

# FCRA COMPLIANCE

## **Easy Steps to FCRA Compliance for Employers**

- Provide separate disclosure to applicants and have written consent to obtain consumer report (within 3 days of background initiation).
- Certify this has been done to the Consumer Reporting Agency (Infortal). Send copy of written and signed consent form with background request to Infortal.
- Provide copy of Consumer Report (Background Report) to applicant before taking adverse action with summary of consumer's rights.<sup>1</sup>
- Notify applicant after taking adverse action and provide information on how to contact CRA (Infortal) with disclaimer that CRA was not responsible for adverse action decision. Notify of consumer's right to dispute the accuracy or completeness of the report with the agency.

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<sup>1</sup> A free summary of consumer's rights can be found at 16 Code of Federal Regulations Section 610 on the Internet at: <http://www.ftc.gov>.

*Sample*  
**DISCLOSURE AND AUTHORIZATION  
FOR BACKGROUND INVESTIGATIONS**

I hereby authorize **[Company]** and/or any entity directed by **[Company]** to obtain a consumer report for employment purposes. A “consumer report” includes any information as to my credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. I understand this consumer report may include inquiries regarding my work history; personal financial status and credit history; court records, including criminal conviction record, as permitted by law, driving history; and references obtained from professional and personal associates. I further understand and agree that a consumer report may be obtained at any time, and any number of times, as **[Company]** in its sole discretion determines is necessary before, during or after my employment.

I hereby authorize all previous employers, educational institutions, consumer reporting agencies and other persons or entities having information about me to provide such information to **[Company]** or other entity that obtains information for **[Company]**. I further fully release **[Company]**, its employees, officers, directors, agents, successors and assigns, and all other parties involved in this background investigation, including but not limited to investigators, credit agencies and those companies or individuals who provide information to **[Company]** concerning me, from any claims or actions for any liability whatsoever related to the process or results of the background investigation.

I understand I can receive a free copy of any credit report requested by **[Company]** about me at the same time the report is provided to **[Company]** (check box below if copy desired). **[Company]** obtains credit reports from TransUnion.

**[Company]** obtains consumer reports from **Infortal Worldwide (800) 736-4999**.

I understand that an offer of employment is contingent upon the outcome of my background check, and that this Disclosure Authorization is not an offer for employment by **[Company]** or a contract for employment with **[Company]**. I further understand **[Company]** operates under an AT-WILL EMPLOYMENT POLICY and this Authorization does not alter or affect that policy in any manner whatsoever.

I have received and read the “Disclosure” regarding **[Company’s]** right to procure a consumer report.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant Signature)

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
(Print Name)

- Yes, I wish to receive a copy of any consumer report requested about me by **[Company]**.

## SAMPLE RELEASE CERTIFICATION

[Company] requests a consumer report for [name of consumer] \_\_\_\_\_ for employment purposes. In connection with this request, [Company] certifies it has provided a written disclosure to the consumer and the consumer has authorized [Company's] procurement of the report. [Company] further certifies that it will comply with the statutory procedural requirements regarding adverse action. [Company] also certifies it will not use the information in the report in violation of any applicable federal or state equal employment opportunity law or regulation.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

**Note: Please print this on your letterhead before signing.**

## **SAMPLE PRE-ADVERSE ACTION DISCLOSURE**

Date

Applicant/Employee

Address

Address

Dear Applicant:

**Company** is considering taking adverse action against you based in part on information contained in your consumer report. In accordance with the Federal Fair Credit Reporting Act, we have enclosed a copy of your consumer report and a summary of your consumer rights.

Our policy is to give [choose one: an applicant/a current employee] 3 days to review information contained in the consumer report. If you can prove that the information contained in the report is inaccurate within this time frame, please let us know.

Sincerely,

## SAMPLE ADVERSE ACTION NOTICE LETTER

Date

Applicant/Employee

Address

Address

Dear Applicant:

Your application for employment with **Company** has been denied. This decision was based in part on information contained in the consumer report we obtained from the following consumer reporting agency:

**Infortal Worldwide, 675 North First Street, Suite 975, San Jose, CA  
95112, Toll-Free Number 1-800-736-4999**

In accordance with state and federal law, you have the right to obtain a free copy of your consumer report within 60 days from any consumer agency that maintains files on a nationwide basis. You also have the right to dispute with any agency the accuracy or completeness of any information in a consumer report furnished by the agency.

However, please note that the agency (Infortal) listed above did not make the decision not to hire you and will be unable to provide you with specific reasons why you were not hired.

Thank you for your interest in obtaining employment with **Company**.

Sincerely,