

**Please read the following disclaimer:**

*“Barada Associates is committed to your success. An important part of your employment screening program involves compliance with various laws and regulations, which is why we are providing information regarding screening requirements in certain countries, region, etc. While we are happy to provide you with this information, it is your responsibility to comply with applicable laws and to understand how such information pertains to your employment screening program. The foregoing templates are not offered as legal advice but are instead offered for informational purposes only. Barada Associates is not a law firm and does not offer legal advice and this communication does not form an attorney client relationship. The provided templates are therefore not intended as a substitute for the legal advice of a lawyer knowledgeable of the user’s individual circumstances or to provide legal advice. Barada Associates makes no assurances regarding the accuracy, completeness, compliance or utility of the information contained in the provided templates. Legislative, regulatory and case law developments regularly impact on general research and this area is evolving rapidly. Barada Associates expressly disclaim any warranties or responsibility or damages associated with or arising out of the provided templates and the information contained therein. “*

**After you have reviewed the Disclosure and Authorization below, the disclaimer above, and you still wish to use this form, please send an e-mail to [customerservice@baradainc.com](mailto:customerservice@baradainc.com) and we will be happy to send you a form without the SAMPLE watermark.**

**PLEASE NOTE: This Disclosure and Authorization form may update without any notice per changes of the FCRA.**

# EMPLOYER DISCLOSURE AND APPLICANT AUTHORIZATION

\_\_\_\_\_ (“Company”) hereby discloses to you that a consumer report, as defined by the Fair Credit Reporting Act, may be obtained for employment purposes by it, its affiliates, representatives, or agents. The undersigned hereby authorizes the procurement of the consumer report.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

SAMPLE

**Do not staple or otherwise attach this to the Disclosure and Authorization Form.**

**This is a separate document.**

## **APPLICANT AUTHORIZATION FOR RELEASE OF INFORMATION**

I have authorized \_\_\_\_\_ to obtain a consumer report and/or investigative consumer report about me, for employment-related purposes, at any time to the extent allowed by law.

**I authorize all corporations, employers, co-workers, references, credit reporting agencies, educational institutions, licensing bodies, courts, law enforcement agencies, governmental agencies or departments, and military services to provide information about my background, including but not limited to driving records, court records, workers compensation records, credit report, academic records, professional license record, and employment-related information or records.**

I understand that an investigative consumer report is a special type of consumer report that is obtained through interviews and may contain information about my character, general reputation, personal characteristics, and/or mode of living. Upon my written request within a reasonable period of time, a complete disclosure of the nature and scope of that investigation will be made to me in writing within five days of the date on which the request was received.

I agree that this *Applicant Release Regarding Consumer and Investigative Consumer Reports* will be valid, now and at all times in the future, in original, faxed, copied or electronic form.

Information from the consumer report will not be used in violation of any applicable federal, state, or local equal employment opportunity law or regulation.

I acknowledge that I have received a copy of the "*Summary of Your Rights Under the Fair Credit Reporting Act.*"

I understand that my date of birth will be used solely for identification purposes and will not be taken into account in any employment decisions.

First Name \_\_\_\_\_ Full Middle \_\_\_\_\_ Last \_\_\_\_\_ Suffix \_\_\_\_\_

Any other name(s) used \_\_\_\_\_

Social Security # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Position Applied For \_\_\_\_\_

Present Address \_\_\_\_\_

City/State/Zip/County \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_ Email Address \_\_\_\_\_

Previous Cities/States/ZipCodes/Counties of Residence During Last 7 Years \_\_\_\_\_

Driver's License # \_\_\_\_\_ State of Issuance \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**Minnesota and Oklahoma residents only:**

Please initial here only if you are requesting a copy of the consumer report prepared on you \_\_\_\_\_.

**California Residents only:** By signing, you acknowledge receipt of the NOTICE REGARDING BACKGROUND INVESTIGATION PURSUANT TO CALIFORNIA LAW. Please initial here if you would like to receive a copy of the consumer report prepared on you at no charge if one is obtained whenever you have a right to receive such a copy under California law. \_\_\_\_\_.

**New York residents only:** By signing, you acknowledge receipt of Article 23-A of the New York Correction Law.

**Texas residents only:** If you are denied employment, you will receive a copy of the consumer report and an explanation of the reason for denial, and the name and address of the consumer reporting agency that furnished the information.

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## **CALIFORNIA BACKGROUND CHECK NOTICE**

\_\_\_\_\_ (“Company”) intends to obtain information about you for employment purposes from a consumer reporting agency. Thus, you can expect to be the subject of a background check, also known as a “investigative consumer reports” and “consumer credit reports” under California law, obtained for employment purposes. Such reports may include information about your character, general reputation, personal characteristics and mode of living. With respect to any investigative consumer report from an investigative consumer reporting agency (“ICRA”), the Company may investigate the information contained in your employment application and other background information about you, including but not limited to obtaining a criminal record report, verifying references, work history, your social security number, your educational achievements, licensure, and certifications, your driving record, and other information about you, and interviewing people who are knowledgeable about you. The results of this report may be used as a factor in making employment decisions. The source of any investigative consumer report (as that term is defined under California law) will be Barada Associates, Inc., 130 East Second St., Rushville, IN 46173, 800-616-5917, [www.baradainc.com](http://www.baradainc.com). The source of any credit report will be TransUnion / TransUnion Consumer Solutions, P.O. Box 2000, Chester, PA 19022-2000, 800-916-8800. The Company agrees to provide you with a copy of an investigative consumer report when required to do so under California law.

Under California Civil Code section 1786.22, you are entitled to find out from an ICRA what is in the ICRA’s file on you with proper identification, as follows:

- In person, by visual inspection of your file during normal business hours and on reasonable notice. You also may request a copy of the information in person. The ICRA may not charge you more than the actual copying costs for providing you with a copy of your file.
- A summary of all information contained in the ICRA’s file on you that is required to be provided by the California Civil Code will be provided to you via telephone, if you have 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 you.
- By requesting a copy be sent to a specified addressee by certified mail. ICRA’s complying with requests for certified mailings shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the ICRA’s.

“Proper Identification” includes documents such as a valid driver’s license, social security account number, military identification card, and credit cards. Only if you cannot identify yourself with such information may the ICRA require additional information concerning your employment and personal or family history in order to verify your identity.

The ICRA will provide trained personnel to explain any information furnished to you and will provide a written explanation of any coded information contained in files maintained on you. This written explanation will be provided whenever a file is provided to you for visual inspection.

You may be accompanied by one other person of your choosing, who must furnish reasonable identification. An ICRA may require you to furnish a written statement granting permission to the ICRA to discuss your file in such person’s presence.

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**NEW YORK STATE CORRECTION LAW  
ARTICLE 23-A, SECTION 753  
LICENSURE AND EMPLOYMENT OF PERSONS  
PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES**

§753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

### **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 the 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.
- **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).

- **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:**

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