

MYTH: An employer can get a copy of your criminal history from companies that do background checks without your permission.

FACT: According to the Fair Credit Reporting Act (FCRA), employers have to get your okay, usually in writing, before they can ask a background screening company for a report on your criminal history. If you don't give your permission or authorization, your application for employment may not get a second look. But if you don't get the job because of information in your report, the employer has some follow-up legal obligations.

Key Employer Obligations in the FCRA

If an employer might use your criminal history report to take an "adverse action"—say, to deny your application for employment—he must give you a copy of the report and a document called

A Summary of Your Rights under the Fair Credit Reporting Act before taking the adverse action.

If an employer takes an adverse action against you based on information in your criminal history report, he must tell you—orally, in writing, or electronically:

- the name, address, and telephone number of the company that supplied the criminal history report;
- that the company that supplied the criminal history information did not make the decision to take the adverse action and can't give you specific reasons for it; and
- about your right to dispute the accuracy or completeness of any information in your report, and your right to an additional free report from the company that supplied the criminal history report if you ask for it within 60 days of learning the bad news.

If a reporting company gives an employer a criminal history report that includes negative information about you gathered from public criminal records, the company must tell you that it gave the information to the employer or that it is taking special steps to make sure the information is complete and up to date.

If you think an employer has violated the FCRA, report it to the FTC. The law allows the FTC, other federal agencies, and states to sue employers who don't comply with the law's provisions. The FCRA also allows people to sue employers in state or federal court for certain violations.

For More Information:

See ***Credit Reports and Employment Background Checks*** from the Federal Trade Commission.

The FTC works to protect consumers from violations of the FCRA and from fraudulent, deceptive and unfair business practices in the marketplace, and educate them about their rights under the FCRA and other consumer protection laws. To file a complaint or get free information on consumer issues, visit ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. Watch a video, ***How to File a Complaint***, at ftc.gov/video to learn more. The FTC enters consumer complaints into the Consumer Sentinel Network, a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high—more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level Interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: www.nationalreentryresourcecenter.org/reentry-council