

COMPLETING A FCRA COMPLIANT BACKGROUND SCREENING FLOWCHART

- 1) Sign agreement with a consumer-reporting agency (CRA) certifying permissible purpose for obtaining consumer reports (FCRA Section 604).
- 2) From the CRA obtain a copy of "Obligations of Users of a Consumer Report". Maintain this document on file and use as reference (FCRA Sec. 607(d)).
- 3) From the CRA obtain a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act". This document is given to each person you do a background screening on. It is also given to them if they ever dispute information within their consumer report (FCRA 604(b)(1)(B)).

Put in place a written company policy regarding background screenings. This should detail the background screening processed on each employment level (if necessary), disqualifying crimes or sanctions and the length of time to keep consents and reports on file.

Revisit and update this policy from time to time

Before Requesting Background Screenings

- 1) Each subject should sign a disclosure/consent form. It should be disclosed to each subject your company's intention to do a background screening and what type of background screening will be performed. A consent form can reveal the possibility of ongoing background screenings during employment with your company.
- 2) Provide each subject a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act."

Cross reference personal data filled in by subject on consent from to personal identifiers on picture ID.

Send personal identifying information to CRA making special care that all the personal data is accurate. Accurate data decreases false positives.

Completed Background Screening

No Record Found

Make a hiring decision. Subject may request a copy of the record.

Record Found

Send subject a pre-adverse action letter, a copy of "A Summary of your Rights Under the Fair Credit Reporting Act" and a copy of the results. The purpose of the pre-adverse action letter is to give the subject a reasonable opportunity (length of time detailed in policy) to dispute what was found in the background check.

Dispute or no dispute

No Dispute

Hire or move on with search to fill position.

Dispute

Inform CRA who ran the report. CRA must rerun report within 30 days. If same information comes up send adverse action letter telling subject they are no longer in consideration for position, CRA contact information and CRA had no part of the hiring decision making process. Subject may request report from CRA a free copy of the report within 60 days.

Maintain disclosure/consents and background screening reports for at least two years after the background screening was processed or two years after employment ends.