



# CICS

## The Investigation Begins With You

*Information contained in this guide should not be deemed absolutely accurate or definitive. Please consult with legal counsel before relying on any information that is contained within. Contents of this guide may change from time to time as updates occur.*

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# Welcome to CICS!

*Please take a few minutes to read this guide. A short time spent now, before you begin to submit checks, will pay you back several fold in the future. The quality of the outcome of your searches is directly related to the accuracy and thoroughness of your submission.*

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## What You Should Know About Our Product

Often times we are asked about the accuracy level of our products. The truth is, we can't know for certain what percentage of records that we miss, and in fact, no one can. If we knew what we missed, then we wouldn't miss it. We can't know what we don't know.

Although very rarely we do get a complaint that we missed a record or that we misreported a record, we know that the odds are that we must miss some records. This is a very big country, and people are free to come and go wherever they choose. Our nation's criminal record storage and retrieval "system" is very fallible, as are the humans (including our staff) that locate and retrieve the information. It is very simply the nature of our business.

Since we have no way of knowing for certain, it is impossible to say what percentage of people with criminal records we are able to screen out of your organization. We believe the percentage of criminals that we screen out is high and that this is a significant value since it enables you to significantly reduce your exposure for not a lot of money. Having said that, it still leaves you with the potential of having a criminal who passed the screen working in your organization. Whether they like to admit it or not, this is true with any screening company. In this case, ignorance is not bliss, and what you don't know can come back to hurt you. This is why it is important that even if the employee has passed the screen, you should keep your ears and eyes open. If we may have missed something or if you obtain additional information, we are more than happy to perform additional research at no additional charge.

Lastly, if you are a personnel agency and you are placing someone with a client, we feel that it is imperative that you discuss with your client the mechanics, including the limitations, of a criminal screen. If everyone is knowledgeable and realistic about the screening process, it helps us all to work as a team to solve a common problem.

It is natural for any business to want to hype their strengths and to proclaim that they are the best (we certainly believe that we are), but we feel it is just as important to inform our clients of what we aren't and what we can't do.

## Let's Partner Up!

*As partners our goals are parallel. We both want you to get the right fit for your available position. A good fit will enhance your company's work environment and productivity. A poor fit will do the contrary and cost you plenty of money in the process.*

### OPENING THE TOOLBOX

A pre-employment screen is constructed using many different tools; none of them perfect. Although each tool has its limitations it is possible by correctly using a combination of methodologies to end up with a useful result.

The fact that you perform a criminal screen will deter many would be candidates with something to hide. Most individuals with criminal records and false resumes would prefer to apply with a company that does not pre-screen.

Those people who fail the screen or simply don't apply with the company that screens, most often find employment with a company that doesn't screen; hopefully one of your competitors.

**In any employment advertisement you post it is important to state that your company performs criminal screens.**

Make certain that your application forms are thorough and up to date. Be certain to have your candidate sign all documents that they provide to you.

### TRUST BUT VERIFY

Keep in mind that your screening procedures are followed consistently with each potential employee. To safeguard against discrimination lawsuits, each candidate must be treated with the same level of scrutiny

While this means that each candidate for a similar position is treated the same, different positions may require different levels of scrutiny.

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Make certain that your evaluation criteria is relevant to the position that you are offering. For example, ordering a driving record may not be appropriate for a position that does not require driving.

**It is critical to verify all candidate provided  
information that is relevant to the offered position.**

Overall, your company is allowed to obtain information from public records, former employers, credit agencies, schools, personal and business references, and licensing authorities under the following conditions:

- The information is reasonably job related and a valid predictor of job performance.
- The information is not legally prohibited or regulated.
- The information does not discriminate against a protect group.
- The information does not violate any privacy or legal right.

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## Fair Credit Reporting Act

When using a third party to conduct your background checks you must be in compliance with the Fair Credit Reporting Act in the following ways:

- You must obtain written consent from the candidate and provide them with a disclosure statement of your intentions to run a criminal screen. This should be a separate document apart from the application.
- If you should decide against hiring an individual based on what is discovered during the course of the criminal screen, you must provide an Adverse Action Notice. This document explains the rights of the candidate to raise objection as to the accuracy of the report.
- As an employer you must provide documentation that you will follow the law, you will not discriminate, and that information obtained will be used in accordance with the FCRA.
- A second letter must be issued when the final employment decision is made.

## THE CRIMINAL SCREEN

Once you have confirmed your candidate's address history, you can confidently move forward to the criminal background check. Contrary to popular belief, this screening process is loaded with complications, and numerous avenues to jeopardize the accuracy of the search. Public records by their nature have omissions and errors, and therefore any report cannot be relied upon to be absolutely complete or authoritative.

It is a popular industry myth that there is a national criminal database that screening companies use. This is simply untrue. There are over 10,000 courthouses covering over 3,000 state and federal jurisdictions. Each relevant location must be searched. It is important that your candidate's previous locations are confirmed to ensure the accuracy of the criminal background check.

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## The Anatomy of a Criminal Screen

*The following is substantially the method that we use to process most criminal screens. Your screens may vary. CICS reserves the right to change search criteria and search parameters at its discretion. All searches are fallible and under no circumstances should be relied upon as definitively accurate or inclusive.*

**STEP 1** We gather information from our clients regarding the subject to be searched. This information should contain data that has been entered on the Permission to Procure and Investigative Report form. This data should include the subject's date of birth, social security number, and address history.

We also request any other relevant subject history that our clients have developed themselves.

**STEP 2** We process the candidate's social security number through a proprietary database commonly known as a "credit header" search (also known as a SSN Trace or Address History Trace). This tool helps us generally match the data provided by the candidate. It is important to note that information from this source is prone to errors. Rarely is inconsistent information contained in the "credit header" search an indication of fraud or deceit. If requested, we will search additional addresses found if they are clearly within the seven-year search parameters.

It is important to remember that verification of an individual's social security number can only be done by the social security administration. It can only be done after the candidate has been hired. CICS cannot verify an individual's identity

**STEP 3** Using information provided by the employer, the candidate's address history is broken down into states and counties, and each state or county is searched for criminal records. Where available and economically feasible a state level search is performed, where not available a county level search is performed. Felony and gross

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misdemeanor convictions are reported unless otherwise indicated. All searches are for seven years unless otherwise stated.

**STEP 4** Using information provided by the employer, the candidate is processed through a proprietary “national” criminal database. Information regarding the scope and limitations of this database is available on our site. (This is an optional step that may generate additional fees)

**STEP 5** The report is formatted and transmitted back to the client.



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## How To Gather Identifiers

*Across the nation information is kept about people in just about every area. Whether you buy or sell property, get a traffic ticket, change your address, register a vehicle, get married, order a magazine or even shop for groceries, information is kept about you in a file. Files can be either private or public and are labeled (indexed) in different ways. The information that is used to locate these files is called an identifier. Some files can be identified only by a file number, some by name, some by social security number, some by date of birth or death, and some by a combination of the aforementioned. To make certain that the correct files are located, it is important that we obtain the proper identifiers. Criminal records are most often indexed using the following identifiers:*

### NAME

The most common way an individual's name is entered on his criminal file is exactly as it is found on their state issued identification. You have access to this document; we do not so it is important that you review the document carefully.

**CICS cannot verify a candidate's identity.** The only way to verify identity is using biometrics (fingerprints), so it is up to you to do the best you can using state issued picture I.D.

- Make certain that you examine the I.D. first to determine if it appears to have been altered. Also check to make certain that the person that is sitting in front of you is the same person whose picture is on the I.D. that you have in your hand.
- Check the height and weight to make certain that it is consistent with the information on the candidate's driver's license. If you have any doubt, ask for additional I.D.
- Ask about aliases! Ask if they have ever gone by any other names and write down the dates (start and finish) that they went by the other names (this includes maiden names).
- Make certain that you obtain the correct spelling of the candidate's entire name, no abbreviations, or initials.

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## SOCIAL SECURITY NUMBER

Although SSNs are not often used for the identification of criminals, it is still important to ask for the individual's social security card. This is another piece of data that a candidate will often try to alter if they have something to hide. Don't make it easy for them!

## DATE OF BIRTH

All Criminal records contain the individual's DOB. This is the way we separate one John Jacob Smith from the other. Proper recording of a person's DOB is critical. One mistake or omission and you will invalidate the entire search. Many criminals are aware of this and will attempt to alter their DOB. It is up to you to catch them.

## TRUST YOUR INSTINCTS!

If you feel that the candidate is being evasive or deceptive, let us know. We will be happy to take a closer look, to make certain that we don't overlook something. Lastly, if a candidate reports a criminal conviction, pass the information along to us. Make certain that you document when and where the conviction took place.

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## Determining Where to Search

*This is a big world and an individual could theoretically have records anywhere. So, what is the best way to search? We recommend the following process:*

1. Gather candidate's self-reported name and address history using the form titled "Permission to Procure and Investigative Report". Make certain that you include all past names used and address history on to us.
2. Review the candidate's past employment history. Remember, if a person worked for a company, most likely they lived in the area. Compare the candidate's self-reported address history to their employment history and if there is a discrepancy investigate it. Ask the candidate for an explanation. If an additional address is uncovered, include it in your request to us.
3. Don't neglect the personal reference check. Many professionals see little value in checking personal references, but we see them as quite valuable for confirming information that has been provided by the candidate. Remember a reference is a contact that has been provided to you by the candidate as a person whom you can refer to confirm information.

Information that is gathered from the personal reference can be quite valuable. It can provide you with past residences and employers that were not reported. In addition, it may provide a lead into unreported criminal history.

Now you have information from three sources; self-reported, past employment, and personal references. Make certain that information that you developed is consistent with the information that you provide to us.

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## How Cases Are Filed

Cases are filed alphabetically starting with last name first, first name second, and middle name or initial last. In most cases, files are found using the name as it is displayed on the file holder's state issued identification. Sometimes, however, files are displayed under a nickname or alias

Warning: It is not uncommon for files to be misfiled. While filing seems straightforward enough, this is where the majority of errors occur. Clerks routinely make errors. Sometimes they misspell the defendant's name or put the defendant's middle name as last. They make date of birth recording errors or add hyphens or apostrophes.

Our country's population diversity adds unreliability to the process as law enforcement and court clerks struggle with lack of name familiarity when attempting to set up files. Name sequence and proper spelling are the most common errors. Any small error can affect the search results.

Fortunately, this situation is getting better as court search engine technology is advancing. CICS searches all names as submitted.

## WHERE ARE THE #\*% FILES?!

Probably the first recording of files has been found in caves, with primitive wall drawings of hunters with spears and a wounded bison. The problem with the first files is they weren't transportable, they were difficult to locate, and even harder to access. Even having found the file, they did a very poor job of answering the basic questions of who, what, where, when, how, or what could happen!

As technology has changed, files have become much easier to locate and access, but technology has also created a downside which simply has put many files out of reach.

The following is a list of the ways criminal filings have been stored throughout the 1900s to the present.

1900 to early 1960s - First, paper files (legal size) in large file cabinets. A new innovation was 4" by 6" file cards. This saved space but could carry limited

information. Hard file copies would last forever, but were time consuming to access, easily misfiled, difficult to transfer, and took up lots of space.

1960s to 1980s – Microfiche made its debut. This was the first real space saver for records, but the records were still difficult to access and transfer, and the system was cumbersome.

Early 1980s to mid-1990s – Computers using the DOS system. This system pretty much solved the storage and accessibility challenges, but the system was primitive and somewhat cumbersome to use and had to be accessed by a hyper terminal.

Late 1990s to present – Computers using windows applications. This system is the best to date. Easy to access, with some problem-solving technology integrated. Access is now via the Internet.

## SO WHAT'S THE PROBLEM?

The problem is that with so many courts throughout the land, some courts are still accessing information using the file card system, while another may be using a system that uses a DOS program. In a way, it's kind of like the automobile industry when they first began producing cars. Each company, and there were over two hundred of them, had its own unique set of tools used for repair; if you changed cars, you had to change tools.

As the courts' individual technologies move up from one system to the other, often the information that is contained in the old system is not transferred to the newer system. This is why information becomes less and less inclusive the farther back one goes. Generally, most systems are pretty complete for the last seven to ten years, but after that the information could well be anywhere from sitting in a file card stacked with thousands of other file cards in a storage facility, or on microfiche in the basement, or in a virtually abandoned DOS system.

This means that within a single court it is possible for the court to have records in their Windows system, more in a DOS system, still more in the basement on microfiche, and even some sitting in files in a storage warehouse. Some courts simply destroy files after ten years or so.

So that's the problem! Searching for records is more than just filling in a name and poking a button, discovering the truth is oftentimes taking information that you have and using it to discover information that you don't have. The better

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information you have at the start, the better information you are likely to have upon completion.

**“Information becomes less and less inclusive the farther back one goes.”**

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## Additional Searches

### CIVIL RECORDS

Most civil records are filed by name only. Careful examination is required to confirm that the case directly relates to your candidate. Civil records can reveal issues related to sexual harassment, lawsuits, restraining orders and other serious matters. Be particularly mindful that the information obtained is directly job related. You may want to establish a strict company policy regarding the use of civil information in the hiring process. Unless requested to, we will not pursue Family Civil cases when performing a Civil Records Check.

### CREDIT REPORTS

CICS Inc. has access to credit reports. Your organization should maintain strict policies and procedures as to the use of this information. Credit reports contain public records concerning an individual's credit history, bankruptcies, liens and judgments. They may also reveal other names used, address history and previous employers. Use of credit reports should be limited to candidate's who are applying for management and executive positions, or who will have access to cash, company credit cards, assets or confidential information.

Be sure that your organization is in strict compliance with the federal Fair Credit Reporting Act and that the candidate is notified and provides a signed release before you access this information.

### DRIVING RECORDS

If your candidate is required to drive as part of their job description, you will want to run a Motor Vehicle Report (MVR) to confirm that the license is valid and in good standing. Be sure that the information you act on is directly job related, due to restrictions in some state laws and the Americans with Disabilities Act.

Some motor vehicle reports can be difficult to discern. It is advisable that you obtain a list of that department's particular codes and their meanings before drawing any conclusions. Due to state restrictions, some states will not provide MVRs. In those cases, you may request that the candidate bring in the documented report that they obtained themselves.

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## EMPLOYMENT AND EDUCATION VERIFICATION

Confirming your candidate's qualifications through verification of education and past employment is a valuable part of the pre-screening process. A high rate of individuals have been known to falsify this information. Due to the ease of this search, there is virtually no good reason for neglecting this vital piece of information. Be sure that you have the correct name and year of graduation for this verification. Many individuals had different last names when they were in school due to marriage and legal name changes. If you are unable to verify the degree or diploma do not assume the candidate is lying. The best thing to do is reconfirm the name and location of the school or ask the individual to bring in documentation of graduation.

Both Education and Employment Verifications can be tricky. Where criminal records either exist or don't at specific court locations, the details of someone's past work or school attendance can be harder to nail down. The smaller the school or business, the harder it is to find and the more we have to rely on other people to get back to us when we are able to make an inquiry.

The first step to a good Verification is making sure you track down the right institution to contact. Internet research is often employed at the start of these since the information provided by the candidate isn't always complete or accurate.

Once we have someone to call and ask, we make 3 separate attempts in 5 business days to Verify the information provided. A successful attempt results in the 'Dates of Employment and Job Title' or the 'Degree/Major/Graduation Date and Attendance Dates', respectively. If we find a discrepancy or need more information on the Verification, we will flag the results. You can always contact us so we can re-initiate the verification once you've gathered more information from your candidate.

**It is important for the person who is gathering information from the candidate to get as accurate and as much information as possible.**



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## Common Misconceptions

**Misconception:** There is a central national location that an investigator can access an individual's criminal files.

**Truth:** Most National Criminal Database searches offered by background check companies are commercial databases that only contain a fraction of available court records from less than half of the states. While there is a national criminal data base called the NCIC, this data base is available to law enforcement agencies only. It can be accessed using an individual's name and date of birth or their SSN. As good as it is, it is not perfect, as it relies upon the cooperation of all the various law enforcement agencies to submit accurate criminal data into the system in a timely fashion. In fact, even an FBI fingerprint check is not always accurate or complete. Like all systems, it relies upon the cooperation and competence of its contributing agencies.

**Misconception:** A person whose background is checked, and comes back with no records located, has no criminal record.

**Truth:** A person who comes up clear in a background check may well have records that have been undiscovered. The reason for this is that there are literally thousands of places for an individual's records to "hide". Each city may have multiple courts, each county has multiple cities, and each state has multiple counties. Remember that a person is free to commit a crime in any state and may well use multiple names; add to this is that a criminal's records may be filed or misfiled in any number of ways. **This is why it is important for the person who is gathering information from the candidate to get as much information as possible.**

**Misconception:** It is illegal for an employer to ask the candidate their date of birth.

**Truth:** It is perfectly legal to ask for a candidate's date of birth as long as it is for a legitimate business reason. Performing a criminal background check is a legitimate business reason

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# Miscellaneous Bits of Handy Information

## DEFINITIONS

### **Felony**

A serious crime usually punishable by imprisonment of more than one year and in some cases death. Examples of a felony would be extortion, kidnapping, manufacture of a controlled substance, murder, grand theft, and assault with a deadly weapon.

### **Misdemeanor**

A less serious crime (original meaning is misbehavior) usually punishable by jail time of less than a year. Common misdemeanors are drunk driving, simple assault, harassment, petty theft, and leaving the scene of an accident.

### **Infractions / Violations**

A minor violation of the law that is punishable only by a fine. Most of the time these are traffic violations, but sometimes first-time misdemeanors can be treated as a violation. These often will include petty theft and possession of marijuana

### **Reportability**

CICS reports only misdemeanors and felonies. In compliance with the Fair Credit and Reporting Act, dismissed cases can only be reported for seven years.

## COURTS

### **Federal Courts**

These courts have jurisdiction over federal statutes, constitutional questions, and crimes that occur interstate. Unless specifically requested federal courts are not searched.

### **State Courts**

These courts are divided by county. Each county has a court, or if the county is large enough, multiple courts that adjudicate cases within that county. These courts go by various names, such as superior court, circuit court, district court, county

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court, and courts of common pleas. These courts try felony and misdemeanor cases and carry the major workload of each county's judicial process. When we provide a basic search, these are the courts that we access

### **City Courts**

These courts are called municipal court, city court, or justice courts. They handle nonviolent petty misdemeanors which are punishable generally only by fines. Unless specifically requested city courts are not searched.

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# How the Justice System Works

## The Arrest

An arrest is a situation in which the police detain a person in a manner that, to any reasonable person, makes it clear that he or she is not free to leave. An **arrest warrant** is a document issued by a judge or magistrate that authorizes the police to arrest someone. Warrants are issued when law enforcement personnel present evidence to the judge or magistrate that convinces him/her that it is reasonably likely that a crime has taken place and that the person to be named in the warrant is criminally responsible for that crime.

Just because a person has been arrested does not necessarily mean that the individual will be charged with a crime. ***As a rule, arrest records are not public information and most likely will not be included in a criminal history report.***

## The Incident Report

The incident report is prepared by the law enforcement agency which investigated the crime. It is usually the City Police if the crime occurred within the city limits. The County Sheriff's Department investigates crimes outside the city limits. The State Police investigate crimes that are outside the experience and expertise of the local and county law enforcement agencies. The incident report is basically a synopsis of the crime and the details and circumstances surrounding the crime.

## The Investigating Agency

It is the investigative agency's function to collect evidence relating to the crime and to recommend charges.

## The Prosecutor

After the investigating agency has transferred the case to the Prosecuting Attorney, the prosecutor will review the evidence to determine whether:

1. To charge the offender with the criminal charges recommended by the investigating agency.
2. To charge the offender with different, fewer, or additional charges.
3. To decide not to charge the offender because of insufficient evidence.

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## **The Arraignment**

At the arraignment, the accused appears before a judge who informs him of the charges pending and of his constitutional rights, including the right to a court appointed defense attorney. It is at this point that an offender becomes a defendant and may enter a plea of guilty, not guilty, or no contest. *This is also the point where a court case number is created and, in most cases, record of the case becomes public.*

## **Plea Bargaining / Sentence Bargaining**

These terms refer to negotiations which take place between the prosecutor and the defense attorney. These negotiations may result in a guilty plea to a lesser charge or a guilty plea in exchange for a reduced sentence. Attorneys and judges favor plea/sentencing bargains because they do not have the time or resources to take every case to trial. Only a small percentage of all criminal cases are actually tried.

## **Trial**

If the defendant persists in pleading not guilty, the case will be set for trial. He has the constitutional right to choose whether he wants his case to be decided by a judge (bench trial) or a jury.

## **The Verdict**

A legal verdict and the truth may not be the same thing. While a defendant may not, in truth, be innocent, he may be proven “not guilty.” The standard of proof in criminal cases is “beyond a reasonable doubt,” the highest burden of proof required in any trial proceeding.

## **Sentencing Trial or Hearing**

If the defendant is convicted in the adjudication phase (innocence/guilt phase) of the criminal trial, the case will proceed to sentencing. Sentencing may occur immediately following the conviction or be scheduled for a later hearing. In some jurisdictions, the judge decides the sentence, and in others, the jury does.

## **Appeals**

Following a conviction and sentencing, the defendant has the right to appeal the case, or in some circumstances the sentence, to a higher court to consider errors in procedure or application of the law at the trial court level.

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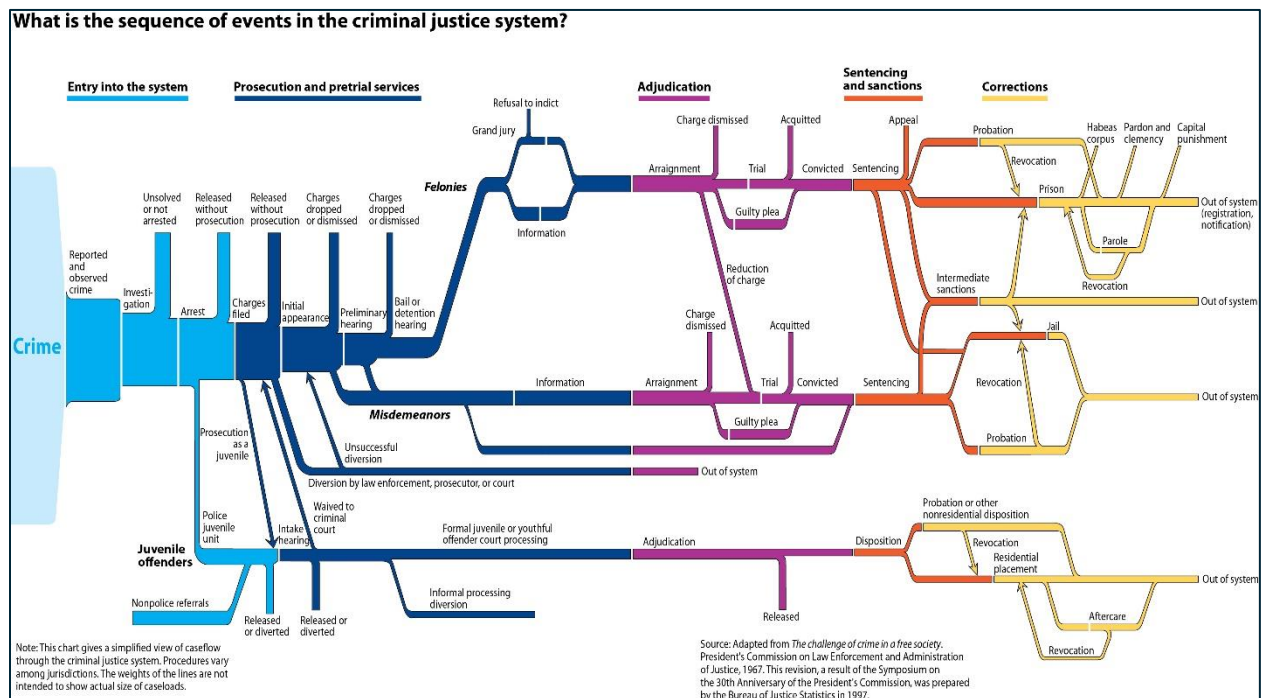
## **Parole**

Sentences assessed are seldom sentences served. Primarily because of prison overcrowding and prisoner control, the concept of “good time,” credit given for days of imprisonment because of good behavior, is common. The convicted criminal may receive two or three days credits, for each day served, and, in fact, serve only a fraction of the actual sentence imposed.

### **Note: Juvenile Records**

In most states juvenile hearings are not open to the public and juvenile case files are not reportable.

## CRIMINAL JUSTICE SYSTEM SEQUENCE OF EVENTS



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

## **Remedying the Effects of Identity Theft**

You are receiving this information because you have notified a consumer reporting agency that you believe that you are a victim of identity theft. Identity theft occurs when someone uses your name, Social Security number, date of birth, or other identifying information, without authority, to commit fraud. For example, someone may have committed identity theft by using your personal information to open a credit card account or get a loan in your name. For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

The Fair Credit Reporting Act (FCRA) gives you specific rights when you are, or believe that you are, the victim of identity theft. Here is a brief summary of the rights designed to help you recover from identity theft.

1. **You have the right to ask that nationwide consumer reporting agencies place “fraud alerts” in your file to let potential creditors and others know that you may be a victim of identity theft.** A fraud alert can make it more difficult for someone to get credit in your name because it tells creditors to follow certain procedures to protect you. It also may delay your ability to obtain credit. You may place a fraud alert in your file by calling just one of the three nationwide consumer reporting agencies. As soon as that agency processes your fraud alert, it will notify the other two, which then also must place fraud alerts in your file.
  - Equifax: 1-800-525-6285; [www.equifax.com](http://www.equifax.com)
  - Experian: 1-888-397-3742; [www.experian.com](http://www.experian.com)
  - TransUnion: 1-800-680-7289; [www.transunion.com](http://www.transunion.com)

An initial fraud alert stays in your file for at least one year. An extended alert stays in your file for seven years. To place either of these alerts, a consumer reporting agency will require you to provide appropriate proof of your identity, which may include your Social Security number. If you ask for an extended alert, you will have to provide an identity theft report. An identity theft report includes a copy of a report you have filed with a federal, state, or local law enforcement agency, and additional information a consumer reporting agency may require you to submit. For more detailed information about the identity theft report, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

2. **You have the right to free copies of the information in your file (your “file disclosure”).** An initial fraud alert entitles you to a copy of all the information in your file at each of the three nationwide agencies, and an extended alert entitles you to two free file disclosures in a 12-month period following the placing of the alert. These additional disclosures may help you detect signs of fraud, for example, whether fraudulent accounts have been opened in your name or whether someone has reported a change in your address. Once a year, you also have the right to a free copy of the information in your file at any consumer reporting agency, if you believe it has inaccurate information due to fraud, such as identity theft. You also



have the ability to obtain additional free file disclosures under other provisions of the FCRA. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

3. **You have the right to obtain documents relating to fraudulent transactions made or accounts opened using your personal information.** A creditor or other business must give you copies of applications and other business records relating to transactions and accounts that resulted from the theft of your identity, if you ask for them in writing. A business may ask you for proof of your identity, a police report, and an affidavit before giving you the documents. It may also specify an address for you to send your request. Under certain circumstances a business can refuse to provide you with these documents. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
4. **You have the right to obtain information from a debt collector.** If you ask, a debt collector must provide you with certain information about the debt you believe was incurred in your name by an identity thief – like the name of the creditor and the amount of the debt.
5. **If you believe information in your file results from identity theft, you have the right to ask that a consumer reporting agency block that information from your file.** An identity thief may run up bills in your name and not pay them. Information about the unpaid bills may appear on your consumer report. Should you decide to ask a consumer reporting agency to block the reporting of this information, you must identify the information to block, and provide the consumer reporting agency with proof of your identity and a copy of your identity theft report. The consumer reporting agency can refuse or cancel your request for a block if, for example, you don't provide the necessary documentation, or where the block results from an error or a material misrepresentation of fact made by you. If the agency declines or rescinds the block, it must notify you. Once a debt resulting from identity theft has been blocked, a person or business with notice of the block may not sell, transfer, or place the debt for collection.
6. **You also may prevent businesses from reporting information about you to consumer reporting agencies if you believe the information is a result of identity theft.** To do so, you must send your request to the address specified by the business that reports the information to the consumer reporting agency. The business will expect you to identify what information you do not want reported and to provide an identity theft report.
7. The following FCRA right applies with respect to nationwide consumer reporting agencies:

#### **CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely

approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

To learn more about identity theft and how to deal with its consequences, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore), or write to the Consumer Financial Protection Bureau. You may have additional rights under state law. For more information, contact your local consumer protection agency or your state Attorney General.

In addition to the new rights and procedures to help consumers deal with the effects of identity theft, the FCRA has many other important consumer protections. They are described in more detail at [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

*Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la 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 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).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

#### **CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is

placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **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:**

TYPE OF BUSINESS:	CONTACT:
<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, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (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 Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 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 the 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, S.W., Suite 8200 Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, 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>Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>

**All users of consumer reports must comply with all applicable regulations. Information about applicable regulations currently in effect can be found at the Consumer Financial Protection Bureau's website, [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).**

## **NOTICE TO USERS OF CONSUMER REPORTS: OBLIGATIONS OF USERS UNDER THE FCRA**

The Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681-1681y, requires that this notice be provided to inform users of consumer reports of their legal obligations. State law may impose additional requirements. The text of the FCRA is set forth in full at the Consumer Financial Protection Bureau's (CFPB) website at [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore). At the end of this document is a list of United States Code citations for the FCRA. Other information about user duties is also available at the CFPB's website. **Users must consult the relevant provisions of the FCRA for details about their obligations under the FCRA.**

The first section of this summary sets forth the responsibilities imposed by the FCRA on all users of consumer reports. The subsequent sections discuss the duties of users of reports that contain specific types of information, or that are used for certain purposes, and the legal consequences of violations. If you are a furnisher of information to a consumer reporting agency (CRA), you have additional obligations and will receive a separate notice from the CRA describing your duties as a furnisher.

### **I. OBLIGATIONS OF ALL USERS OF CONSUMER REPORTS**

#### **A. Users Must Have a Permissible Purpose**

Congress has limited the use of consumer reports to protect consumers' privacy. All users must have a permissible purpose under the FCRA to obtain a consumer report. Section 604 contains a list of the permissible purposes under the law. These are:

- As ordered by a court or a federal grand jury subpoena. [Section 604\(a\)\(1\)](#)
- As instructed by the consumer in writing. [Section 604\(a\)\(2\)](#)
- For the extension of credit as a result of an application from a consumer, or the review or collection of a consumer's account. [Section 604\(a\)\(3\)\(A\)](#)
- For employment purposes, including hiring and promotion decisions, where the consumer has given written permission. [Sections 604\(a\)\(3\)\(B\) and 604\(b\)](#)
- For the underwriting of insurance as a result of an application from a consumer. [Section 604\(a\)\(3\)\(C\)](#)
- When there is a legitimate business need, in connection with a business transaction that is initiated by the consumer. [Section 604\(a\)\(3\)\(F\)\(i\)](#)
- To review a consumer's account to determine whether the consumer continues to meet the terms of the account. [Section 604\(a\)\(3\)\(F\)\(ii\)](#)
- To determine a consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status. [Section 604\(a\)\(3\)\(D\)](#)
- For use by a potential investor or servicer, or current insurer, in a valuation or assessment of the credit or prepayment risks associated with an existing credit obligation. [Section 604\(a\)\(3\)\(E\)](#)
- For use by state and local officials in connection with the determination of child support payments, or modifications and enforcement thereof. [Sections 604\(a\)\(4\) and 604\(a\)\(5\)](#)

In addition, creditors and insurers may obtain certain consumer report information for the purpose of making "prescreened" unsolicited offers of credit or insurance. Section 604(c). The particular obligations of users of "prescreened" information are described in Section VII below.

#### **B. Users Must Provide Certifications**

Section 604(f) prohibits any person from obtaining a consumer report from a consumer reporting agency (CRA) unless the person has certified to the CRA the permissible purpose(s) for which the report is being obtained and certifies that the report will not be used for any other purpose.

#### **C. Users Must Notify Consumers When Adverse Actions Are Taken**

The term “adverse action” is defined very broadly by Section 603. “Adverse actions” include all business, credit, and employment actions affecting consumers that can be considered to have a negative impact as defined by Section 603(k) of the FCRA – such as denying or canceling credit or insurance, or denying employment or promotion. No adverse action occurs in a credit transaction where the creditor makes a counteroffer that is accepted by the consumer.

### **1. Adverse Actions Based on Information Obtained From a CRA**

If a user takes any type of adverse action as defined by the FCRA that is based at least in part on information contained in a consumer report, Section 615(a) requires the user to notify the consumer. The notification may be done in writing, orally, or by electronic means. It must include the following:

- The name, address, and telephone number of the CRA (including a toll-free telephone number, if it is a nationwide CRA) that provided the report.
- A statement that the CRA did not make the adverse decision and is not able to explain why the decision was made.
- A statement setting forth the consumer’s right to obtain a free disclosure of the consumer’s file from the CRA if the consumer makes a request within 60 days.
- A statement setting forth the consumer’s right to dispute directly with the CRA the accuracy or completeness of any information provided by the CRA.

### **2. Adverse Actions Based on Information Obtained From Third Parties Who Are Not Consumer Reporting Agencies**

If a person denies (or increases the charge for) credit for personal, family, or household purposes based either wholly or partly upon information from a person other than a CRA, and the information is the type of consumer information covered by the FCRA, Section 615(b)(1) requires that the user clearly and accurately disclose to the consumer his or her right to be told the nature of the information that was relied upon if the consumer makes a written request within 60 days of notification. The user must provide the disclosure within a reasonable period of time following the consumer’s written request.

### **3. Adverse Actions Based on Information Obtained From Affiliates**

If a person takes an adverse action involving insurance, employment, or a credit transaction initiated by the consumer, based on information of the type covered by the FCRA, and this information was obtained from an entity affiliated with the user of the information by common ownership or control, Section 615(b)(2) requires the user to notify the consumer of the adverse action. The notice must inform the consumer that he or she may obtain a disclosure of the nature of the information relied upon by making a written request within 60 days of receiving the adverse action notice. If the consumer makes such a request, the user must disclose the nature of the information not later than 30 days after receiving the request. If consumer report information is shared among affiliates and then used for an adverse action, the user must make an adverse action disclosure as set forth in I.C.1 above.

### **D. Users Have Obligations When Fraud and Active Duty Military Alerts are in Files**

When a consumer has placed a fraud alert, including one relating to identify theft, or an active duty military alert with a nationwide consumer reporting agency as defined in Section 603(p) and resellers, Section 605A(h) imposes limitations on users of reports obtained from the consumer reporting agency in certain circumstances, including the establishment of a new credit plan and the issuance of additional credit cards. For initial fraud alerts and active duty alerts, the user must have reasonable policies and procedures in place to form a belief that the user knows the identity of the applicant or contact the consumer at a telephone number specified by the consumer; in the case of extended fraud alerts, the user must contact the consumer in accordance with the contact information provided in the consumer’s alert.

### **E. Users Have Obligations When Notified of an Address Discrepancy**

Section 605(h) requires nationwide CRAs, as defined in Section 603(p), to notify users that request reports when the address for a consumer provided by the user in requesting the report is substantially different from the addresses in the consumer’s file. When this occurs, users must comply with regulations specifying the procedures to be followed.



Federal regulations are available at [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

#### **F. Users Have Obligations When Disposing of Records**

Section 628 requires that all users of consumer report information have in place procedures to properly dispose of records containing this information. Federal regulations are available at [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

### **II. CREDITORS MUST MAKE ADDITIONAL DISCLOSURES**

If a person uses a consumer report in connection with an application for, or a grant, extension, or provision of, credit to a consumer on material terms that are materially less favorable than the most favorable terms available to a substantial proportion of consumers from or through that person, based in whole or in part on a consumer report, the person must provide a risk-based pricing notice to the consumer in accordance with regulations prescribed by the CFPB.

Section 609(g) requires a disclosure by all persons that make or arrange loans secured by residential real property (one to four units) and that use credit scores. These persons must provide credit scores and other information about credit scores to applicants, including the disclosure set forth in Section 609(g)(1)(D) ("Notice to the Home Loan Applicant").

### **III. OBLIGATIONS OF USERS WHEN CONSUMER REPORTS ARE OBTAINED FOR EMPLOYMENT PURPOSES**

#### **A. Employment Other Than in the Trucking Industry**

If the information from a CRA is used for employment purposes, the user has specific duties, which are set forth in Section 604(b) of the FCRA. The user must:

- Make a clear and conspicuous written disclosure to the consumer before the report is obtained, in a document that consists solely of the disclosure, that a consumer report may be obtained.
- Obtain from the consumer prior written authorization. Authorization to access reports during the term of employment may be obtained at the time of employment.
- Certify to the CRA that the above steps have been followed, that the information being obtained will not be used in violation of any federal or state equal opportunity law or regulation, and that, if any adverse action is to be taken based on the consumer report, a copy of the report and a summary of the consumer's rights will be provided to the consumer.
- **Before** taking an adverse action, the user must provide a copy of the report to the consumer as well as the summary of consumer's rights (The user should receive this summary from the CRA.) A Section 615(a) adverse action notice should be sent after the adverse action is taken.

An adverse action notice also is required in employment situations if credit information (other than transactions and experience data) obtained from an affiliate is used to deny employment. Section 615(b)(2).

The procedures for investigative consumer reports and employee misconduct investigations are set forth below.

#### **B. Employment in the Trucking Industry**

Special rules apply for truck drivers where the only interaction between the consumer and the potential employer is by mail, telephone, or computer. In this case, the consumer may provide consent orally or electronically, and an adverse action may be made orally, in writing, or electronically. The consumer may obtain a copy of any report relied upon by the trucking company by contacting the company.

### **IV. OBLIGATIONS WHEN INVESTIGATIVE CONSUMER REPORTS ARE USED**

Investigative consumer reports are a special type of consumer report in which information about a consumer's character, general reputation, personal characteristics, and mode of living is obtained through personal interviews by an entity or person that is a consumer reporting agency. Consumers who are the subjects of such reports are given special rights under the FCRA. If a user intends to obtain an investigative consumer report, Section 606 requires the following:

- The user must disclose to the consumer that an investigative consumer report may be obtained. This must be done in a written disclosure that is mailed, or otherwise delivered, to the consumer at some time before or not later than three days after the date on which the report was first requested. The disclosure must include a statement informing the consumer of his or her right to request additional disclosures of the nature and scope of the investigation as described below, and the summary of consumer rights required by Section 609 of the FCRA. (The summary of consumer rights will be provided by the CRA that conducts the investigation.)
- The user must certify to the CRA that the disclosures set forth above have been made and that the user will make the disclosure described below.
- Upon the written request of a consumer made within a reasonable period of time after the disclosures required above, the user must make a complete disclosure of the nature and scope of the investigation. This must be made in a written statement that is mailed or otherwise delivered, to the consumer no later than five days after the date on which the request was received from the consumer or the report was first requested, whichever is later in time.

## **V. SPECIAL PROCEDURES FOR EMPLOYEE INVESTIGATIONS**

Section 603(x) provides special procedures for investigations of suspected misconduct by an employee or for compliance with Federal, state or local laws and regulations or the rules of a self-regulatory organization, and compliance with written policies of the employer. These investigations are not treated as consumer reports so long as the employer or its agent complies with the procedures set forth in Section 603(x), and a summary describing the nature and scope of the inquiry is made to the employee if an adverse action is taken based on the investigation.

## **VI. OBLIGATIONS OF USERS OF MEDICAL INFORMATION**

Section 604(g) limits the use of medical information obtained from consumer reporting agencies (other than payment information that appears in a coded form that does not identify the medical provider). If the information is to be used for an insurance transaction, the consumer must give consent to the user of the report or the information must be coded. If the report is to be used for employment purposes – or in connection with a credit transaction (except as provided in regulations) the consumer must provide specific written consent and the medical information must be relevant. Any user who receives medical information shall not disclose the information to any other person (except where necessary to carry out the purpose for which the information was disclosed, or as permitted by statute, regulation, or order).

## **VII. OBLIGATIONS OF USERS OF “PRESCREENED” LISTS**

The FCRA permits creditors and insurers to obtain limited consumer report information for use in connection with unsolicited offers of credit or insurance under certain circumstances. Sections 603(1), 604(c), 604(e), and 615(d). This practice is known as “prescreening” and typically involves obtaining from a CRA a list of consumers who meet certain preestablished criteria. If any person intends to use prescreened lists, that person must (1) before the offer is made, establish the criteria that will be relied upon to make the offer and to grant credit or insurance, and (2) maintain such criteria on file for a three-year period beginning on the date on which the offer is made to each consumer. In addition, any user must provide with each written solicitation a clear and conspicuous statement that:

- Information contained in a consumer’s CRA file was used in connection with the transaction.
- The consumer received the offer because he or she satisfied the criteria for credit worthiness or insurability used to screen for the offer.
- Credit or insurance may not be extended if, after the consumer responds, it is determined that the consumer does not meet the criteria used for screening or any applicable criteria bearing on credit worthiness or insurability, or the consumer does not furnish required collateral.
- The consumer may prohibit the use of information in his or her file in connection with future prescreened offers of credit or insurance by contacting the notification system established by the CRA that provided the report. The statement must include the address and toll-free telephone number of the appropriate notification system.

In addition, the CFPB has established the format, type size, and manner of the disclosure required by Section 615(d), with which users must comply. The relevant regulation is 12 CFR 1022.54.

## **VIII. OBLIGATIONS OF RESELLERS**

### **A. Disclosure and Certification Requirements**

Section 607(e) requires any person who obtains a consumer report for resale to take the following steps:

- Disclose the identity of the end-user to the source CRA.
- Identify to the source CRA each permissible purpose for which the report will be furnished to the end-user.
- Establish and follow reasonable procedures to ensure that reports are resold only for permissible purposes, including procedures to obtain:
  - (1) the identify of all end-users;
  - (2) certifications from all users of each purpose for which reports will be used; and
  - (3) certifications that reports will not be used for any purpose other than the purpose(s) specified to the reseller. Resellers must make reasonable efforts to verify this information before selling the report.

### **B. Reinvestigations by Resellers**

Under Section 611(f), if a consumer disputes the accuracy or completeness of information in a report prepared by a reseller, the reseller must determine whether this is a result of an action or omission on its part and, if so, correct or delete the information. If not, the reseller must send the dispute to the source CRA for reinvestigation. When any CRA notifies the reseller of the results of an investigation, the reseller must immediately convey the information to the consumer.

### **C. Fraud Alerts and Resellers**

Section 605A(f) requires resellers who receive fraud alerts or active duty alerts from another consumer reporting agency to include these in their reports.

## **IX. LIABILITY FOR VIOLATIONS OF THE FCRA**

Failure to comply with the FCRA can result in state government or federal government enforcement actions, as well as private lawsuits. Sections 616, 617, and 621. In addition, any person who knowingly and willfully obtains a consumer report under false pretenses may face criminal prosecution. Section 619.

**The CFPB's website, [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore), has more information about the FCRA, including publications for businesses and the full text of the FCRA.**

### **Citations for FCRA sections in the U.S. Code, 15 U.S.C. § 1681 et seq.:**

Section 602	15 U.S.C. 1681
Section 603	15 U.S.C. 1681a
Section 604	15 U.S.C. 1681b
Section 605	15 U.S.C. 1681c
Section 605A	15 U.S.C. 1681c-A
Section 605B	15 U.S.C. 1681c-B
Section 606	15 U.S.C. 1681d
Section 607	15 U.S.C. 1681e
Section 608	15 U.S.C. 1681f
Section 609	15 U.S.C. 1681g
Section 610	15 U.S.C. 1681h
Section 611	15 U.S.C. 1681i
Section 612	15 U.S.C. 1681j
Section 613	15 U.S.C. 1681k

Section 614	15 U.S.C. 1681l
Section 615	15 U.S.C. 1681m
Section 616	15 U.S.C. 1681n
Section 617	15 U.S.C. 1681o
Section 618	15 U.S.C. 1681p
Section 619	15 U.S.C. 1681q
Section 620	15 U.S.C. 1681r
Section 621	15 U.S.C. 1681s
Section 622	15 U.S.C. 1681s-1
Section 623	15 U.S.C. 1681s-2
Section 624	15 U.S.C. 1681t
Section 625	15 U.S.C. 1681u
Section 626	15 U.S.C. 1681v
Section 627	15 U.S.C. 1681w
Section 628	15 U.S.C. 1681x
Section 629	15 U.S.C. 1681y