

## Attention A-Check Clients

This U.S. Employment Screening Authorization Kit was designed by A-Check as a courtesy to our clients to assist them with their regulatory responsibilities as an end user of consumer reports (background checks) in the United States. The kit contains three documents (1) a Consumer Disclosure/Authorization form, (2) Information Pertaining to Your Rights Under State Law, and (3) a Summary of Rights Under the Fair Credit Reporting Act. All information contained herein is provided by A-Check solely for the convenience of the HR and Security communities we serve. **A-Check is not providing legal advice or counsel, thus this document should not be deemed as such.** Please follow the Instructions to create your organization's compliance documentation and consult with your legal counsel to ensure the final product conforms to the needs of your organization.

### Instructions:

1. Using the Word command "Find and Replace" enter the word "CLIENT1" in the Find section and your company name in the Replace section. This can also be accomplished manually by replacing the word "CLIENT1" throughout the document with your company name using the copy and paste commands.
2. **Optional:** Double click the header and insert your company logo.
3. In the Disclosure section, second paragraph, it is recommended to remove services that are not part of your organization's background screening process, e.g., substance abuse testing, workers' comp, credit.
4. In the Authorization section, first paragraph, it is recommended to remove reference to services that are not part of your organization's background screening process, e.g., credit history.
5. This completes your Organization's Disclosure/Authorization form. A-Check recommends the form remains a standalone document. Each document within this kit should be considered a standalone document to ensure that applicants are not confused about any of the information.
6. In the second form "Information Pertaining to Your Rights," you can adjust the table requesting additional Personal Identifying Information (PII) to the needs of your organization or delete it if not needed.
7. Under State Consumer Reporting Notices, you can delete any states that you do not hire for or from. In the second part of the Reporting Notices are the required disclosures for each state's laws pertaining to the use of credit reports in the hiring process. If you do not process credit, please delete the section, if you do please delete all non-applicable states.
8. The federal Fair Credit Reporting Act Summary of Rights is required to be provided to the applicant for all "investigative consumer reporting service offerings which include employment and personal references. It is Best Practice to provide the Summary of Rights to all applicants at the time of application regardless of the content of your screening process, however it is only required when using reference information from employers or provided references. If you choose to provide the Summary of Rights, it is recommended to require the applicant to check the box on the Authorization form that they are in receipt of the Summary of Rights. If you choose not to provide the Summary of Rights, please delete the statement requesting the applicant to check the box and the document in its entirety.
9. Once all adjustments are made to your Consumer Authorization Form, delete this front page of instructions and the footer information (document ID - craform001v6:09.2014) and save your new Consumer Authorization form for use in your screening process.
10. **WARNING!** Adding language requiring the applicant to waive their rights or hold your organization harmless will render your Authorization Form non-compliant and could subject your organization to legal challenge. A-Check strongly recommends that you do not add Waiver Language to your organization's Disclosure/Authorization form.

If you have any questions, please contact your Client Relations Representative or A-Check's Compliance Department at +1.877.345.2021 or [compliancedept@acheckglobal.com](mailto:compliancedept@acheckglobal.com).

# Authorization for Background Investigation

## Disclosure

**Please read this form carefully as it contains your rights as a Consumer.** For the benefit of each stakeholder in the organization including but not limited to ownership, employees, and strategic partners, CLIENT1 may request a consumer and/or an investigative consumer "report" on you from a Consumer Reporting Agency "CRA." CLIENT1 will use such report(s) solely for employment purposes.

The report is an independent investigation of your background, which pursuant to Section 603 of the Fair Credit Reporting Act (FCRA) may include information regarding your "credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living." The scope of the report may include information concerning your driving record, civil and criminal court records, education, credentials, credit history (following applicable state guidelines where required), identity, past addresses, Social Security Number, substance abuse testing results, workers' comp information, previous employment, and personal references. If Client1 requests an "investigative report" – a report based on personal interviews concerning your character, general reputation, personal characteristics, and lifestyle – you have the right to request from the employer a description of the nature and scope of the investigation.

If you are denied employment as a result of information obtained from your background check, pursuant to the FCRA, CLIENT1 will furnish to you the required adverse communications which include a copy of your background report, a summary of your rights under the FCRA, and instructions on how you can dispute inaccurate information contained within the report. CLIENT1 will procure the report from:

**CRA: A-Check Global ● 1501 Research Park Dr. ● Riverside, CA 92507 ● Tel. +1.877.345.2021 ● www.acheckglobal.com**

## Authorization

I \_\_\_\_\_ have carefully read and understand this Consumer Disclosure and Authorization. By my signature below, I consent to the release of consumer reports and/or investigative consumer reports to CLIENT1 in conjunction with my job application. I authorize disclosure to CLIENT1 and/or to the background check vendor of information concerning my employment & earning history (I specifically waive the need to receive a written notice for disclosure of information from any present or former employer who may provide information based upon this authorization); education; credit history, capacity & standing; motor vehicle history and standing; criminal history; and all other information CLIENT1 deems pertinent by any individual, corporation or other private or public entity, including without limitation the following: employers; learning institutions, including colleges and universities; law enforcement agencies; federal, state and local courts; the military; credit bureaus; motor vehicle records agencies; and other applicable sources. I understand that if CLIENT1 hires me, my consent will apply throughout my employment to the extent permitted by law, unless I revoke or cancel my consent by sending a signed letter or statement to CLIENT1's HR Department. I also understand that, to the extent allowed by law, information contained in my job application or otherwise disclosed by me before, during, or after my employment, if any, may be used for the purpose of obtaining consumer reports and/or investigative consumer reports. This Consumer Disclosure and Authorization form, in original, faxed, photocopied, or electronic form, will be valid for any reports that may be requested by CLIENT1. I understand that providing any false information or omitting any material information on my application materials or in the interview process will be sufficient grounds for rejection of the application, or termination of employment whenever discovered.

**If applicable, please check box acknowledging receipt of the federal Fair Credit Reporting Act Summary of Rights.**

The following is my true and complete legal name and all information is true and correct to the best of my knowledge.

## Authorizing Signature

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please do not type in name; your hand-written signature is required above)

### Note:

A-Check will need to contact you if additional information is needed to process your Background Investigation. Please provide a cell and/or alternate phone number and email address where we may contact you.

Cell Phone: (\_\_\_\_\_) \_\_\_\_\_ Alternate Phone: (\_\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_

## Information Pertaining to Your Rights under State Law

### Request for Additional Personal Identifying Information:

This information will be utilized to expedite the background check process. All information requested will be held in strict confidence.

**Please Print:**

First Name:	Middle Name:	Last Name:	Maiden Name or Other Names Used:		
Present Street Address:		City:		State:	Zip:
Social Security Number: -                      -		Driver's License State & Number:			DOB:
Former Street Address (Past 7 Years)		City	State	Zip	From:                      To:
Former Street Address (Past 7 Years)		City	State	Zip	From:                      To:
Former Street Address (Past 7 Years)		City	State	Zip	From:                      To:
Former Street Address (Past 7 Years)		City	State	Zip	From:                      To:

### State Consumer Reporting Notices

**Attention Applicants:** If you are a resident of any of the following states, please review the additional rights afforded to residents of that state.

**California, Minnesota, or Oklahoma:** If a consumer background report is ordered, would you like a free copy of the report mailed to your home?  Yes  No

**California:** You have the right to access your file as maintained by the Consumer Reporting Agency (CRA) during normal business hours. By submitting proper identification and paying any duplication costs, you have the options of requesting your file via (1) mail [CRA not responsible for report after it leaves premises via mail] (2) in person at the CRA's office during normal business hours and on reasonable notice [you may be accompanied by one other person, provided that person furnishes proper identification] or (3) a summary of the file by telephone. For information regarding the privacy policy of A-Check Global, please visit <http://www.acheckglobal.com/about-us/privacy.aspx>.

**Maryland or Oregon:** If the Company obtains credit history information on you, it will be used to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered.

**Massachusetts or New Jersey:** If requested, you have the right to a copy of any background check report concerning you that the Company has ordered. You may contact the Consumer Reporting Agency for a copy.

**Minnesota:** If you submit a request to us in writing, you have the right to get from the Company a complete and accurate disclosure of the nature and scope of the consumer report or investigative consumer report ordered, if any.

**New York:** You have the right, upon written request, to be informed of whether or not a consumer report was requested. If a consumer report is requested, you will be provided with the name and address of the consumer reporting agency furnishing the report.

**State of Washington:** If the Company requests an investigative consumer report, you have the right, upon written request made within a reasonable period of time after your receipt of this disclosure, to receive from the Company a complete and accurate disclosure of the nature and scope of the investigation requested by the Company. You also have the right to request from the CRA a written summary of your rights and remedies under the Washington Fair Credit Reporting Act.

## Information Pertaining to Your Rights under State Law

### State Required Notices for Obtaining a Credit Report for Hiring

**Attention Applicants:** If you are a resident of any of the following states, please review the additional rights afforded to residents of that state when a credit report is requested for hiring consideration.

**For California Only:** Pursuant to California AB 22, employers are restricted in their use of credit reports for employment screening purposes. The following are the permissible purposes for obtaining a credit report in the applicant screening process, the purpose for accessing your credit report has been checked:

- a position in the California Department of Justice.
- a managerial position (defined as a position that qualifies for the executive exemption from overtime).
- a sworn peace officer or other law enforcement position.
- a position for which credit information is required by law to be disclosed or obtained.
- a position that involves regular access (other than in connection with routine solicitation of credit card applications in a retail establishment) to people's bank or credit card account information, social security number, and date of birth.
- a position in which the employee would be a named signatory on the employer's bank or credit card account, authorized to transfer money on behalf of the employer, or authorized to enter into financial contracts on behalf of the employer.
- a position that involves regular access to cash totaling \$10,000 or more of the employer, a customer, or client during the workday.
- a position that involves access to confidential or proprietary information (defined as a legal "trade secret" under Civil Code 3426.1(d)).

**For Colorado Only:** Pursuant to Colorado S.B. 18, employers may only request a credit report if such is substantially related to a current job or potential job. The following are positions where a credit report is deemed substantially job related:

- Financial institution required by law to access credit report information
- Other industry which is required by law to access credit report information
- A position that constitutes executive or management personnel or their immediate staff with the following job responsibilities:
  - sets the direction or control of a business, division, unit or an agency thereof;
  - owes a fiduciary responsibility to the employer;
  - has access to customers', employees' or the employer's financial information; or
  - has the authority to make payments, collect debts or enter into contracts.
- A position that involves contracts with defense, intelligence, national security, or space agencies of the federal government.

**For Connecticut Only:** Pursuant to Connecticut Public Act 11-223, employers may only request a credit report if such is substantially related to a current job or potential job. The following are positions where a credit report is deemed substantially job related:

- Any position with a state or federally chartered financial institution
- A managerial position which involves the direction or control of a unit, division or agency of a business
- An employee will have access to personal or financial information of customers, employees or the employer if that information is beyond that presented in a typical retail transaction
- An employee has authority to issue payments, transfer money or enter into contracts on behalf of employer
- An employee has an expense account, company debit or credit card
- An employee has access to confidential/proprietary business information or trade secrets
- A credit report is required by law
- The employer reasonably believes that the employee has engaged in specific activity that constitutes a violation of law related to employee's employment
- The employer has a bona fide purpose for requesting or using information in the credit report that is substantially job related and is disclosed in writing to the employee or applicant. Please indicate bona fide purpose here:

**For Hawaii Only:** Pursuant to Hawaii HRS §378-2.7, employers may not inquire into an employment applicant's credit history or credit score until the applicant has received a conditional offer of employment. An employer may only order a credit report after an offer of employment has been made but only regarding the following:

- Employers authorized to obtain a credit report under some other state or federal law
- Managerial or supervisory employees who use independent judgment to perform their job
- Employers of federally insured financial institutions

**For Illinois Only:** An employer may not inquire about or obtain a credit report unless the employer is excluded or there is an exemption for a specific position. There are excluded employers and excluded positions. Excluded Employers include: 1) All state and federal financial institutions and their holding companies; 2) Any company engaged in the insurance/surety business, including any person acting on behalf of such company; 3) State law enforcement including the office of any Executive Inspector General, state police, Department of Corrections, Department of Juvenile Justice and Department of Natural Resources; 4) Any state or local government agency; and 5) A debt collector as defined under federal or state law. Exempted positions include (b) The prohibition in subsection (a) of this Section does not prevent an inquiry or employment action if a satisfactory credit history is an established bona fide occupational requirement of a particular position or a particular group of an employer's employees. A satisfactory credit history is not a bona fide occupational requirement unless at least one of the following circumstances is present:

- State or federal law requires bonding or other security covering an individual holding the position
- The duties of the position include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more
- The duties of the position include signatory power over business assets of \$100 or more per transaction
- The position is a managerial position which involves setting the direction or control of the business
- The position involves access to personal or confidential information, financial information, trade secrets, or State or national security information
- The position meets criteria in administrative rules, if any, that the U.S. Department of Labor or the Illinois Department of Labor has promulgated to establish the circumstances in which a credit history is a bona fide occupational requirement.
- The employee's or applicant's credit history is otherwise required by or exempt under federal or State law.

**For Nevada Only:** Pursuant to Nevada S.B. No. 127, employers may only request a credit report if such is substantially related to a current job or potential job. The following are positions where a credit report is deemed substantially job related:

- Obtaining a credit report is required by federal or state law.
- The employer reasonably believes that the employee or perspective employee has engaged in specific activity which may constitute a violation of state or federal law.
- Credit information is reasonably related to the position being filled. The following are "deemed to be reasonably related" (however, this listing may not be an exclusive list and an employer can justify the use of credit reports for other positions).
- The job entails the care, custody and handling of money, financial accounts, corporate credit or debit cards or other assets of the employer.
- Access to trade secrets of the employer or other proprietary or confidential information.
- A position with managerial or supervisory responsibilities.
- Access and responsibility for personal information of another

**For Maryland Only:** Pursuant to the Maryland Code Labor and Employment § 3-711, an employer may request a credit report on an applicant after an offer for employment has been made for a substantially job-related purpose which include:

- A manager of a business, department, division, unit or agency
- Those having access to personal information of a customer, employee or employer (except customer information supplied in a typical retail transaction is not included)
- A position having a fiduciary responsibility to the employer, including the issuance of payments, collecting debts, transfer of money or entering into contracts on behalf of employer
- An employee having an expense account or corporate debit or credit card
- An employee with access to a formula, pattern, computation, program, device, method, technique or process that (a) is a business secret and the one who discloses could obtain economic value therefrom and (b) the employer maintains reasonable procedures to keep the information secret; 6) An employee who has access to other confidential business information
- required by federal or state law
- if employer is insured financial institution, including affiliate or subsidiary
- Credit Union Shared Guaranty Corporation approved by the Maryland Commissioner of Financial Regulation
- An entity registered as an investment advisor by the U.S. Securities and Exchange Commission.

**For Oregon Only:** Pursuant to Ore Adm. Code 839-005-0080 employers may only request a credit report if such is substantially related to a current job or potential job. The following are positions where a credit report is deemed substantially job related:

- essential job function to have access to financial information beyond that customarily is a part of a retail transaction such as an exchange of cash, checks, credit or debit cards. The processing of loans or extensions of credit would permit a credit report if access to more detailed financial information is required to do the job
- credit report is necessary to obtain a surety or fidelity bond
- Placement at a financial institution that is federally insured
- Required by state or federal law to use individual credit history for employment
- Employment of police officers for any: city, port, school district, mass-transit district, county, Indian reservation, the Criminal Justice Division of the Department of Justice, Oregon State Lottery Commission or the Governor and who is responsible for enforcing the criminal laws of this state or laws or ordinances related to airport security
- If the credit information is substantially job related and the employer's reasons for the use of such information are disclosed to the subject in writing.

Job Related Purpose for obtaining Credit Report:

**For Vermont Only:** Pursuant to Vermont Act No. 154 (sec. 95) employers may only request a credit report if such is substantially related to a current job or potential job. The following are positions where a credit report is deemed substantially job related:

- The report is required by state/federal law/regulation
- Individual will have access to confidential financial information of a commercial value obtained by specific authorization by the customer or client – normally handled by managers and those employees who must know the information to perform their job
- Financial institutions and credit unions
- Law enforcement
- Emergency medical personnel
- Firefighters
- Those with the financial fiduciary responsibilities regarding making payments, collecting debts, transferring money or entering into contracts
- Will have access to payroll information
- Where credit information is a “valid and reliable predictor of employee performance”

**For Washington Only:** Pursuant to RCW §19.182.020, employers may only request a credit report if such is substantially related to a current job or potential job. Job Related Purpose for obtaining Credit Report:

## FCRA Summary of Rights

Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escriba a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

The federal **Fair Credit Reporting Act (FCRA)** promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to: [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment—or to take another adverse action against you—must tell you, and must give you the name, address, and phone number of the agency that provided the information.

- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:

- a person has taken adverse action against you because of information in your credit report;
- you are the victim of identity theft and place a fraud alert in your file;
- your file contains inaccurate information as a result of fraud;
- you are on public assistance;
- you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened offers” for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at +1-888-5-OPTOUT (+1-888-567-8688).

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**



**FCRA Summary of Rights (cont.)**

<b>TYPE OF BUSINESS:</b>	<b>CONTACT:</b>
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552</p> <p>b. Federal Trade Commission: Consumer Response Center-- FCRA Washington, DC 20580 +1(877) 382- 4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E. Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW, 8th Floor Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F St., N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 +1(877) 382-4357</p>