



ACCUCHECK INVESTIGATIONS

Pre-employment Screening

Credentialing Verification Services

2013

Consumer Financial Protection Bureau (CFPB)

Bureau created to provide consumers with more protection regarding credit reports and background checks.

Per federal regulations as of 01/01/2013:

“CFPB” language must be present on:

- Authorizations (General & Credit)
- Agreements & Contracts
- Pre-Adverse, Adverse Action Letters
- Summary of Consumer Rights

P 800-874-9099

WWW.ACCUCHECKREPORTS.COM
13719 W. Greenfield Ave. PO Box 511164 New Berlin, WI 53151

F 800-877-9098

NOTICE TO FURNISHERS OF INFORMATION: OBLIGATIONS OF FURNISHERS UNDER THE FCRA

The federal Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681-1681y, imposes responsibilities on all persons who furnish information to consumer reporting agencies (CRAs). These responsibilities are found in Section 623 of the FCRA, 15 U.S.C. § 1681s-2. State law may impose additional requirements on furnishers. All furnishers of information to CRAs should become familiar with the applicable laws and may want to consult with their counsel to ensure that they are in compliance. The text of the FCRA is set forth in full at the Bureau of Consumer Financial Protection's website at www.consumerfinance.gov/learnmore or at <http://www.accucheckreports.com/resources.html>

Pre-Adverse Action and Adverse Action Letter Explanation

Adverse Action by Employer: An action which will bar an offer of employment based upon information supplied in part or in whole by a Consumer Reporting Agency (CRA)

Pre-Adverse Action Letter: Before you take an adverse action, you must give the individual a pre-adverse action disclosure that includes a copy of the individual's consumer report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" — a document prescribed by the Federal Trade Commission. The CRA that furnishes the individual's report will give you the summary of consumer rights.

Applicant Pre-Adverse Action Documents

If the consumer report provides information that will negatively influence the employment opportunities of the applicant, whether in whole or in part, you must do all of the following **BEFORE** such an adverse action is made:

- a. Provide the applicant with a copy of the consumer report; and
- b. Provide the applicant a description in writing of their rights under the FCRA as prescribed by the FTC.

This pre-adverse action process allows the applicant the chance to dispute the negative information in the report. The employer should allow a reasonable amount of time for the applicant to respond to this pre-adverse action notification before final determination is made or adverse action is taken. (There is an FTC opinion letter that deems 5 days as reasonable)

Adverse Action Letter: After you've taken an adverse action, you must give the individual notice — orally, in writing, or electronically — that the action has been taken in an adverse action notice. It must include:

The name, address, and phone number of the CRA that supplied the report;

A statement that the CRA that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and

A notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

Sample Pre-Adverse Action Notice

Date

Dear Candidate:

During the application and interview process, we apprised you that as part of its employment process, **XYC Company, Inc.** obtains or asks others on its behalf to obtain, consumer reports (Pre-Employment Screening Reports) regarding candidates. You signed an Authorization for Release of Information with respect to this aspect of the application process. The report we obtain provides assistance in evaluating individuals for position with **XYZ Company, Inc.**

At this time, please find enclosed a copy of the report we obtained in conjunction with your application; also enclosed is a copy of an information sheet summarizing your rights under the Fair Credit Reporting Act. We have or will be completing our review of your application within the next few days, and may take action based on the enclosed report.

If you have any questions on the enclosed report, please contact the company listed below:

Consumer Reporting Agency:

AccuCheck, Inc.
13719 W. Greenfield Avenue
PO Box 511164
New Berlin, WI 53151
Phone: 800-874-9099
Fax: 800-877-9098

Thank you,

Sincerely

Representative
XYZ Company, Inc.

cc: AccuCheck, Inc.

Sample Adverse Action Notice

Date

Dear Candidate,

Thank you for completing the application process with **XYC Company, Inc.** Our final decision may have been influenced in whole or in part by information that was contained in a Consumer Report (Pre-Employment Screening Report / Credentialing Report) which was authorized by you in writing (General Authorization for Release of Information) and requested by us of AccuCheck, Inc., a Consumer Reporting Agency. A copy of a Pre-Adverse Action Notice was sent to you on 00/00/0000, including a copy of the Consumer Report and a Summary of your rights as per the Fair Credit Reporting Act (FCRA)

Contact information for the Consumer Reporting Agency known as AccuCheck, Inc. is below:

AccuCheck, Inc.
PO Box 511164
New Berlin, WI 53151
Phone: 800-874-9099

Please note that AccuCheck, Inc. does not advise its clients regarding the qualifications of a candidate, has no part in the decision making process and has no interest in whether a candidate is considered for application or offered position. **XYC Company, Inc.** is solely responsible for such decisions.

If an additional copy of your report is desired, AccuCheck, Inc. will provide you with a copy upon your written request. Please contact AccuCheck, Inc. directly to obtain the report free of charge within 10 days of receiving this letter.

We appreciate your interest in **XYC Company, Inc.**

Sincerely,

Representative
XYC Company, Inc..

cc: AccuCheck, Inc.

Para información en español, visite www.consumerfinance.gov/learnmore o escribe al Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

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 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 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 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.
- **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.

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:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates	a. Consumer Financial Protection Bureau 1700 G. Street N.W. Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list,	b. Federal Trade Commission: Consumer Response Center – FCRA

in addition to the CFPB:	Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:	
a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
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	b. Federal Reserve Consumer Help Center P.O. Box. 1200 Minneapolis, MN 55480
c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
d. Federal Credit Unions	d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20423
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., 8 th Floor Washington, DC 20549
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E.

	Washington, DC 20549
8. Federal Land Banks, Federal Lank Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357