

Background screening reports

When you apply for a job, the employer may, with your consent, request a background screening report on you.

This background report, also known as a background check, can include information from public records, including criminal records. If you have been arrested or convicted, you likely have a criminal record or RAP (Record of Arrests and Prosecutions).

Reviewing your background screening report from some of the main background screening providers may help you find out whether there are errors in your files before you apply for a job. However, keep in mind that not every consumer reporting company will have information on everyone. For a list of many employment background screening providers see files.consumerfinance.gov/f/201604_cfpb_list-of-consumer-reporting-companies.pdf.

Know your rights

Federal law (the Fair Credit Reporting Act) gives you certain rights and protections when it comes to the information in your background screening reports and how employers and others may use them. State laws may provide additional protections.

Under federal law, you have the right to receive:

Prior notice: The employer must tell you that it might use information from the report to make a decision about your employment.

Prior written consent: The employer must ask for your written permission before getting the report (except in the trucking industry where it generally also may be given by other means). You are not required to give permission however, if you don't, the employer may reject your application. If an employer obtains a background report on you without your permission, you can submit a complaint with the Consumer Financial Protection Bureau or the Federal Trade Commission.

Pre-adverse action: Before taking any "adverse action" – such as not hiring or promoting you because of something in a background report - based in whole or in part on the report, the employer must give you a copy of the report, and a document called "A Summary of Your Rights under the Fair Credit Reporting Act."

If you do not get hired or promoted because of information in your background report, the employer must tell you orally, in writing, or electronically:

- The name, address, and phone number of the company that supplied the criminal history or public records report
- That the company that provided the information didn't make the decision to take an "adverse action" and can't give you the specific reasons for it
- That you have the right to dispute the accuracy and completeness of any information in the report, and to get an additional free report from the company that supplied it, if you request it within 60 days of the employer's decision not to hire or retain you

Some employers might say not to apply if you have a criminal record. That could be discrimination. If this happens, contact the EEOC at eeoc.gov/contact.

Disputing errors

If possible, request the name of the background screening company the employer plans to use at the time you provide consent. You can use this information to request a copy of that report.

If there is a mistake in the background screening report and you wish to dispute it, immediately inform the background screening company that provided the report.

First, call the company that provided the report and inform them that there is a mistake. Then, follow up with a dispute in writing and written documentation to show the accurate or complete information, either online or through the mail. You may wish to choose to use certified mail, return receipt requested so that you have a record. You may need to get the underlying criminal history data from the courthouse or state repository (See *A closer look: Obtaining your criminal records*).

The background screening company generally has 30 days (an additional 15 days in some circumstances) from the time it receives your dispute to investigate and respond to it. The background screening company must review and consider all relevant information that you submit. Once the company completes the investigation it has 5 business days to notify you.

If there is a mistake in the background screening report, the background screening company must fix it, and send a copy of the corrected report to the employer. If the background screening company does not correct the errors, and remove the inaccurate, incomplete, or unverifiable information, you can submit a complaint with the CFPB or the FTC. Go to consumerfinance.gov/complaint or ftc.gov/faq/consumer-protection/submit-consumer-complaint-ftc or call 855-411-CFPB(2372).

Request additional help

Obtaining, checking, and correcting your background screening report may include many steps. It may involve requesting and/or correcting criminal records and other data from multiple states, which may involve visiting each court that originated the records. Help from an attorney may be necessary to ensure your background screening report and your criminal records are accurate. Visit consumerfinance.gov/askcfpb/1549 and lsc.gov/what-legal-aid/find-legal-aid to find help in your state.

A Closer Look on Background Screening Reports is based on information from FTC on the topic. See consumer.ftc.gov/articles/0157-background-checks.

This tool is included in the Consumer Financial Protection Bureau's *Your Money, Your Goals: Focus on Reentry* companion guide. The CFPB has prepared this material as a resource for the public. This material is provided for educational and information purposes only. It is not a replacement for the guidance or advice of an accountant, attorney, certified financial advisor, or otherwise qualified professional. The CFPB is not responsible for the advice or actions of the individuals or entities from which you received the CFPB educational materials. The CFPB's educational efforts are limited to the materials that CFPB has prepared.