

# 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)).

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) Provide written Disclosure to the subject that a background check will be performed on them
- 2) Obtain written Authorization from the subject
- 3) Provide each subject a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act."  
*It is recommended that Disclosures and Authorizations are separate documents.*

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

Send personal identifying information to CRA taking 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.

Maintain disclosure, authorization and background check result for at least two years after the background screening was processed or two years after employment ends.

**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.

