network sharing settings) (Juffras 2010). Both of these laws revolve around "capturing data" of company stakeholders, and the need for having an appropriate and clear objective in data collection, as well as getting approval for some specific purposes of data collection. Thus, using social networks in "fishing expeditions" for potential problems with applicants or employees might run counter to these laws. However, recently the FTC has ruled that a background check company that keeps negative information on job applicants obtained on the Internet for 7 years is not in violation of the FCRA (Hill 2011).

Internet screening is also affected by regulations impacting U.S. Federal contractors. The Office of Federal Contract Compliance has stipulated that social networking not be the "only" sourcing and screening mechanism for federal hiring (Taleo 2010). Executive Order 11246 requires government agencies and contractors to maintain hiring records for 2 years (Fishman and Morris 2010). Thus, screening without record-keeping would likely violate this order.

Summary The use of Internet screening has the potential to violate EEO laws, and can also lead to legal difficulties involving invasion of privacy, defamation, and other laws and regulations. Therefore, staffing professionals should be aware of the potential legal problems inherent in the use of Internet screening. Next, we turn to the question of whether Internet screening provides useful information (e.g., whether it provides information that is construct valid, or job-relevant), even if it is legal to use.

Practical Implications of Internet Screening

HR professionals may use Internet screening as a means for obtaining information on job applicants that they believe cannot be obtained via other sources. In addressing whether such information is valid, and whether it can be obtained instead via other sources, we need to consider whether Internet screening generates job-relevant information. Our focus here is on counterproductive workplace behaviors (CWBs) and other deviant or criminal behaviors, knowledge, skills, and abilities (KSAs), personality traits, person-organization fit, and biodata.

CWBs/Deviance/Criminality Among the primary reasons organizations use Internet screening techniques is to detect the unqualified via uncovering negative information about an applicant, such as information that contradicts that provided in a cover letter, résumé, or curriculum vita (SHRM 2008). Organizations are also more likely to screen out applicants who reveal confidential information about employers, slander employers or co-workers, or use illegal drugs (SHRM 2008). Employers have also screened out candidates who posted information about drinking, lied about an absence, posted inappropriate or provocative pictures, or even used an unprofessional screen name (Sullivan 2006). Such

CWBs, as well as other improper, deviant, or even criminal behaviors may be revealed via Internet searches and social networking profiles, and can influence perceptions of the suitability of candidates (Bohnert and Ross 2010).

However, because of the likelihood that the information provided could be unreliable, and given the high sensitivity of this information, we believe that Internet screening for deviance or criminality could result in employee rights violations or possible lawsuits, if it were later determined that such information was relied upon erroneously. Also, potential issues of mistaken identity, identity theft, and accuracy (even if information is obtained via professional third-party websites) must be considered. Another concern is that online communications of this kind are relatively permanent and past errors cannot be withdrawn, which may present a unique legal issue when the errors were committed while the individual was a minor (Clark and Roberts 2010). Thus, we believe that deviance, criminality and most CWBs are best determined through traditional sources, and/or from websites run by professional reference-checking organizations, where HR liability is less pronounced.

KSAs Although a variety of KSAs and minimum qualifications might be assessed via Internet screening techniques, many of these are likely to be redundant with information obtained through standard screening techniques, such as application forms and paper résumés. Additionally, résumés and applications are subject to distortions and fraud (see Gatewood *et al*. 2008), and Internet screening techniques would likely have similar disadvantages in this respect.

One KSA that might be measured is written communication, including grammar, spelling, and composition. Because webpages and blogs often contain written narratives on topics of interest to the individual, the applicant's written communication could be assessed (e.g., using a standardized rubric).Such written communications would likely represent the individual's informal writing style rather than more formal writing styles that would be used in business communications such as résumés, cover letters, or formal reports. As a consequence, it might be possible to assess an individual's *typical informal* writing style and capability via evaluating webpages and blogs. However, given that many individuals may choose not to attend to professional rules of written communication in their personal webpages, the written communication may not represent the individual's *typical workplace* performance (i.e., it is not work-contextualized; cf. Bing *et al*. 2004; Schmit *et al*. 1995; Wright and Mischel 1987). As a consequence, the construct validity of written communication as measured via webpages and blogs may be in question. Further, the content of the pages will not be standardized across applicants, which makes comparisons across applicants potentially unreliable. Thus, rather than using Internet screening to assess written communication we believe a more formal method of screening should be used instead, such as a writing sample on a job-relevant topic. Although many other KSAs (e.g., networking ability) could potentially be assessed via Internet screening techniques we use the example of written communication to illustrate the point that other, more traditional screening approaches (e.g., standardized testing) will often be more appropriate for assessing KSAs.

Another KSA that might be measured in these media is creativity. Given the growing numbers of jobs that require knowledge and innovation in organizations, including positions such as marketing directors, R&D engineers, business development specialists, strategic partnership coordinators, and e-commerce developers, creativity is an important and job-relevant KSA to assess, and some organizations are more likely to hire candidates whose social networking sites suggest that the candidate is creative (Lorenz 2009). For example, a hiring manager could examine the creativity of a personal webpage, particularly

in terms of the narrative provided or the overall tone of the website. Such use of Internet screening to measure creativity may have content validity, assuming that the type of creativity exhibited in the webpage is job-relevant. Standardized rating scales would need to be carefully developed for evaluating the creativity of a webpage, with guidance as to what aspects of creativity (e.g., proposal or deliverable development, design, writing, photography, etc.) are to be evaluated. However, we should note that assessing creativity in this way can be problematic, insofar as the webpage design might have been done by a professional webpage developer. Consequently, it might be appropriate to use a two-stage or two-step approach as has been used with unproctored Internet testing to reduce the impact of cheating (see Nye *et al.* 2008; Tippins *et al.* 2006). In such an approach the evaluation of the webpage would serve as a prescreen, and a more formal evaluation of creativity would follow (e.g., via evaluation of a professional portfolio or other job-relevant task) to verify the initial assessment.

Personality Assessing personality is probably one of the primary uses of Internet screening, as HR professionals and managers attempt to get a sense of "who" the candidate really is. Internet screening could potentially be used to assess personality characteristics such as conscientiousness. That is, a personal webpage's format might be well-organized, grammatically correct and demonstrate than an applicant has a high level of attention to detail. On the other hand, a well-organized webpage might reflect a high level of detail orientation on the part of a professional webpage designer because we cannot necessarily determine who designed the webpage. Thus the webpage's format might not accurately reveal the site owner's personality, and again, the two-stage approach described above might be appropriate.

Personality might be measured instead through the webpage's content. An extraverted individual might post pictures of himself at social gatherings, have extensive networks of friends, or write about friends and activities in a blog (see Marcus *et al.* 2006). Openness to experience might be indicated by pictures of travel to different countries, lists of diverse interests, or reviews of various restaurants, insofar as these indicate a willingness to try new things (cf. Gosling *et al.* 2002). However, there has been relatively little work demonstrating the reliability or validity of Internet screening media for measuring personality. Vazire and Gosling (2004) and Marcus *et al.* (2006) compared self-rated Big Five personality traits of individuals who had personal websites with the ratings made on those same persons by others who had observed the websites. In these studies, correlations between observer and self-ratings were positive and often significant, but varied substantially across the traits, with correlations ranging from .01 to .42, well below what would be considered reliable. Research by Karl *et al.* (2010) also has found that individuals who are high in self-reported agreeableness, conscientiousness, and emotional stability are less likely to post "Facebook *faux pas*" (e.g., photos or information of a sexual nature or about using alcohol or illegal drugs).

More recent work (Kluemper and Rosen 2009; Kluemper *et al.* in press) has examined the reliability and validity of ratings of personality in students' social networking profiles made by trained judges. Both Kluemper and Rosen (2009) and Kluemper *et al.* (in press) found that ratings of personality exhibited adequate internal consistency and interrater agreement. Kluemper *et al.* (in press, Study 1) also examined trained judges' ratings of the hireability of the individuals in the profiles, and supervisor-rated job performance. Importantly, they found significant correlations between personality and hireability, and also found evidence of the criterion-related validity of the personality and hireability ratings in the prediction of job performance. In a second study, Kluemper *et al.* (in press)

also found evidence for the criterion-related validity of personality ratings in the prediction of academic performance. Thus, there is some initial evidence for the criterion-related validity of ratings of personality based on webpages, but more work needs to be done to show the relationship between personality as displayed in webpages and subsequent job performance.

Faking of personality is nonetheless a significant issue in Internet screening. An individual who posts a webpage may be trying to impress friends, family, potential mates, and/or employers. In this respect, what is considered "socially desirable" may differ depending on the intended viewer (Kuncel and Tellegen 2009). For example, a student who is trying to appear attractive to other students or comply with group norms may post inaccurate negative information (i.e., "faking bad") on a webpage regarding excessive "partying", skipping classes, or risk-taking behaviors. Indeed, some research has found that individuals may post information of uninhibited behaviors that they would not perform in reality (e.g., Joinson 1998; Kayany 1998). In contrast, a student who is trying to obtain a job from prospective employers may post inaccurate positive information (i.e., "faking good") about achievements and academic activities to display competence (see Dominick 1999). If the webpages are used to evaluate conscientiousness or emotional stability, the first student might receive a lower score than is deserved, whereas the second student might receive a higher score than is deserved.

In sum, it is possible that certain personality traits can be assessed, although with questionable reliability, from Internet media. However, there is very limited empirical research at present as to how accurate such assessments are in predicting future job performance (i.e., criterion-related validity). Moreover, potential problems with faking further call into question the accuracy of such methods for measuring personality. Clearly, further research is needed before we can encourage employers to use Internet screening to assess personality.

Person-Organization Fit Person-organization (P-O) fit reflects the compatibility between an individual and the organization (Kristof 1996). Much of the research in P-O fit with respect to Internet webpages has focused on recruitment, with attention on applicants' perceptions of their fit with an organization based on the organizations' websites (e.g., Braddy *et al*. 2009; De Goede *et al*. 2011; Pfieffelmann *et al*. 2010), rather than the reverse. However, managers and HR professionals may also try to measure P-O fit with Internet screening. Indeed, organizations do hire candidates whose profiles indicate a good fit with the organization (Lorenz 2009). In particular, we suggest that when evaluating applicants' webpages, staffing professionals are typically seeking information about supplementary characteristics such as similarity in values. For example, an individual whose webpage describes her extensive volunteer work may be seen by a non-profit organization as having the same socially-conscious values. Alternatively, an individual whose webpage shows pictures of him participating in a variety of leisure activities and going on extended vacations may be seen by a highly competitive, aggressive firm as lacking their work-oriented values.

"Fit" within corporate cultures is a growing concern for organizations, often resulting in a lengthy recruiting and selection process. Internet screening could serve as a useful addendum to traditional materials, possibly truncating that process. However, similar issues arise in assessing P-O fit as with personality. First, the webpage may not reflect the actual values or goals of the individual, but may instead reflect how he or she wishes to be perceived. Additionally, there may not be sufficient information available in webpages to obtain accurate P-O fit information.

Biodata Internet screening of webpages and profiles could be seen as similar to assessments using biodata, which quantify the personal backgrounds and life experiences of individuals (Gatewood *et al*. 2008). Insofar as individuals describe themselves and their life experiences in webpages, it is possible that valid biographical information about job applicants might be obtained from these Internet screening media. In particular, professional social media sites like LinkedIn might be a useful source. Researchers (e.g., Russell *et al*. 1990) have coded life history essays to obtain biodata, and similar procedures might be used in Internet screening. However, given the lack of standardization in Internet screening media (e.g., personal webpages), coding this information into reliably scored ratings of job applicants' work-relevant backgrounds may be impractical. Additionally, privacy issues have also been identified as a concern with biodata (Stokes and Toth 1996).

Summary Although there is potential for Internet screening to provide job-relevant information on applicants, research is needed to determine the validity of such characteristics as assessed via Internet screening. In particular, the accuracy of information obtained from Internet sources is in question, and some verification of such information is needed. Moreover, whether Internet screening can provide job-relevant information in a more efficient (and equally valid and legal) manner than more traditional screening approaches needs investigation. Additionally, as discussed above, the possibility of obtaining demographic information (e.g., age, race, religion) that would be illegal to consider, as well as other job-irrelevant information (e.g., political affiliation) that could influence hiring decisions, is an important concern. Certainly this possibility should be taken into account when determining whether to use Internet screening. Given these concerns, we next provide recommendations on the use of Internet screening.

Recommendations for Use of Internet Screening

As discussed earlier, Internet screening in organizations is often proceeding without any policies, and with limited guidance or best practices. Although we could simply recommend that Internet screening not be used at all, we believe this would be doing a disservice to practitioners. Recognizing that the use of the Internet in screening is occurring and will continue to grow, we provide the following preliminary guidance and recommendations for organizations that use Internet screening. A summary of these recommendations is presented in Table 1.

Table 1 Recommendations for the use of internet screening.

1. Develop policies regarding appropriate and inappropriate uses of Internet screening.

2. Base the use of Internet screening media for selection purposes on recommendations from a job analysis.

3. Conduct a risk-benefit analysis to determine if the legal risks of using Internet screening media to assess applicants outweigh the potential benefits.

4. Standardize assessments of Internet screening media and use multiple raters.

5. Verify the accuracy of information obtained from Internet screening media.

6. Disclose the potential use of Internet screening media for selection decisions to applicants.

Develop Policies As noted by the SHRM (2008) survey, most organizations do not have policies in place and did not plan to implement policies about using the Internet for applicant screening. Given the legal and practical issues described here, and the potential for misuse of information obtained from the Internet, it is in employers' best interest to implement and communicate such policies throughout their organizations. Such a policy could be based on the recommendations described here (e.g., job analysis, standardization, disclosure), and include descriptions of how to handle situations in which applicants do not have webpages or social networking websites, or refuse to allow the employer access to their websites. Employers should also detail the jobs or job classes for which Internet screening is recommended.

> Recommendation #1: Develop policies regarding appropriate and inappropriate uses of Internet screening.

Conduct a Job Analysis Both the EEOC's *Uniform Guidelines* (1978) and the Society for Industrial and Organizational Psychology's (SIOP 2003) *Principles* advocate the use of job analysis in selection. The results of a job analysis will help the employer determine what job-relevant characteristics are needed to perform the job, and the decision can then be made whether Internet screening will be useful for obtaining such job-relevant information on the applicants. Clearly, if a trait such as agreeableness (which may not be able to be measured reliably on webpages; see Marcus *et al*. 2006) is deemed job-relevant from a job analysis, then employers may choose to use well-developed, standardized personality tests rather than attempting to infer this information from Internet webpages. Use of a job analysis can thus help develop policies (see Recommendation #1) indicating for which jobs Internet screening is appropriate.

> Recommendation #2 Base the use of Internet screening media for selection purposes on recommendations from a job analysis.

Conduct a Risk-Benefit Analysis Given that the volume of job-irrelevant information is likely to be higher in the Internet context than in other contexts (Zickar and Lake 2011), a prudent approach to Internet screening might include a risk-benefit analysis that would specify what types of searches would be appropriate for the types of candidates sought. We believe a "four-level" assessment of risk would be appropriate. The least risky approach that would likely raise neither privacy nor protected class concerns, and which would be most job-relevant, would focus on those sites specifically referred to in the applicant's application materials (e.g., professional organizations) or to the candidate's LinkedIn site. LinkedIn is designed for professional networking and is the intended public virtual business face of the users, designed to display their best skills and qualities. While a discrepancy between an applicant's LinkedIn site or other sites mentioned in application materials would be rare, any discrepancy would be a signal to question the viability of the candidate. Moreover, professional websites such as LinkedIn are more likely to contain a higher proportion of job-relevant information, and as a consequence should be more legally defensible. In the European context, searching a Linked-In site also might be defensible, as that is a site explicitly intended to be disseminated professionally by the applicant.

A second and slightly more risky level, for positions of greater importance, would be postings of any "official" blog from previous employment, or a website where the domain was determined to be owned by the applicant (e.g., "www.applicantsname.com"). Here also the assumption is that these postings would be intentional by the applicant, although

perhaps not as formal as a LinkedIn page, and would be unlikely to include material that they could credibly say they disagreed with. Such sites may contain more job-irrelevant information, and as a result are less legally defensible and may be less useful to the employer.

Whereas the first two levels primarily focus on obtaining information about an applicant's positive qualities, the third and fourth levels focus on negative information. Generally, while there could be positive information found on Facebook, in practice, searches on Facebook and related sites will likely be to uncover negative things about the applicant. Thus, the third level of search should be done with more care, and only for jobs of special sensitivity. This level involves searching social networking sites other than LinkedIn, such as Facebook and Twitter, and other websites for posts made by the applicant. These posts may or may not have been meant for work, and would most likely be considered "private" by the applicant. For most positions, searching on these might not really give insight into what a particular applicant's on-the-job work skills and discipline would be. Therefore, the job-relevance of the information obtained on such sites is in question, and the legal defensibility of using these for selection is uncertain. However, for sensitive positions, it might be useful to know the habits and judgments of the applicant. An additional reason for care at this level is the possibility of interaction between intended private messages and protected class status. In addition, since European law is much more stringent about explicit consent for personal data use and transfer, we urge great caution in reviewing applicant Facebook and related posts in the screening process for European applicants. Certainly, written consent from the applicant would be legally required prior to the search; however, if data were found during the search that could be perceived by the applicant as not directly job-relevant, it is not clear whether that transfer would be appropriate.

Finally, a fourth level of internet search would be postings of third parties about the applicant. In our view, this kind of Internet search should be rare at best, and only for the most critical and sensitive positions, because of the concerns cited previously in regard to accuracy of information, defamation, job-relevance, etc. In the European context, we believe this kind of search would typically be illegal, since it would be searching sites and postings of parties who had not given consent, and then transferring that data.

Moreover, an Internet background check should not be used as a substitute for a traditional background check. Gatewood *et al.* (2008) suggest that employers may use background checks to obtain information that could indicate that the individual was a danger to the mental or physical well-being of co-workers, clients, or customers. If the likelihood of an individual's endangering others on the job is low, however, then the potential legal costs of Internet screening may outweigh the potential benefits. In this respect we agree with the advice of Gatewood *et al.* (2008, p. 418): "…the higher the responsibility level associated with a particular position—or the greater the risk posed by the position to customers, clients, and coworkers—the greater the need for a reference check."

A final risk that employers should be aware of is that using social networking websites for screening individuals could violate the websites' terms with respect to noncommercial use (Davison *et al.* 2009). Employers wishing to use such sites for screening would be advised to verify with the site directly if the specific use is permitted.

> Recommendation 3: Conduct a risk-benefit analysis to determine if the legal risks of using Internet screening media to assess applicants outweigh the potential benefits.

Standardize Assessments The *Uniform Guidelines* state that when there is adverse impact, informal or unscored selection procedures should be modified into formal, scored, or quantified measures. Similarly, the SIOP *Principles* indicate that standardization and

rater training are important when selection procedures require subjective judgments. Thus, once a decision has been made to use Internet screening for selection purposes, we recommend that the process for collecting information from these sources be standardized to increase reliability and to help ensure adequate construct measurement, which will also provide greater legal defensibility. Scoring protocols or rubrics can be developed for measuring important applicant characteristics, as identified from the job analysis, in the Internet media. In addition, to prevent applicant protected class demographics or other personal, job-irrelevant information from being used in screening, trained raters could use the job-relevant scoring protocols to document information obtained from websites, and this documentation could then be passed along to hiring managers or HR professionals, who would then have no knowledge of the job-irrelevant information as they make selection decisions. Finally, using multiple raters would also be advantageous for enhancing reliability (see Kluemper and Rosen 2009).

One unique issue of standardization in Internet screening is what the organization should do when some applicants have webpages or social networking profiles, and others do not or have made their information private. In addition to potential demographic differences between those who have and those who do not have a webpage or profile, there may be other differences (e.g., those with social networking profiles have greater risk-taking attitudes; Fogel and Nehmad 2009). As a result, when an employer decides to use Internet screening but not all applicants have webpages, the potential for illegal disparate treatment and/or impact is present; at the very least employees are being evaluated using different selection criteria, and the reliability and subsequent validity of the selection technique is harmed. Thus, when some applicants do not have webpages, ideally employers should choose not to use the webpages at all, and should use other selection techniques to obtain the needed information. However, if the risk-benefit analysis determines the risk level to be three or four, employers could *potentially* use the available information for screening out applicants based on negative information only, in which case the lack of Internet presence will tend to have less adverse impact on older individuals, certain racial groups, or individuals of a lower socioeconomic status. Instead, however, employers should attempt to obtain the necessary information via other sources, to increase standardization.

> Recommendation #4: Standardize assessments of Internet screening media and use multiple raters.

Verify Information Along with standardizing assessments, employers should develop a procedure for verifying that an applicant's personal webpage is indeed their own. Sometimes this may be done by checking information listed on the webpage (e.g., addresses, colleges attended, past employers, etc.) against information provided by the applicant in the application process. Sometimes employers may need to verify directly with the candidate that the webpage is theirs after the webpage has been evaluated. It may also be necessary to seek verification from the domain registrar for certain personal websites. To the extent possible, information obtained via Internet screening procedures should be verified through other sources (e.g., traditional background checks, standardized personality tests), such as using a two-stage process as is often used for unproctored Internet testing (see Tippins *et al.* 2006). We recognize that such verifications may be costly and time-consuming, and thus the aforementioned risk-benefit analysis of *Recommendation #3* can be applied here to determine if verifications are needed.

Recommendation #5: Verify the accuracy of information obtained from Internet screening media.

Disclose the Use of Internet Screening An issue many employers may have is whether they should inform applicants that Internet screening may be used. Because many applicants may be unaware that employers are searching the Internet or their webpages, using these sources of information for selection and screening purposes is likely to be perceived negatively and as invading their privacy (see Du 2007; Zickar and Lake 2011). However, informing applicants that their webpages may be examined could lead them to remove negative information about themselves or create "clean" webpages for employers to view, which may defeat the purpose of using such techniques. We believe that a legal and ethical approach would be to inform applicants that a background check may be performed as part of the selection process, and that this background check *may include* verification of information via Internet as well as more traditional sources. Also, securing the applicant's formal permission to search should be a standard requirement of application materials if Internet screening is anticipated, especially when European applicants are in the applicant pool. However, *we do not recommend* that employers demand usernames and passwords to applicants' personal websites (see Ricker 2009; *The Atlantic* 2011), given potential legal repercussions.

Recommendation #6: Disclose the potential use of Internet screening media for selection decisions to applicants.

Recommendations for Research

As described above, Internet screening media could be used to assess a variety of characteristics. However, given that the *Uniform Guidelines* and SIOP *Principles* encourage organizations to use valid selection procedures, research is needed to determine the validity of Internet screening for assessing such characteristics. Our initial examination of the research here suggests that many KSAs and personality traits can be measured more effectively through traditional and standardized means (e.g., paper and pencil testing). However, as little research has been conducted on the measurement of these constructs in webpages, we encourage future investigation into this topic (see also Davison *et al.* 2011). Content validation studies can be performed in some cases, such as with the layout of an applicant's webpage when applying for the job of web designer. Criterion-related validation studies can be pursued (see Kluemper *et al.* in press), for example, by correlating conscientiousness as rated in a personal webpage with measures of job performance or absenteeism.

Comparing these Internet screening approaches to existing selection techniques is another important area for research. Are these Internet searches measuring the same constructs as more traditional selection devices, and do the psychometric properties change across the mode of administration? If these approaches have more adverse impact and are equally or less valid, then they should be avoided. Alternatively, if Internet screening has less adverse impact, and is equally or more valid, then it might be considered a viable alternative.

On a related note, given the likelihood of obtaining job-irrelevant information via Internet screening, we believe that research should be conducted to ascertain what exactly is

being assessed on a website. In other words, when a rater makes a judgment about, for example, personality based on viewing an applicant's webpage, it would be helpful to understand to which aspects of the webpage they are attending. Raters could be asked to take notes on information from a website as they view it. Alternatively, sophisticated eye-tracking software could be used to determine which parts of a website raters are paying attention to as they examine it (as has been used in studies of Internet recruitment; see Allen *et al*. 2004). Such research could serve to help us understand how much job-irrelevant information vs. job-relevant information is being considered in making judgments about individuals. If, for example, it was determined that raters paid attention to a significant proportion of job-irrelevant information in the websites, then that would form the foundation for a recommendation based in research that Internet screening not be used given the unreliability of the information obtained and potential legal consequences.

Finally, research should be conducted about the efficacy of Internet screening for different levels and types of positions. Is Internet selection effective for jobs requiring unique or top-level KSAs? A risk-benefit consideration not discussed earlier is that applicants for some positions are scarcer than others, and it may be counterproductive to screen out some applicants who are otherwise highly qualified in positions where there is a seller's market. Moreover, whereas more information may be available in websites about knowledge workers' creativity, it is also true that applicants filling these positions might be more sensitive about privacy rights.

Conclusion

"The information revolution will transform everything it touches—and it will touch everything" (Cascio 2003, p. 406). New technologies invariably create new opportunities, but also create new practical and legal issues. Internet screening technologies are being widely used by employers, and new variations on these technologies will emerge. The legality and usefulness of these technologies has not yet been addressed in depth by the legal system or professional organizations, and guidelines for using these technologies are clearly warranted. Research is also needed to ascertain the reliability and validity of using these technologies for selection, and whether it is more or less useful for different types and levels of jobs. Further, the question of incremental validity and utility, namely whether these technologies provide value-added information above and beyond existing selection techniques also needs to be addressed. Our goal in this paper was to provide the foundation for discussions of the legal and practical issues in the use of Internet screening, and provide a first step toward developing professional guidelines and identifying directions for research on the use of Internet screening in organizations.

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