

## Fair Credit Reporting Act / State Consumer Reporting Compliance Procedures (CA, MA, NY)

If information from Premier InfoSource, Inc. 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/authorization that a consumer report may be obtained prior to making such request. (please see document “**Sample Disclosure**”)
- Provide a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act. (Please see document attached)
- If any adverse action is to be taken based on the consumer report, a copy of the report and the document “A Summary of Your Rights Under the Fair Credit Reporting Act” must be provided to the consumer. (Please see document “Sample Before Adverse Action Letter”).
- Shortly after providing a copy of the report (10 days from the date of the letter in NY) a notice to the applicant advising that they are not being considered eligible for employment based on the background check conducted by the consumer reporting agency (Premier InfoSource, Inc.) must be provided. This notice must include the name, address, phone and website of the consumer reporting agency as well as a summary of the consumer’s rights. The consumer’s rights document is attached to the back of each CSS report.

This notice must also advise the applicant that the consumer reporting agency did not make the hiring decision. (Please see document “Sample Adverse Action Letter” & “A Summary of Your Rights Under the Fair Credit Reporting Act”)

### Special Notice for California Employers

California employers must comply with both the requirements under the California Investigative Consumer Reporting Agencies Act (ICRAA) section 1786 and also the FCRA.. Under the ICRAA and the FCRA employers must:

#### *Pre-Disclosure (Prior to ordering the report)*

- (a) Notify the candidate / employee in writing that an investigative consumer report will be requested. This notice must also include the name and address of the investigative consumer reporting agency and a check box for the candidate / employee to request a copy of the report. (**See CA Sample Disclosure below**), (b) provide the nature and scope of the investigation, (**included in Disclosure**) and (c) provide a summary of rights under the ICRAA. (**CA notice of rights below**).

#### *After report is complete*

- Provide a copy of the report to the candidate / employee if the candidate / employee marks the box at the bottom of the disclosure indicating that they wish to receive a copy of their report.

#### *If adverse action is to be taken based on the report*

- Send FCRA adverse action letter #1 including the entire report and the CA Statement of Rights. The FCRA Statement of Rights should also be provided however, it is included with every CSS report.
- Three (3) days later, send FCRA adverse action letter #2 including the CA Statement of Rights and the FCRA Statement of Rights.

**Special Notice for Massachusetts Employers:**

In compliance with applicable provisions of commonwealth of Massachusetts law, Massachusetts employers must comply with the following requirements:

Should the consumer be denied employment, or other adverse action taken, in whole or in part on the basis of criminal information contained in the report, Employer will provide to the applicant or employee:

1. A copy of the background report including the criminal record information BEFORE speaking to the applicant about the criminal record.
2. A copy of the company's Background Check Policy
3. A copy of the Massachusetts *Information Concerning the Process In Correcting a Criminal Record* (<http://www.mass.gov/eopss/docs/chsb/cori-process-correcting-criminal-record.pdf>)
4. Employers must document their steps taken to comply with the regulations.

**Special Notice for New York Employers:** In compliance with applicable provisions of New York Correction Law Article 23-A employers must comply with the following requirements:

***Pre-Disclosure (Prior to ordering the report)***

- If procuring an *Investigative Consumer Report* Employer must provide a printed or electronic copy of NY Correction Law Article 23-A (<http://www.labor.ny.gov/formsdocs/wp/correction-law-article-23a.pdf>)

***Completed background contains criminal conviction information***

- Employer must provide a printed or electronic copy of NY Correction Law Article 23-A (<http://www.labor.ny.gov/formsdocs/wp/correction-law-article-23a.pdf>) to the applicant or employee that is the subject of the report.