[COMPANY LETTERHEAD]

**PRE-ADVERSE ACTION LETTER – FAILURE TO DISCLOSE**

[DATE]

[CONSUMER NAME]

[CONSUMER ADDRESS]

Dear [CONSUMER NAME]:

You recently authorized [COMPANY] (the “Company”) to obtain a consumer report and/or an investigative consumer report about you from ScreeningOne, Inc., 1860 N. Avenida Republica de Cuba, Tampa, FL  33605, Toll Free Phone: (888) 327-6511, Fax:  (888) 216-1003 [www.ScreeningOne.com](http://www.ScreeningOne.com), a consumer reporting agency (the “Agency”).

We are writing to inform you that the Company is considering taking action in whole or in part based on information in the report, in light of the fact that you failed to disclose the criminal history that was revealed in the report.[[1]](#endnote-1)

Enclosed please find (1) a copy of the report the Company obtained from the Agency and (2) a Summary of Your Rights under the Fair Credit Reporting Act.[[2]](#endnote-2)

If you wish to dispute the accuracy of the information contained in the report directly with the Agency (the source of the report), you should contact the Agency directly. Their contact information is set forth above.

If you believe that there is additional information that may help the Company better evaluate your fitness and suitability for this position, please contact the Company directly.

If the report includes criminal records, enclosed is a “Criminal History Background Form/Confidential Individual Assessment” that you may, if you wish, return to the Company in order to assist in explaining the criminal record(s).

If the Company or the Agency do not hear from you within 5 business days,[[3]](#endnote-3) the Company will make a decision concerning your employment based on the information currently available to us.

The Company will evaluate the information in your report on an individualized case-by-case basis in accordance with all applicable law and guidance from the Equal Employment Opportunity Commission.

In the event that an adverse employment action is taken based upon information contained in the consumer report, the Company will provide you notice of such action.

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Company Representative Name and Title]

Enclosures:[[4]](#endnote-4)

Consumer Report

A Summary of Your Rights under the Fair Credit Reporting Act

Criminal History Background Form/Confidential Individualized Assessment

1. If the applicant/employee lives or works in San Francisco, CA; Seattle, WA; Montgomery County, MD; Prince George County, MD; or New York City include the following: “The specific item(s) in the report upon which the Company is considering taking action are: [IDENTIFY THE SPECIFIC ITEMS].” [↑](#endnote-ref-1)
2. If applicable, add:

   “If you live, work, or are applying for a position in New York state, also enclosed is: Article 23-A of the New York Correction Law.”

   “If you live, work, or are applying for a position in New York City, also enclosed is: NYC – Fair Chance Act Notice.”

   “If you live, work, or are applying for a position in New Jersey, also enclosed is: A Summary of Your Rights Under New Jersey Law.”

   “If you live, work, or are applying for a position in Washington state, also enclosed is: A Summary of Your Rights Under Washington Law.”

   “If you live, work, or are applying for a position in Massachusetts, also enclosed is: A copy of the Company’s Background Check Policy, and Information Concerning the Process for Correcting a Criminal Record in Massachusetts.” [↑](#endnote-ref-2)
3. If the applicant/employee lives or works in San Francisco, CA; Montgomery County, MD; or Prince George County, MD then change to “7 days.” If the applicant/employee lives or works in New York City, then change to “3 business days from your receipt of this letter.” [↑](#endnote-ref-3)
4. If the applicant/employee lives or works in one of the following states, add reference to and include the appropriate enclosure:

   New York: Article 23-A of the New York Correction Law, and the relevant analysis.

   New Jersey: A Summary of Your Rights Under New Jersey Law

   Washington state: A Summary of Your Rights Under Washington Law

   Massachusetts: (1) A copy of the Company’s Background Check Policy and (2) Information Concerning the Process for Correcting a Criminal Record in Massachusetts [↑](#endnote-ref-4)