

[Instructions: These forms are designed to be used when obtaining credit or other background check reports on California applicants or employees, and by California-based employers.

The California Labor Code prohibits the use of credit reports for employment reasons in most situations, and requires the employer to notify the employee of the reason the credit report is sought. The only remaining acceptable reasons are as follows:

- (a) a managerial position (including regular supervision of two or more employees and power or influence over hiring and firing decisions);
- (b) a position in the state Department of Justice;
- (c) a peace officer or other law enforcement position;
- (d) a position for which the information contained in the credit report is required by law;
- (e) a position that involves regular access to specified personal information for any purpose other than the routine solicitation and processing of credit card applications in a retail establishment;
- (f) a position in which the person is or would be a named signatory on the employer's bank or credit card account;
- (g) a position that involves access to confidential or proprietary information;
- (h) a position that involves regular access to \$10,000 or more of cash; and
- (i) Certain financial institutions positions. See Labor Code Section 1024.5(b).

The Fair Credit Reporting Act rights form included within should be printed out and provided to the applicant along with these forms.

Be sure to complete the blanks, then have the applicant sign and then retain copies of all the documents in the applicant's file, while also providing copies to him or her. It is recommended these forms be used in conjunction with the enclosed Application for Employment Form.

Delete or discard these instructions; they are not intended for the applicant or employee.]

NOTICE AND DISCLOSURE

_____ (“Employer”) may obtain consumer credit reports
(The purpose for obtaining this information is _____)

_____),
consumer reports, and/or investigative reports about you in connection with your application for employment and/or at any time during your employment with Employer if you are hired or if you are a current employee, for employment purposes including, but not limited to, reassignment, promotion, retention, and rehiring. If checked [___], medical information or reports may also be obtained from any physician, hospital, or medical facility or provider and disclosure of the same by any of these is hereby specifically authorized for one year following the date below.

Such investigation reports may include information concerning your creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, and/or mode of living (and, if applicable medical history). This information may be obtained from personal interviews with your professional and personal acquaintances, including references and others. Within a reasonable time, you have the right to request in writing a complete disclosure of the nature and scope of any such investigation involving personal interviews. Examples of investigation reports may include, but are not limited to, credit reports, criminal background reports, motor vehicle driving records, reference checks, verification of education or past employment, and investigations into theft, fraud, harassment, and workplace violence.

Attached is a summary of your rights under the Fair Credit Reporting Act (also available online at <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre35.pdf>), the California Consumer Credit Reporting Agencies Act (available online at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1785.1-1785.6>), and the California Investigative Consumer Reporting Agencies Act (also available online at <http://www.privacy.ca.gov/icraa.htm>).

The consumer reporting agency(ies) that will conduct the investigation is(are) (attach additional pages if necessary):

Name: _____

Address: _____

Telephone: _____

I acknowledge that I have read and understand the above disclosure and that I will receive free copies of any consumer credit reports, consumer reports, investigative report, or medical reports that are obtained by Employer.

Sign: _____

Print Name: _____

Date Signed

A Summary of Your Rights Under the Fair Credit Reporting Act
(attached)

A Summary of Your Rights Under the Investigative Consumer Reporting Agencies Act

The complete text of California Civil Code Section 1786.22 is reproduced below. The complete text of the Investigative Consumer Reporting Agencies Act can be found online at <http://www.privacy.ca.gov/icraa.htm> You may have additional rights under federal law.

- (a) An investigative consumer reporting agency shall supply files and information required under Section 1786.10 during normal business hours and on reasonable notice.
- (b) Files maintained on a consumer shall be made available for the consumer's visual inspection, as follows:
 - (1) In person, if he appears in person and furnishes proper identification. A copy of his file shall also be available to the consumer for a fee not to exceed the actual costs of duplication services provided.
 - (2) By certified mail, if he makes a written request, with proper identification, for copies to be sent to a specified addressee. Investigative consumer reporting agencies complying with requests for certified mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the investigative consumer reporting agencies.
 - (3) A summary of all information contained in files on a consumer and required to be provided by Section 1786.10 shall be provided by telephone, if the consumer has made a written request, with proper identification for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.
- (c) The term "proper identification" as used in subdivision (b) shall mean that information generally deemed sufficient to identify a person. Such information includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if the consumer is unable to reasonably identify himself with the information described above, may an investigative consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his identity.
- (d) The investigative consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished him pursuant to Section 1786.10.
- (e) The investigative consumer reporting agency shall provide a written explanation of any coded information contained in files maintained on a consumer. This written explanation shall be distributed whenever a file is provided to a consumer for visual inspection as required under Section 1786.22.
- (f) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. An investigative consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

AUTHORIZATION

I, _____, hereby authorize _____ (“Employer”) to obtain any consumer credit reports, consumer reports, and/or investigative reports – and if initialed here _____ then also any medical information, history, and/or reports – about me in connection with my application for employment and/or at any time during my employment with Employer if I am hired or if I am a current employee, for employment purposes, including hiring, assignment, promotion, retention, reassignment, and rehiring. I have received, read, and understood a Notice and Disclosure explaining that such consumer credit reports, consumer reports, and/or investigative reports (and if applicable, medical information, history, and/or reports) may include information concerning my creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, and/or mode of living (and if applicable medical history, conditions, and former and current treatments and diagnoses). This information may be obtained from personal interviews with my professional and personal acquaintances.

I understand that Employer and its agents are not responsible for the accuracy or completeness of the information contained in any such reports or information, and therefore I hereby release Employer and its agents, successors, and assigns from all liability, claims, and lawsuits with respect to the information obtained from any or all of the sources used by Employer.

I further understand that this authorization is not an offer for employment by Employer, nor if I am or later become an employee does it alter my status as an employee at will (which only an express written agreement executed by Employer may do), and that any false or misleading information I have provided, or later provide, to Employer may result in a refusal to hire, promote, retain, reassign, or rehire me.

I also understand that this authorization is a continuing authorization and, to the maximum extent permissible under applicable law, will remain valid until such time as I inform Employer, in writing, that I wish to revoke this authorization, to a maximum of one year from the date signed.

Sign: _____

Date Signed

Print Name: _____