


<b>Approved by: Commissioner Stuart C. McWhorter</b>	<b>Policy Number: 35</b>
<b>Signature:</b> 	<b>Supersedes F&amp;A Policy Number 35</b>
<b>Application: Finance &amp; Administration Employees and Candidates for Certain Positions</b>	<b>Effective Date: March 1, 2020</b>
<b>Authority: IRS Publication 1075, Tenn. Code Ann. § 4-3-105, Tenn. Code Ann. § 4-3-5503, Tenn. Code Ann. § 8-50-112, Tenn. Code Ann. § 71-3-507</b>	

**DEPARTMENT OF FINANCE AND ADMINISTRATION  
Criminal Background Check Policy**

**SECTION I. STATEMENT OF PURPOSE.**

1. The Department of Finance and Administration (Department) Human Resources Office (HRO) Director or designee shall conduct criminal record background checks on all candidates for employment; employees transferred into positions requiring a new or different background check; and certain contractors when required by law.
2. Because the Department performs a variety of functions, the type of background check varies depending on the nature of the position involved and the federal or state law regulating those functions. The purpose of this Policy is to define the different kinds of employment related criminal background checks performed by the Department, identify by function which candidates, employees, and contractors are subject to the background checks defined in this policy, and describe the procedures for performing background checks.
3. From the effective date of this policy forward, this policy shall apply to all Department divisions except the Office of Inspector General (OIG). OIG performs criminal justice functions and conducts background checks pursuant to its own, separate background check policy.
4. The Department will review this policy annually and revise as necessary to reflect changes in the types of criminal background checks conducted or changes in the positions requiring criminal background checks.
5. All persons who receive background checks pursuant to this policy shall have an absolute responsibility to report any subsequent misdemeanor or felony conviction to HRO. HRO shall consider the nature of the conviction in light of this policy to evaluate its impact upon continuation of employment. Failure to report a criminal conviction within 10 days may result in disciplinary action up to and including termination.

**SECTION II. DEFINITIONS.**

1. **“Background Check Documentation”** includes all notification and consent documents signed by the candidate, as well as the background check result sheet(s), registry check result sheets, and any statement of rights provided to the candidate. For all “covered positions” the Background Check Documentation also includes a copy of the job posting/announcement which advises of the background check requirement for the position.

2. **“Covered Positions”** are positions within the Department that are defined in Tenn. Code Ann. § 8-50-112 as positions for which a background check is required under federal law or for which the commission of an offense is a disqualifying event under federal or state law. These positions include:
  - a. Tenn. Code Ann. § 4-3-5503(b) requires Federal Fingerprint Background Checks for certain employees and contractors of the Strategic Technology Solutions Division (STS) who access the Criminal Justice Information System (CJIS) and are therefore “CJIS covered positions” under Tenn. Code Ann. § 8-50-112. The requirement to undergo a background check shall be included on job postings and announcements for all CJIS covered positions.
  - b. IRS Publication 1075 and Tenn. Code Ann. § 4-3-105 require Federal Fingerprint Background Checks and Local Background Checks for employees of the Department who access or use federal tax information (FTI) and are therefore “FTI covered positions” under Tenn. Code Ann. § 8-50-112. The requirement to undergo a background check shall be included on job postings and announcements for all FTI covered positions. IRS Publication 1075 and Tenn. Code Ann. § 4-3-105 extend the Federal Fingerprint Background Check and Local Background Check requirements to contractors, including subcontractors, of the State that access or use FTI.
3. **“Fingerprint Background Check”** is a check of federal and state criminal records conducted by the Federal Bureau of Investigation (FBI) through an agreement with the Tennessee Bureau of Investigation (TBI), when authorized by federal and state law.
4. **“Name Based Background Check”** is a check of Tennessee criminal records conducted by the HRO through the TBI.
5. **“Local Background Check”** is a background check of local law enforcement agencies where the subject has lived, worked, and/or attended school within the five (5) years prior to the date of the background check, and if applicable, the appropriate agency for any identified arrest, to be conducted by a vendor retained by HRO.
6. **“Sensitive Positions”** are positions within the Department that involve or have potential to involve access to sensitive information, including data from other agencies, or have use of state or personal vehicles or valuable state property in the course of their job duties. Although these positions may not be required to undergo background checks as a matter of federal or state law and are not therefore “covered positions,” the Department has determined that background checks are necessary for all positions within the Department, so all positions that are not “covered” or “positions with access to children” are deemed sensitive positions.
7. **“Positions with Access to Children”** are positions within the Department that include or have potential to include functions requiring access to sensitive information regarding children, which access constitutes access to children pursuant Tenn. Code Ann. § 71-3-507(G)(1)(A). A list of all “sensitive positions with access to children” within the Department will be maintained in the F & A Human Resources Office and updated regularly as needed.
8. **“Transfer”** means any change of duties into a position requiring a background check, whether that occurs by promotion, demotion, reclassification of job position, or otherwise, whether the change is from another State department or within Finance and Administration, and whether such transfer is voluntary or involuntary.

## 9. "Additional/Other Background Checks"

- a. **STS.** Situations arise when employees in STS positions which are not officially designated to be "CJIS covered positions" as defined by Tenn. Code Ann. § 8-50-112 may be required to undergo Federal Fingerprint Background Checks pursuant to Tenn. Code Ann. § 4-3-5503(b) because of a job assignment involving "elevated access" to protected information. In these instances, the "elevated access" is not related to the transfer, hire, or promotion of an employee into a "CJIS covered position." If a fingerprint background check is required for "elevated access" job assignments rather than promotions, transfers or hires, the Department shall follow the procedure provided in Section IV below.
- b. **Federal Grant Conditions** applicable to grants administered by the Department may have additional background check requirements. The Department will comply with all grant requirements regarding background checks.
- c. **Tennessee Bureau of Investigation (TBI) Step I, II, or III Background Checks** may be required for certain high security positions within the Department. TBI Step I, II, or III Background Checks shall be conducted by the TBI according to its background check policy and applicable state and federal law including the Fair Credit Reporting Act.
- d. **Senior-Level Executive Positions within the Department that require hiring approval from the Governor's Office** will undergo background checks directed by the Governor's Office and the TBI in accordance with applicable state and federal law including the Fair Credit Reporting Act. The Department will not conduct background checks for those positions.

## SECTION III. POLICY.

1. As required by Tenn. Code Ann. §8-50-112, when the Department announces openings for any covered position which requires a criminal background check by operation of state or federal law, ("covered positions" as defined above) the announcement and/or job posting shall state as follows:  

**"This position requires a criminal background check. Therefore, you may be required to provide information about your criminal history in order to be considered for this position."**
2. When the Department announces openings for any position which is not a covered position, the employer shall not include any language about background checks on the posting or announcement and shall not inquire about an applicant's criminal history on the initial application form. Inquiries into criminal history may only be made after the initial screening of applications.
3. After a conditional offer of employment/transfer of position has been extended the Department's HR Director or designee will conduct all necessary background checks in coordination with the TBI or other appropriate entity/vendor. If a check is necessary, no candidate shall be permitted to begin work in the new position until the completion of the background check process and HRO approval.
4. No background check will be conducted unless the candidate has been provided prior notice of the background check, and signed and returned a Department of Finance and Administration Criminal History Check Consent Form which is attached as **Exhibit A.**

5. After receipt of the background check results HRO will coordinate appropriate next steps in accordance with the procedures established in Section IV below.
6. If a local background check as defined herein reveals information that results in an adverse employment action against a candidate, the HR Director shall inform the candidate of the finding, provide a copy of the local background report, and a statement of rights. A statement of rights is attached as **Exhibit B**.
7. HRO shall preserve all background check documentation for five (5) years after the records were generated or after a personnel action was taken in reliance upon the results, whichever is later. All results from the CJIS database shall be maintained in a secure location consistent with the requirements of the FBI CJIS Security Policy. This retention requirement applies regardless of whether the applicant was hired by the Department or the contractor was placed into the Department. Additionally, if an applicant, contractor or employee files an employment related claim or charge against the Department, the documentation must be maintained until the case is concluded or five (5) years, whichever is longer.
8. Background check documentation shall not be maintained as part of an employee's personnel file but in a confidential separate "background check file" maintained in accordance with established Department retention procedures and the FBI CJIS Security Policy if applicable.
9. Except as otherwise required or expressly permitted by state or federal law, a criminal history obtained by the Department shall be confidential and shall not be disclosed unless required by federal or state law. Any unauthorized disclosure (intentional or unintentional) shall be reported to HRO immediately. Persons who release or use this information without proper authorization may be subject to disciplinary action up to and including termination. Disclosures that violate criminal laws or the CJIS Security Policy rules may also be referred to prosecuting authorities including the TBI.
10. After all record-retention requirements are satisfied, the Department shall dispose of all background check records in a secure manner which meets industry standards for the destruction of confidential and/or sensitive information. This may include shredding, burning, or pulverizing, or permanently destroying electronic records, which are all considered reasonable measures of disposal.

#### **SECTION IV. PROCEDURES.**

1. **Background Checks for Covered Positions Pursuant to Tenn. Code Ann. § 4-3-5503(b) (CJIS Federal Fingerprint Background Checks).** The Department shall conduct a Federal Fingerprint Background Check in accordance with federal and state law when filling CJIS covered positions including appointments, rehires, and transfers. HRO shall provide prior notice and statement of rights to all candidates required to undergo a fingerprint background check and shall obtain signed consent forms.
  - a. The TBI will provide HRO with (1) a copy of the background check report, and (2) the letter with TBI's determination of whether the results of the background check permit the employee to access the criminal justice information systems under TBI's jurisdiction.
  - b. If the TBI determines that the employee will not be provided access to information under TBI's jurisdiction, HRO shall provide a copy of that letter to the candidate along with the basis of the

determination. Within five working days from receipt, the candidate must respond and (1) verify that the information is correct; (2) dispute the information and provide TBI with documentation to support the basis for the dispute; or (3) withdraw from consideration for the position.

- c. Upon receipt of the candidate's response or upon the candidate's failure to respond, the HRO shall recommend a course of action for final approval by the Appointing Authority.
- d. Internal F & A transfers from one position with CJIS access into another position with CJIS access do not require a new CJIS background check provided the HRO is in possession of all documentation of a prior CJIS federal fingerprint background check.

**2. Background Checks for Covered Positions and Department Contractors Pursuant to IRS Publication 1075 and Tenn. Code Ann. § 4-3-105 (FTI Federal Fingerprint Background Checks and Local Checks).**

- a. The Department shall conduct a Federal Fingerprint and Local Background Check ("FTI background check") required by IRS Publication 1075 and Tenn. Code Ann. § 4-3-105 for FTI access when filling an FTI covered position including appointments, rehires and transfers. HRO shall provide prior notice and statement of rights to all candidates required to undergo a fingerprint background check pursuant to this Section and shall obtain signed consent forms.
- b. The Department shall conduct a Federal Fingerprint Background Check and Local Background Check ("FTI background check") on contractors, in accordance with federal and state law, when the contractor will access or use FTI in performing the duties as specified in the contract.
- c. Department employees and contractors must have Federal Fingerprint Background Checks and Local Background Checks prior to gaining access to FTI, and at intervals of at least every ten (10) years thereafter.
- d. HRO or designee will collect a copy of the Federal Fingerprint Background Check report from TBI, and the local background check results, and review them to determine whether the candidate/contractor will be provided access to FTI. No person shall be eligible for a position with access to FTI if the required background checks reveal any felony conviction involving a crime of dishonesty or fraud, including but not limited to the following:
  - (1) Theft,
  - (2) Money laundering;
  - (3) Tax evasion;
  - (4) Identity theft;
  - (5) Counterfeiting;
  - (6) Bribery;
  - (7) Embezzlement;
  - (8) Forgery;
  - (9) Receiving stolen property;
  - (10) Robbery; or
  - (11) A single misdemeanor conviction of a crime equivalent to any crime listed above within the past 5 years; or
  - (12) More than one misdemeanor conviction of a crime equivalent to any crime listed above within the past 10 years.

- e. If the TBI report or Local Background check reveals a conviction for the crimes listed above, HRO shall generate a letter advising the candidate that he/she may not access or use FTI, including a statement of the basis of the determination, and a copy of the local background report. Within five working days the candidate must respond and (1) verify that the information is correct; (2) dispute the information and provide documentation to support the dispute; or (3) withdraw from any position accessing or using FTI.
- f. Upon receipt of the employee's response or the employee's failure to respond, HRO shall recommend a course of action to the Appointing Authority. If a local background check is the basis for an adverse decision, HRO shall provide a copy of Exhibit B Statement of Rights to the candidate.
- g. Internal F & A transfers from one position with FTI access into another position with FTI access do not require a new FTI background check provided HRO is in possession of all documentation of a prior FTI federal fingerprint background check conducted within the past 10 years.
- h. If the TBI report or Local Background check reveals that a contractor has been convicted of any of the crimes listed in Section IV (2)(d) above, HRO shall notify the contractor's employer in writing that the contractor may no longer access or use FTI, the contractor shall not be allowed to access FTI and HRO shall provide a copy of Exhibit B Statement of Rights to the contractor.

**3. Background Check Procedures for Department Employees and Contractors in Positions with Access to Children Pursuant to Tenn. Code Ann. § 71-3- 507(G)(1)(A).**

- a. A list of all positions in the Department with access to children as defined in Tenn. Code Ann. § 71-3-507(G)(1)(A) will be maintained in HRO and updated regularly as needed. Any employee or contractor placed into one of the listed positions must comply with the Federal and Local Fingerprint Background Check requirements for access to children.
- b. The Department shall conduct a Federal Fingerprint Background Check through the TBI and a Local Background Check, in accordance with federal and state law when filling positions and contractor positions with access to children, including appointments, hires, rehires, and transfers into a designated position with access to children.
- c. The Department shall also conduct a search of the National Sexual Offender Registry and the Tennessee Department of Health Abuse Registry, driver's license status and moving violations records for positions operating state or personal vehicles in the course of employment, the DCS database records check at TFACTS, and the Social Services Management System (SSMS) when filling positions with access to children (both preferred and executive service state employees and contractors) including appointments, hires, rehires, and transfers into a designated position with access to children. These registry searches shall be repeated on an annual basis.
- d. Department employees and contractors must have received successful clearance of Federal Fingerprint Background Checks, Local Background Checks, driver's license status and moving violations records for positions operating state or personal vehicles in the course of employment, National Sexual Offender Registry, Tennessee Department of Health Abuse

Registry, the DCS database records check at TFACTS, and the Social Services Management System (SSMS) prior to gaining access to children.

- e. The TBI or its designee will provide a copy of the employees'/contractors' Federal Fingerprint Background Check report to HRO, and HRO shall conduct and collect all results from the Local Background Check and the registry reviews. HRO Director or designee will review the reports to determine whether the employee/contractor will be provided access to information regarding children. No person is eligible for access to information concerning children, whether within the Department or by contract, if the required background checks reveal:
  - (1) Conviction of an offense, or a lesser included offense or a finding in a juvenile proceeding involving the physical, sexual or emotional abuse or gross neglect of a child;
  - (2) Conviction of an offense or a finding in a juvenile proceeding involving violence against a child, or any person;
  - (3) Conviction of an offense determined to present a threat to the health, safety or welfare of children;
  - (4) Any pending warrants, indictments or presentments, or pending juvenile proceedings;
  - (5) The identification of the individual on the National Sexual Offender Registry or the Tennessee Department of Health Abuse Registry;
  - (6) Conviction of any crime against a child, including child abuse and neglect;
  - (7) Conviction of domestic, family or spousal violence;
  - (8) Conviction of any crime involving violence, including rape, sexual assault or homicide;
  - (9) Conviction of any felony that has occurred within (5) years of the date of the report review;
  - (10) Pending criminal charges or proceedings that could result in a felony conviction;
  - (11) Any moving violation or traffic offense which would impact the ability to safely operate a motor vehicle if required as a function of employment; or
  - (12) Any listing on a national or state registry.
- f. If the TBI report, Local Background check, or registry searches reveal a conviction for the crimes or offenses listed above, HRO shall generate a letter to the candidate, advising that he/she may not fill a position with access to children, including a statement of the basis of the determination, and a copy of the local background check report. Within five working days of receipt the employee must respond and (1) verify that the information is correct; (2) dispute the information and provide documentation to support the dispute; or (3) withdraw from a sensitive position with access to children.
- g. Upon receipt of the employee's response or the employee's failure to respond, the HRO shall recommend a course of action to the Appointing Authority. If a local background check is the basis for an adverse decision, HRO shall provide a copy of **Exhibit B** Statement of Rights to the candidate.
- h. If the TBI report, Local Background check, or registry searches reveal a contractor with a conviction for the crimes or offenses listed in Section II (C)(6)(a) above, the contractor may no longer fill a position with access to children. If a local background check is the basis for an adverse decision, HRO shall provide a copy of Exhibit B Statement of Rights to the contractor.
- i. Annually, in January, all employees or contractors holding positions with access to children must submit to an internet records search of the Drug Offender Registry, Tennessee Felony Offender Database, National Sexual Offender Registry, and Tennessee Department of Health

- j. Abuse Registry, and driver's license status and moving violations records for positions operating state or personal vehicles in the course of employment.
- k. Any issues discovered in the course of the annual registry checks will be addressed on a case-by-case basis and may result in disciplinary action up to and including termination from employment with the Department, or release from contract placement.
- l. Internal F & A transfers from one position with access to children into another position with access to children do not require a new background check provided that HRO is in possession of all documentation of a prior federal fingerprint background check, local background check, and current registry checks.

**4. Background Check Procedures for Department Employees and Contractors in Sensitive Positions.**

- a. Before a name based background check is performed, HRO shall notify the candidate and collect a signed consent form from each person (**Exhibit A**).
- b. Background check results for candidates for sensitive positions shall be evaluated according to the following procedure:
  - 1. After the results from the name-based criminal background check are returned, they will be reviewed by the HRO.
  - 2. If the background check reveals no criminal history involving convictions of felonies, misdemeanors involving dishonesty or violence, persistent substance abuse, or other matters which appear to negatively impact an individual's ability to perform the position in a capable and trustworthy manner, the process for the transfer or new hire shall move forward.
  - 3. If the background check reveals criminal history involving convictions of felonies, misdemeanors involving dishonesty or violence, or persistent substance abuse or other matters which would negatively impact an individual's ability to perform the position in a capable and trustworthy manner, HRO shall provide a copy of the report to the candidate. Within five working days from receipt, the candidate must respond and (1) verify that the information is correct; (2) dispute the information and provide information to support the dispute; (3) provide explanation and/or documentation about the conviction and the applicant's current circumstances to aid in evaluating the background check; or (4) withdraw from consideration for the position.
  - 4. The HRO will review all relevant information, including any explanation provided by the candidate, in light of the following considerations:
    - The specific duties and responsibilities of the position;
    - The bearing, if any, that a candidate's criminal history may have on the candidate's fitness or ability to perform the duties required by the position;
    - The amount of time that has elapsed since the candidate's conviction or release;
    - The age of the candidate at the time of the commission of each offense;
    - The frequency and seriousness of each offense;



- The potential for harm to the Department and its customers if the same offense(s) were to recur;
  - Any information produced by the candidate regarding his or her rehabilitation and good conduct since the occurrence of an offense;
  - Any public policy considerations with respect to the benefits of employment for Candidates with criminal histories; and
  - Any other factors determined to be relevant by the Department.
5. Based upon the above listed considerations HRO shall recommend a course of action to the Appointing Authority.
  6. Internal F & A transfers from one position requiring a background check under this policy into another position requiring a name-based background check do not require a new name-based background check provided HRO is in possession of all documentation of a current background check which was previously conducted in accordance with this policy.

## EXHIBIT A

### AUTHORIZATION TO OBTAIN A CONSUMER REPORT /CRIMINAL BACKGROUND CHECK

Pursuant to the federal Fair Credit Reporting Act, you are notified that the State of Tennessee and its designated agents and representatives will conduct a review of your background through a consumer report/criminal background check to be generated for employment, promotion, reassignment or retention as an employee. Please be aware that the scope of the consumer report/ criminal background check will include criminal history, including records from any criminal justice agency in any or all federal, state or county jurisdictions; traffic citations; and any other public records. No credit information will be sought or considered in connection with this process.

- If you have a criminal history record, the officials making a determination of your suitability for employment must provide you the opportunity to complete or challenge the accuracy of the information in the record, or offer explanations or other information which you believe to be important to consider.
  
- If a name based, local background check, or NON-CJIS federal fingerprint check reveals a record of a criminal history, you will be afforded a reasonable amount of time to correct, complete, or explain the record (or decline to do so) to the F & A Human Resource Office before the officials deny you the employment opportunity based on information in the criminal history record. The F & A Background Check Policy **allows five business days after receipt of notice of the finding** to successfully clarify or correct the record at issue before the official will move to the next available candidate.
  
- If a federal fingerprint check conducted to determine access to CJIS (a CJIS federal fingerprint check) reveals a record of a criminal history, you will be afforded a reasonable amount of time to challenge or correct the record (or decline to do so) through the Tennessee Bureau of Investigation, the sole decisionmaker for determining access to CJIS data, before the officials deny you the employment opportunity based on information in the criminal history record. The F & A Background Check Policy **allows five business days after receipt of notice of the finding** to successfully challenge the record at issue before the official will move to the next available candidate.

Tennessee officials receiving the results of the criminal history record check will use it solely for authorized purposes and will not retain or disseminate it in violation of any state or federal law. The findings of your criminal background check records will be provided to you for review and/or challenge upon request.

**Your signature below acknowledges that the State of Tennessee Department of Finance and Administration has informed you of the above facts in connection with a pre-employment criminal background check and that you consent to the check.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

## **EXHIBIT B**

*Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.*

### **A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information. F & A uses the following vendor for Local Background Checks:

Backgrounds Online  
1915 21st Street  
Sacramento, CA 95811  
1-800-838-4804 or [support@backgroundsonline.com](mailto:support@backgroundsonline.com)

- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in

residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

#### **CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**

<b>TYPE OF BUSINESS:</b>	<b>CONTACT:</b>
<p>1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>