



# AI in HR: A Plain-Language Risk Check

*Twenty-five questions to work through with your leadership or HR team. Answer honestly; a "no" or "not sure" isn't a failing grade, it's a to-do list.*

## How to Use This Checklist

Work through each section with whoever actually knows the answer, which may be more than one person. For each question, mark Yes, No, or Not Sure. A handful of the highest-stakes questions include a short note in italics naming the underlying legal concept, mainly so that whoever reviews this with outside counsel can point straight to the issue. Add up the No and Not Sure answers by weight using the scoring guide at the end. This is a general guide and not legal information or information responsive to your organization.

## 1. Hiring and Recruiting Tools

*If any part of your hiring process, resume screening, video interviews, chatbot pre-screening, runs through software that ranks or scores people, this section is about making sure that convenience hasn't quietly turned into legal exposure.*

| # | Questions                                                                                                                          | Yes                      | No                       | Not Sure                 | Weight |
|---|------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------|
| 1 | Has anyone checked whether your hiring software rejects certain groups of applicants at a noticeably higher rate than others?      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 2 | Do you know, in plain terms, how your AI hiring tool actually decides which candidates move forward?                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 3 | Do your job postings tell candidates that an automated tool is involved in reviewing their application?                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 4 | If someone challenged why your tool screens for certain criteria, could you point to a real business reason for it?                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 5 | Do the people running your hiring process know when to stop trusting the tool's recommendation and use their own judgment instead? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Low    |

## 2. Performance Management Tools

*This section covers performance reviews, scheduling, and other everyday systems that quietly use AI in ways most companies never formally decided on.*

| #  | Questions                                                                                                                                          | Yes                      | No                       | Not Sure                 | Weight |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------|
| 6  | Has anyone been fired, demoted, or disciplined mainly because of a score or flag generated by software, without a person double-checking it first? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 7  | Do your managers actually understand what your performance software measures and how it weighs different factors?                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 8  | If an employee disagreed with an AI-influenced rating, is there a real process for them to challenge it?                                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 9  | Were the AI features in your performance software turned on because your company chose them, or because they came on by default?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Low    |
| 10 | Has anyone looked at whether ratings differ by race, sex, age, or other protected traits when the software is involved?                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Low    |





### 3. Investigations and Meeting Documentation

*This section is about the meeting notetaker or transcription tool that might be recording, and keeping, things you never meant to keep, especially during sensitive conversations.*

| #  | Questions                                                                                                                                   | Yes                      | No                       | Not Sure                 | Weight |
|----|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------|
| 11 | Are AI notetaking or transcription tools automatically turned off before sensitive conversations, like a workplace investigation interview? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 12 | Do you have a clear answer for how long AI-generated transcripts are kept, and where?                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 13 | Do the people conducting investigations know what to do if an AI transcript doesn't match their own written notes?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 14 | Has anyone actually read the data retention terms for the meeting platform your company uses?                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 15 | Have employees been told which meetings should never have an AI notetaker present?                                                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Low    |

### 4. Vendor Contracts and Data Governance

*This section is about the contracts you signed with the companies that built these tools, and whether those contracts protect you or leave you holding the bag.*

| #  | Questions                                                                                                                                                                             | Yes                      | No                       | Not Sure                 | Weight |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------|
| 16 | Has a lawyer reviewed what happens, financially, if your AI vendor's tool gets something wrong and it costs you money? (This is the indemnification and liability-allocation clause.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 17 | Does your contract say who owns the data the tool creates, including transcripts, scores, or rankings?                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 18 | Does your contract say what happens to your data if the vendor is acquired or shuts down?                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 19 | Could you list every AI tool currently touching an HR decision at your company, off the top of your head?                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 20 | Do you track contract renewal dates against changes the vendor makes to its own terms of service?                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Low    |





## 5. Human Oversight and Escalation

*This section is about who is actually watching the tools once they're turned on, not just who turned them on in the first place.*

| #  | Questions                                                                                                                                                                                                   | Yes                      | No                       | Not Sure                 | Weight |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------|
| 21 | If an AI tool recommends something a manager disagrees with, is it clear the manager is allowed to override it? (Regulators increasingly expect a documented human-review step before an adverse decision.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 22 | Do you have anything in writing about how AI should, and shouldn't, be used in HR decisions?                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | High   |
| 23 | Is there one specific person responsible for knowing what AI tools the company is currently using?                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 24 | Do employees generally know when AI is part of a decision that affects them?                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Medium |
| 25 | Is there a plan to revisit and re-check the tools already in use, on some kind of schedule?                                                                                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Low    |

## Scoring Guide

*Count every question answered No or Not Sure, sorted by weight.*

### Tier 1 — Foundational:

No HIGH questions answered No or Not Sure, and no more than two MED questions answered No or Not Sure. A general review within the next two quarters is reasonable.

### Tier 2 — Elevated:

One or two HIGH questions answered No or Not Sure, or three or more MED questions answered No or Not Sure. A documented AI governance review within 90 days, involving HR and outside counsel, is warranted.

### Tier 3 — Urgent:

Three or more HIGH questions answered No or Not Sure. Treat this as an active exposure rather than a future project; a privileged review should begin immediately.

