The Morality of Background Check

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Introduction

Our project topic focuses on background checks. We analyze these two moral queries by looking at both a consequentialist and deontological moral lens. In this paper, we seek to answer the question of fairness and privacy by looking at three different facets of background checks: background checks in tenant screenings, background checks in AI recruiting, and the awareness of data markets and data collection. Each of these topics will be categorized by either the moral question of fairness or privacy, and then reviewed under the two separate moral lenses we have chosen. Our goal is to conclude through our research on whether background checks are morally justifiable regarding fairness and privacy.

Background

According to Equal Employment Opportunity Commission (EEOC) and Federal Trade Commission (FTC), background checks are described as an investigation that examines the historical facts of an applicant. Social security number verification, a criminal or credit history check, and an examination of a candidate's social media are all examples of such inquiries (Binns and Kempf). Background checks are not only common but also highly prevailing. In terms of the utilization of criminal background checks in the workplace, according to a poll by the Society of Human Resource Management, 92 percent of employers conduct criminal background checks for some or all job opportunities (Cavico et al. 46).

Based on Cavico et al., we learned about basic facts of background checks, and we want to explore why employers should do background checks. Employers have a critical duty to safeguard their businesses, workplace environments, and current employees. Binns and Kempf stated that the value of background checks suggests that an applicant's educational and career history can reveal information

about their growth prospects. In other words, background checks provide protection for employers' current properties and potential values that applicants could bring.

According to the Society for Human Resource Management (SHRM), many different forms of pre-employment background checks are available today. Companies often use a combination of them to meet their needs, including employment history, education history, criminal records, social media, etc. Trends like automation in background checks mirror several changes and trends in society as a whole. In addition to phone-based background checks, some screening firms provide online reports using algorithms to swiftly and anonymously provide results. That is to say, the techniques and considerations of background check screening are becoming more comprehensive.

Background check in tenant-screening

Apart from the difficulty of qualifying for a mortgage, renters usually encounter another challenge: tenant scores generated from background checks. The landlords are able to get a tenant score of the potential renter from specific screening companies, and they evaluate whether they should approve the renting based on the score (Smith).

The first critical question is how the screening companies get the renters' background information to run an algorithm. Dunn and Grabchuk stated four components of the data used: residential history, credit report, criminal record, and civil litigation record (320). Residential histories are usually asked in the rental application form; then, the screening providers would cross-check former addresses with credit reports or even interview former housing providers (Dunn and Grabchuk 324). Screening companies can access credit reports from credit bureaus, which provide information on an individual's credit history (Dunn and Grabchuk 324). The reports usually include bank account status, civil judgments, financial obligations records, etc. (Dunn and Grabchuk 324). Criminal records are generally available in public databases (Dunn and Grabchuk 325). For example, in Washington state,

the Washington Access To Criminal History (WATCH) database includes criminal records from courts and criminal justice agencies; it is important to note that this information is open to anyone who pays a small fee when searching for names (Dunn and Grabchuk 325). Civil litigation records mainly disclose an individual's eviction history, typically available through court indices (Dunn and Grabchuk 326). For example, Superior Court Management Information System (SCOMIS) provides civil case records, the information is also open to the general public, and it is free of charge (Dunn and Grabchuk 326).

Although we have some idea of how screening companies get renters' data, companies usually do not disclose what algorithm they use to generate a tenant score or how the system works when all features are plugged in (Smith). One legislation designed to prevent problems caused by problematic algorithms is the Fair Credit Reporting Act: it requires that the algorithm "follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual" (Farivar). Nevertheless, tenant background checks' algorithms are particularly concerning because of the lack of transparency of algorithms.

Background check in AI-recruiting

Artificial intelligence is involved in many facets of background checks, including employment. When recruiting employees, companies often use data, including criminal records, credit records, and sometimes social media activity (Gudmundsson). Recently, to recruit higher-quality employees, plenty of companies have used AI-powered background checks to filter resumes and help select interviewees. Survey has demonstrated that over 90 percent of US employers conduct background checks (Kuhn). Interviewers can screen out the people they need more effectively through artificial intelligence algorithms (whether they developed by themselves based on their database or software developed by other companies).

Although AI-recruiting applies in background checks could help companies move candidates through the hiring and onboarding process faster and cut down costs of hiring (Howard), there are still many potential problems in artificial intelligence recruitment. One of the potential problems is mistaken identity (Howard). As Ashley Blonquist mentioned in her article, when a criminal background check or other types of screening reveals information that does not match the candidate, these are typically instances in which a candidate shares the same name (and even sometimes the same birthday) as someone else. A candidate may be denied a job offer based on inaccurate data if they share the same name with people who may have criminal records or the appearance of the sex offender registry, and more. In addition, identity theft could also induce biased results if the algorithm that was used in the background check was inaccurate. Without thorough screenings and background checks, companies may risk hiring candidates falsifying their identity to get a job.

Another potential problem would be that some AI-powered background checks may include irrelevant criminal activity or activity that is too old (Howard). Some people were erroneously reported to have committed several crimes that belonged to another person with the same name. For example, Checkr is one of the most popular websites for companies' employee background checks. According to judicial records, Checkr has faced a slew of lawsuits for making errors that have cost people much-desired opportunities to work (Heilweil). And that's because the company matched people to criminal records belonging to others with similar names.

Another example is the Intelligo group, one of the innovators of incorporating AI in background checks, though not as famous as Checkr. Their algorithm uses criminal history, court records, blogs, blacklists, social media, and other data, combined with language processing technology and other machine learning algorithms to check any misbehaviors in their previous experiences(*Artificial*

Intelligence and Background Checks). However, since they extract data by primarily scanning through texts, the risk of getting misleading information is high.

The third problem concerns the algorithm itself. Although AI can reduce bias in some cases, it may potentially increase bias in other cases. The algorithm may generate mistaken results. For instance, in 2015, some software engineers pointed out that Google's facial recognition algorithms classify several Black people's photos into apes. Three years later, Google still did not fix the algorithm (Vincent). Instead, they just simply deleted the option of ape in classification labels. Even a forerunner company like Google cannot deal with such errors and come up with an error-free algorithm, it is hard to believe that other companies may have perfect algorithms. Algorithms on image processing and other machine learning are still in their early stages and are designed to follow the rules given by developers, which can be discriminatory and can influence minority groups negatively.

Besides problems generated by algorithms used in the hiring process, the data also has issues. The criminal record or other information is often targeted at people of color and generates negative influences on them. According to one research, the proportion of African Americans being considered guilty is twice as large as that of White people (Kuhn). Therefore, if such unfair and discriminatory records are used as input data into algorithms, it is hard for the algorithm to generate reliable and fair results.

The Awareness of Data Markets/Collection

The topic of data markets and the awareness of data collection will focus on the moral question of privacy. We have seen unemployment reach its peak since the Great Depression due to the Covid-19 pandemic. With this issue, businesses - mainly those in the tech field- have had no problem transitioning to a work-at-home environment. We see companies like Uber, Lyft, and Postmates have still hired new workers during the pandemic; and many businesses that can work in the office have

begun to transition to an out-of-office working model instead. With these evolving methods of how we perceive labor, background checks and the AI algorithms behind them are also evolving. There is a good chance that in 2022 all new-hires will have to go through an AI-powered background check.

Using AI, companies can now truly dig into a person's history. These AIs now take everything from social media files, criminal records, past locations, drug use, and facial expressions to make analyzed decisions about your future. Companies like Endera that focus on corporate technology for background screenings say that their processing software can identify and assess over 20,000+ external records in the search for information just by looking up someone's name.

Many people are unaware that giving your name and address can lead to software finding information on your medical history, payment history, debt, criminal records, and much more miscellaneous information that can all be distributed and sold without the person ever knowing (Harwell). This is definitely a breach of privacy security, as once your information is sold, there is no way to protect yourself anymore, and most of the time, you don't even know that these transactions are being made. This causes serious moral complications on whether companies should be allowed to have such free access to peoples' private information.

Data markets and the act of selling data collected on people is a fast-growing industry; people are unaware of the exponential spread of their information amongst thousands of different companies that use it: "A lot of these data brokers' existence depends on people not knowing too much about them because they're universally unpopular," Cyphers said. "Veraset refuses to reveal even how they get their data or which apps they purchase it from, and I think that's because if anyone realized that the app you're using" also "opts you into having your location data sold on the open market, people would be angry and creeped out." (Harwell).

Moral Analysis I: Fairness

Consequentialism

Data inaccuracy

Based on the Consequentialist view, an action is morally justifiable if it produces good overall results (Landau, p.122). Background checks include criminal history records, address history checks, and driving history checks. However, there is no official national criminal record database that can be used to perform such tests (Howard). The databases available online used by many companies are aggregates of several different databases that only contain limited sources and can become outdated easily. Therefore, the current database cannot provide an accurate and comprehensive understanding of candidates (*Artificial Intelligence and Background Checks*). The issue worsens if one or a few sources are not reliable. Based on the Consequentialist view, this background check process brings job candidates with fewer chances to get jobs, so background checks are not fair and morally justifiable.

The criminal history record is generally thought to be an objective record of crimes committed by individuals, but it can be inaccurate sometimes. The criminal record is often biased against people of color, which negatively influences this group of people. According to one research study, the proportion of African Americans being considered guilty is twice as large as that of European Americans (Kuhn). The algorithm used in evaluating the likelihood of recidivism of offenders, COMPAS, generates results that cause Black defendants to have a higher rate of being labeled as future criminals than white defendants (Corbett-Davies), and such score is directly related to the incarceration time (Angwin et. al). Therefore, even if both White and Black people commit the same crime, Black criminals will be given more severe punishment and severe criminal records. Suppose such unfair and discriminatory records are used as input into algorithms; in that case, it is hard for the algorithm to generate reliable and fair

results, and this will cause Black people to be less competitive than White people during job applications. People are born with equal individual rights, and race should not be a reason for treating them as equal. However, under such conditions, Black people are given fewer rights than White people. Therefore the system is not morally justifiable and fair.

Another potential problem would be that some background check data are too old to represent the job candidates. The background check may rely on outdated versions of data, and they may not include updated results like the final disposition of cases or new progress in cases. This may cause problems since background checks may find crimes that should be deleted from criminal records or crimes that are over seven years which should be deleted too, according to the law (Nelson). From a consequentialist view, the outdated background check data that may deprive an applicant of employment is considered not to be moral.

Accuracy of automated searches algorithm

The accuracy of automated searches is one of the most common fairness problems while doing the background check. According to the consequentialist perspective, actions should be judged based on consequences, and the fundamental moral duty is "to make the world the best place it can be" (Landau, p.124). Mistaken identity is a problem caused by automated searches while doing an AI background check which directly induces inaccurate results, which is morally unjustifiable.

The algorithm's accuracy may become the most significant issue that drives this problem. Mistaken identity caused by AI background search may lead individuals to lose the qualifications to be a strong candidate in recruitment if that person is mistakenly recognized as others who have criminal records or social problems. One proposal that may help solve inaccuracy in background checks could be taking an additional step in the screening process and adding identity verification in the algorithm. This enables people to examine whether the date of birth, legal name, and home address provided is the

candidate's own, which will help avoid accidental mix-ups in automated searches. Some background check companies like Intelligo claim that they do have such "proprietary name-matching algorithm filters" that detect records "belonging to someone with the same name." However, those companies have not publicly shared any information about "how this technology operates or its success rate for avoiding false positives" (Artificial Intelligence and Background Checks). It's obstructive to demonstrate if a company's algorithm is valid or not without specific investigation about the algorithm itself. Therefore, it's appropriate to conclude that the result caused by automated AI background checks is morally unacceptable. Candidates mistakenly admitted as someone else may enormously influence the recruiting results, which is not essentially fair.

Identity theft could also be a problem that induces biased results while doing background checks through recruitment. The background check algorithms may not be able to detect individuals who use false information stolen from others. It's formally not fair for all candidates applying for this job. The Fair and Accurate Credit Transactions Act of 2003 or the "FACT Act" law is assigned to help combat identity theft and improve the accuracy and security of people's financial information (SHRM). This law listed several terms that help people prevent identity theft and enhance the accuracy of consumer report information, improving the accuracy of one's personal information while doing background checks.

Deontology

Is including arrest records as a part of background checks justifiable? Ban-the-box laws

From the viewpoints of a deontologist, “the morality of our actions has everything to do with our intentions and reasons for action” (Landau 165). The risk of theft and fraud, as well as concerns about workplace violence and responsibility for irresponsible hiring, are all grounds for doing a criminal background check (Cavico et al.). Therefore, the reasons for action are not intrinsically bad.

Though we are not discussing a person's action, we can understand that including arrest records as a part of background checks is morally acceptable. However, "for Kant, the morality of our actions has nothing to do with results" (Landau 165). Therefore, morally acceptable may not lead to fairness, so we need to look in-depth by using other moral theories.

To apply the moral theory to the questions by using the fairness-based theory, prioritization of the candidate who is without arrest records is formally fair because with a similar condition, hiring a candidate without arrest records means less risk for the organization, and people with arrest records all have equal possibility to be hired. However, this rule is not substantively fair because it does not successfully meet moral reasons. According to Nagele, when it comes to arrests, ethnic and racial minorities are frequently mistreated, which means minority groups are more likely to have arrest records. Moreover, as discussed in the previous passage, racial and ethnic discrimination might cause longer sentences. Therefore, including criminal records in recruiting background checks is not substantively fair.

In order to make the algorithm more justifiable and stop the cycle from prison to unemployment, the Ban-the-box laws are applied in about 35 states (Nagele). These laws state that employers cannot check criminal history until the first interview. In addition, many states will restrict the check on juvenile records, certain misdemeanor convictions in background screening.

With few exclusions, Illinois Governor J.B. Pritzker signed the Employee Background Fairness Act into law on March 23rd, 2021, banning employers in the state from dismissing job candidates with criminal histories (Maurer). Instead of applying the exact same background screening algorithm on all applicants, individualized reports should be assessed with some factors that influence the extent of conviction, including the amount of time that has passed since the crime, the number of criminal records, etc. (Maurer).

Moral Analysis II: Privacy

Consequentialism

Awareness of Data Markets and Data Collection

Using the consequentialist moral lens, we assess whether or not data markets that sell and use your information from background checks without your awareness are justifiable or not. Consequentialism seeks to judge the morality of an action based on the results of that action. Whether or not the result maximizes happiness determines if the action itself was justifiable. There are cases where phone location records were sold to the government to show how COVID-19 was spreading amongst the public and D.C. The Department of Health stated that the data was collected without consumer knowledge and then resold to public and private companies (Harwell). In this specific case, under the lens of consequentialism, the act of selling location information to the government to help the public be aware of hot spots for covid is an action that resulted in maximizing happiness. However, there are also cases where data that is sold can easily be used for social harm and targeted advertising when companies sell data to private brokers, which makes the result of selling data unjustifiable.

Our conclusion is that data markets and the awareness of data collection is justified under a consequentialist lens depending on whether or not the action of data collection and distribution resulted in an outcome that maximized happiness.

Excessive use of personal information in tenant screening

When it comes to background checks, people are often most concerned about their privacy. This section discusses the potential issue of excessive use of personal information in tenant screening from consequentialist points of view and whether the amount of information used is justifiable.

From a consequentialist point of view, we aim to maximize the goodness in the world. But is maximized goodness actually achieved by an exhaustive background check? During the process of tenant screening, landlords filter potential tenants using residential history, credit reports, criminal records, and civil litigation records to avoid "unqualified renters" (Dunn and Grabchuk 325). Criminal records or civil litigation records are available in public databases, so it is arguable that using already open information would not cause harm. However, residential history is self-reported information that the renters have to report their former addresses and past personal experiences. This means that any results generated from self-reported residential history already violate an individual's privacy when they are not able to choose whether they want to report this information.

After all, the excessive use of information in tenant screening may not actually maximize the goodness because harm can be done.

Deontology

Awareness of Data Markets and Data Collection

Awareness of data markets and data collection under a deontological lens is non-justifiable in all cases. The deontological lens asks us to take a look at the action itself and determine its moral relevance. When someone is unaware that they are being tracked, reviewed, having their information sold and distributed without their consent, that is a breach of privacy and violation of the 4th amendment. Recently, many states have begun implementing new laws that prevent the distribution of data without good reason. If we dig into the moral lens, we can see that how companies collect their information is just as much of a breach of privacy as the act of selling that data. "Everytime you interact with the company, you should expect the company is recording that information and connecting it to you." (Knowledge@Wharton). Companies can link every interaction you make with them as some kind of census data that they will sell or use without your permission. An example of this is Walmart.

Walmart tracks its customers to give them a better experience and targets ads based on their purchasing patterns.

Obviously, if you are unaware that all these companies are distributing your information under your nose, your privacy has been violated, and the business of data markets and the act of selling collected data can be deemed unjustifiable under all circumstances.

Excessive use of personal information in recruiting

When it comes to the morality of using excessive data in AI-recruiting background checks, we look at it from deontologists' point of view. Deontologists would argue that the amount of data used in this type of background check needs to be intrinsically right by itself. The question is if it is right to use such depth of private information in recruitment background checks.

Examining individuals' past activities on social media sites creates a sense of "powerlessness and vulnerability" since aggregation can occur, which happens when small pieces of information are placed together (Solove). Even if an individual only posts minor information like where they like to eat or what time they usually get up in the morning on their social media, the individual should have the right to choose whether this can be presented on some employers' desk to determine if they are competent for a job. Therefore, no matter how predictive a person's social media information can be used to predict competence, using social media activity data in background checks is not the right thing to do, and companies should be more regulated when using such data.

Using social media activity data in recruitment background checks is morally unjustifiable. Government should implement new legislation to prevent this excessive use of private data to limit the extent of information the companies are allowed to utilize.

Conclusion

Our moral analysis focused on fairness and privacy issues, and we used two moral lenses: consequentialism and deontology.

For the fairness issue, based on the Consequentialist view, data inaccuracy in the background check process brings job candidates with fewer chances to get jobs, so background checks are not fair and morally justifiable. Problems such as mistaken identity and identity theft caused by automated searches while doing an AI background check induce inaccurate results, which is morally unjustifiable. From the deontology perspective, including arrest records as a part of background checks is morally acceptable because the intention to include them is not biased, which leads to formal fairness. However, it is not substantively fair because the used criminal records datasets have racial biases due to an unfair justice system.

From a consequentialist point of view to analyze privacy issues, the excessive data used in background checks in tenant screening is morally unjustifiable and violates privacy. From the deontologist's point of view, the excessive data used in background checks in recruiting is also morally unjustifiable and violates privacy. Data markets and awareness from a consequentialist moral lens can be considered justified in certain cases because the result of selling data taken from background checks can produce different outcomes that can either maximize happiness or cause harm based on how the data is used. Data markets and awareness from a deontological moral lens is unjustified in all cases because the act of selling data without the awareness of the patient is a blatant breach of privacy regardless of what result stems from the action.

Annotated Bibliography

Angwin, Julia, et al. "Machine Bias." *ProPublica*, 23 May 2016, www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing.

This article used examples from real courts decisions and results to explain that the software used to predict future criminals is biased against Black people. This source is used in combination with Corbett-Davies, Sam, et al's article to argue that the data used for background check is not accurate and biased.

"Artificial Intelligence and Background Checks." *backgroundchecks.com*, www.backgroundchecks.com/hubfs/imported_docs/AI%20and%20Background%20Checks%20White%20Paper.pdf.

This article explains the artificial intelligence algorithms used in background checks from different companies. It also lists benefits achieved by background check companies and potential problems. This helps the article to explain how algorithms perform background checks and their potential harms to job candidates. It also provides the article with detailed examples to support the argument that AI background check has many problems.

Binns, Kempf. "Background Checks: The Theories behind the Process." Security Journal, vol. 34, no. 4, 2020, pp. 776–801., https://doi.org/10.1057/s41284-020-00260-4.

This article addresses the gap between the topic of security and the theoretical underpinnings of background checks. This study gives security professionals critical advice on how to use criminal record checks efficiently as a crime-prevention strategy. This source relates to our group's vision by giving background information on recruiting background checks and the value of applying background checks.

Blonquist, A. (2021, August 18). Background Check Identity Verification Problems. GoodHire. Retrieved November 7, 2021, https://www.goodhire.com/resources/articles/mistaken-identity-id-theft-background-check-identity-verification-problems/.

This article was written by Ashley Blonquist. It mainly discusses the mistaken identity and id theft problems that may happen while doing the background check. We will briefly combine some of the ideas related to background checks with AI algorithms in our paper and examine the potential moral problems that may occur.

Cavico, Mujtaba, and Muffler. "Criminal Background Checks in Employment: An Unfolding Legal Quandary for Employers." Journal of Law and Criminal Justice, vol. 2, no. 1, pp. 41-103., http://jlcjnet.com/journals/jlcj/Vol_2_No_1_March_2014/4.pdf.

This article covers the essential and contentious issue of checking on criminal records in the hiring process. The importance of background checks is discussed, as well as the ethical considerations that arise because of them. The passage discussed about criminal records for those affected by them, particularly the legal ramifications for employers, are examined. This article provides the data and statistics about conducting criminal background checks, which added quantitative information.

Conducting Background Investigations - SHRM. https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx.

The investigations report focuses on when do employers conduct background checks, reasons to conduct, types of screening, legal challenges, and trending. The reasons include safety, maximizing productivity, and data verification. This report comprehensively presents the basic

situation of background investigation, and the data are all collected in 2018, which makes the conclusion of the report up to date. Using these reports' statistics and conclusions, our group can effectively introduce the background and portray what is the trending of background checks.

Corbett-Davies, Sam, et al. "A computer program used for bail and sentencing decisions was labeled biased against blacks. It's actually not that clear." *The Washington Post*, 17 Oct. 2016, www.washingtonpost.com/news/monkey-cage/wp/2016/10/17/can-an-algorithm-be-racist-our-analysis-is-more-cautious-than-propublicas/.

This article talked about the algorithm, COMPAS, used by the legislative system to decide the possibility of defendants to reoffend. It is used as a piece of evidence to support that Black people are usually assigned a higher score than White people committing the same crime. This leads to inaccuracy in data analysis.

Dunn, Eric and Grabchuk, Marina. "Background Checks and Social Effects: Contemporary Residential Tenant-Screening Problems in Washington State," *Seattle Journal for Social Justice*: Vol. 9 : Iss. 1 , Article 13 (2010)

This journal article describes the process of tenant screening, the data it uses, and the potential problems of it in Washington states. In our project, we need to explain background information of background check in tenant screening, and this article provides a thorough explanation of what are included in a tenant screening report.

Farivar, Cyrus. "Tenant Screening Software Faces National Reckoning." *NBCNews.com*, NBCUniversal News Group, 14 Mar. 2021, https://www.nbcnews.com/tech/tech-news/tenant-screening-software-faces-national-reckoning-n1260975.

This article is relatively new and talks about new problems surrounding tenant screening. In our project, we want to look at potential problems about tenant screening and review some legislations that were designed to prevent similar problems. For example, we talk about the Fair Credit Reporting Act that can prevent problems caused by problematic algorithms to some extent.

Gudmundsson, Peter A. "What to Know About Background Checks for a Job." U.S. News, 31 Aug. 2021, https://money.usnews.com/money/blogs/outside-voices-careers/articles/how-do-background-checks-work.

The author is Peter Gudmundsson. This article mainly discusses why and how employers use background checks. It also describes recent trends in using background checks in hiring and its limits associated with applicant and employee Rights. We primarily involve some ideas about which scenarios or data types are mainly used in AI-powered background checks.

Heilweil, Rebecca. "Beware of These Futuristic Background Checks." Vox, 11 May 2020, https://www.vox.com/recode/2020/5/11/21166291/artificial-intelligence-ai-background-check-checkr-fama.

The author of this article is Rebecca Heilweil. The article discusses a potential problem of the background check. Many companies will let people pass an AI-powered background check before hiring employees. One of the main problems is that those background check software isn't addressing errors and mistakes on those employees' criminal records reports. Some people were erroneously reported to have committed several crimes that belonged to another person with the same name. We think this could be an example that an algorithm is unfair to all people.

Howard, R. (n.d.). Why hiring decisions require a human touch (vs. AI). Background Screening Blog. November 7, 2021, https://blog.verifirst.com/why-hiring-decisions-require-a-human-touch-vs.-ai.

This article was written by Ryan Howard, talks about both advantages and drawbacks of using AI-powered background checks. He has listed all potential benefits and disadvantages of applying artificial intelligence in background checks. Our group will involve some of the points discussed in the article that examine the weaknesses of AI background checks.

Harwell, Drew. "Data Broker Shared Billions of Location Records with District during Pandemic." *The Washington Post*, WP Company, 12 Nov. 2021, https://www.washingtonpost.com/technology/2021/11/10/data-broker-shared-billions-phone-location-records-with-dc-government-part-covid-tracking-effort/.

Provides information on how data markets like veraset don't inform their customers that they sell and distribute data, and goes into detail about what kind of information they sell, who they sell it too, and the laws and ethics that have been implemented as a result of studying the effects of data markets on the general public.

Kuhn, Kristine M. "What We Overlook: Background Checks and Their Implications for Discrimination." *CambridgeCore*, vol. 6, no. 4, 7 Dec. 2013, pp. 419-23, doi:https://doi.org/10.1111/iops.12077.

This article evaluated the impacts of background check practices. More specifically, it focused on the use of criminal records and credit reports in applicants' evaluation and selection. According to this article, one of the problems in background checks is racism, which is used as an example of data inaccuracy in the paper.

Maurer, Roy. “New Illinois Law Protects Workers with Criminal Records.” SHRM, 1 Apr., 2021. https://www.shrm.org/resourcesandtools/hr-topics/talent-acquisition/pages/new-illinois-law-protects-workers-criminal-records.aspx

This article details the specifics of the "ban-the-box" law, as well as the facts on the ground in how Illinois implements it. Ban-the-box law helps workers with criminal records to reduce discrimination in the hiring process. By using this article, our group could discuss what are the limitations that we could apply on background checks to reduce our concerns discussed previously.

Nagele, Lisa. “How to Conduct Compliant Criminal Background Investigations” SHRM, 14 Mar., 2017. https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/how-to-conduct-compliant-criminal-background-investigations.aspx.

This passage discusses recent changes to criminal records check laws. The author admitted that conducting criminal background checks throughout the employment process has a number of advantages. By using this passage, our group could cover the previous EEOC Guidance and FCRA Rules, which helped us effectively discuss the existing problems. Besides, this passage helps us introduce the current police to solve the concern.

Nelson, Ariel. "Fertile Ground for FCRA Claims: Employee & Tenant Background Checks." *NCLC*, 16 Dec. 2019, library.nclc.org/fertile-ground-fcra-claims-employee-tenant-background-checks.

This article described the employee and tenant background check. It analyzed the types of errors in criminal reports and related laws about this. This article provides rules for what should be included in data used for background check and the consequence of including outdated data to

support the argument that outdated data should not be included and the background check data is not fair.

Shafer-Landau, R. (2021). *The Fundamentals of Ethics*. Oxford University Press.

The book was written by Shafer Landau. It mainly discusses the essential idea of moral philosophy, addressing issues that included the doctrine of double effect, ethical particularism, the desire-satisfaction theory of well-being, and moral error theory. We will include some basic concepts of consequentialist and deontologist points of view in our paper.

Solove, Daniel J. "Why Privacy Matters Even If You Have 'Nothing to Hide.'" *The Chronicle of Higher Education*, 23 July 2020, https://www.chronicle.com/article/why-privacy-matters-even-if-you-have-nothing-to-hide/.

This article gives great examples of why we should care about privacy when we think we have "nothing" to hide. One of the goals of our project is to analyze the morality of background checks from the perspective of privacy. This article talks about how privacy can be violated. One example of how privacy can be violated we talk about in the project is aggregation. This connects to our argument about the moral question of background checks from a deontologist's point of view.

Smith, Erin. "Landlords Use Secret Algorithms to Screen Potential Tenants. Find out What They've Said about You." *ProPublica*, 20 Sept. 2021, https://www.propublica.org/article/landlords-use-secret-algorithms-to-screen-potential-tenants-find-out-what-theyve-said-about-you.

The article was written by Erin Smith, a reporter at ProPublica, and it talks about the use of background checks by landlords when consumers apply for housing. It reveals that there are

companies that run background checks of potential buyers to generate tenant scores. It is morally questionable that companies do not present how they create the tenant scores, and the tenant scoring models or algorithms are weakly overwatched. This relates to our group's vision by showing how background check technology can be questionable and require further moral analysis.

Vincent, James. "Google 'fixed' its racist algorithm by removing gorillas from its image-labeling tech." *The Verge*, 12 Jan. 2018, www.theverge.com/2018/1/12/16882408/google-racist-gorillas-photo-recognition-algorithm-ai.

This article mainly describes the mistakes made by Google. The image processing algorithm in Google mistakenly classified one Black man's image into ape. The article is used in the paper as an example to discuss the inaccuracy in the algorithm. Even pioneer companies like Google cannot ensure the accuracy of algorithms, other companies are not likely to have perfect calculations to perform fair and accurate background checks.

"Your Data Is Shared and Sold...what's Being Done about It?" *Knowledge@Wharton*, University of Pennsylvania, 28 Oct. 2019, https://knowledge.wharton.upenn.edu/article/data-shared-sold-whats-done/.

Provides an insider view on how data is being used, tracked, or sold the moment you interact with anything that could be connected to you. There are many examples of how companies connect and create census data based on how you interact with them. Not only that, but it shows how these companies sell or preserve this private information for their own benefit or to profit off of the data they collect.

1. Bibliography:
    1) Rebecca Li: 5 sources
    2) Isabella Xue: 4 sources
    3) Haiwen Dai: 3 sources
    4) Pan Gu: 6 sources
    5) Zhengxi Guo: 5 sources
2. Report:
    1) Rebecca Li: 1st page of background section, Moral Analysis I: Fairness-Deontology - Is including arrest records as a part of background checks justifiable? Ban-the-box laws
    2) Isabella Xue: Background check in tenant-screening, Moral Analysis II: Privacy-Consequentialism- Excessive use of personal information in tenant screening, Moral Analysis II: Privacy- Deontology - Excessive use of personal information in recruiting
    3) Haiwen Dai: Introduction, The Awareness of Data Markets/Collection, Moral Analysis II: Privacy- Consequentialism- Awareness of Data Markets and Data Collection, Moral Analysis II: Privacy- Deontology - Awareness of Data Markets and Data Collection
    4) Pan Gu: Background check in AI-recruiting second half part, Moral Analysis I: Fairness-Consequentialism- Data inaccuracy
    5) Zhengxi Guo: Background check in AI-recruiting first half part, Moral Analysis I: Fairness- Consequentialism - Accuracy of automated searches algorithm
3. Video: same as report
4. Group organization:
    1) Rebecca Li : Project leadership
    2) Isabella: Visionary