

## **CALIFORNIA DISCLOSURE FOR AN INVESTIGATIVE CONSUMER REPORT**

\_\_\_\_\_ (the "Company") may request a comprehensive review of your background information from a consumer reporting agency in connection with your application for a volunteer position, including hiring, promotion, reassignment, or retention as a volunteer. Your background information may be obtained in the form of consumer reports and/or, in California, investigative consumer reports. These reports may be obtained at any time after receipt of your authorization and, if you are selected by the Company, throughout your volunteer term as allowed by law.

Bay Area Background Checks, 3270 Mendocino Ave, Ste 1B, Santa Rosa, CA 95403, 707-732-9625, 888-551-8360, and its designated agents and representatives or another consumer reporting agency will prepare or assemble the reports. The scope of the consumer report/investigative consumer report may include, but is not limited to, the following areas; names and dates of previous/current employment (title, duties, performance, etc.), criminal history records from (local, state, federal, international and other law enforcement agencies' records), sexual offender's lists, wants and warrants records, motor vehicle records, social security match/trace, educational verification, license verification, civil cases, finger printing and drug testing. These reports may include information as to your general reputation, character, personal characteristics, mode of living, work habits, job performance and experience along with reasons for termination of past employment from previous employers. You may request more information about the nature and scope of any investigative consumer reports by contacting the Company. A summary of your rights under the Fair Credit Reporting Act is also being provided to you.

**Consent and Release, and Authorization of Background Investigation Form**

By my signature below, I, \_\_\_\_\_, consent to and authorize \_\_\_\_\_, ("Company) to obtain a consumer report and/or an investigative consumer report ("Report"). If selected as a volunteer, to the extent permitted by law, I also consent to the Company obtaining further Reports, as allowed by law, from an investigative consumer reporting agency for a volunteer position at any time during my term consistent with the specific nature and scope of the requested Report Identified in the California Investigative Consumer Report Disclosure.

I authorize the complete and full release of the records or data pertaining to me which an Individual, company, firm, corporation, institution, school, or university, law enforcement or public agency may have. I authorize the full release of the information described above and on page, without any reservation, throughout any duration of my volunteer term at the Company. I certify that all information provided below is true and accurate to the best of my knowledge. This authorization and consent shall be valid in original, facsimile ("fax"), or copy form. I understand that Bay Area Background Check's privacy practices can be found at: <http://www.bayareabackgroundchecks.com/wp-content/uploads/2014/06/Privacy-Policy.pdf>

If an investigative consumer report is requested, I understand that I may request a copy of the federal Fair Credit Report Act Summary of Rights as well as information regarding the nature and scope of any such requested investigative consumer report.

I understand I have the right to request a copy of my investigative consumer report/consumer report/consumer credit report by checking the box below.

I wish to receive a copy of any Consumer Report/Investigative Consumer Report or Consumer Credit Report if one is obtained by the company. (Check the Box). Please refer to the Fair Credit Reporting Act and the California Investigative Consumer Reporting Agencies Act for your specific rights.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

The following information is required by law enforcement agencies and other entities for identification purposes when checking records. It is confidential and will not be used for any other purpose.

Print Full Name: (First, Middle, Last) \_\_\_\_\_

Maiden/AKA/Previous/Other Names used: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Date of Birth (MM/DD/YYYY): \_\_\_\_/\_\_\_\_/\_\_\_\_

Driver License State of Issue: \_\_\_\_\_ Number: \_\_\_\_\_ Exp Date: \_\_\_\_\_

Current Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Previous Counties of residence: \_\_\_\_\_

(Provide 7 year History - Required)

Additional State Law Notice for California: You have a right to view your file that a Consumer Reporting Agency holds. By providing proper identification and duplication cost, you may obtain a copy of this information in person at the Consumer Reporting Agency's address, during regular business hours and after providing reasonable notice for your request. Additionally, you can make the same request via mail or request a summary over the phone after providing appropriate identification. The Consumer Reporting Agency can assist you in understanding your file, including coded information. You are allowed to have one additional person accompany you so long as they provide proper identification.

**NOTICE REGARDING BACKGROUND CHECKS  
PURSUANT TO CALIFORNIA LAW**

\_\_\_\_\_ (the "Company") intends to obtain information about you for volunteer screening purposes from a consumer reporting agency. Thus, you can expect to be the subject of "investigative consumer reports" and "consumer credit reports" obtained for volunteer 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 volunteer application and other background information about you, including but not limited to obtaining a criminal record report; verifying your references, work history, social security number, educational achievements, licensure, and certifications, 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 selecting you as a volunteer. The source of any investigative consumer report (as that term is defined under California law) will be Bay Area Background Checks, 3270 Mendocino Ave, Ste 1B, Santa Rosa, CA 95403, Phone: 707-732-9625/ 888-551-8360, Fax: 707-220-8272. Agency's privacy policy can be found at <http://bayareabackgroundchecks.com>.

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.

By signing below, I acknowledge receipt of the NOTICE REGARDING BACKGROUND CHECKS PURSUANT TO CALIFORNIA LAW and certify that I have read and understand this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## CALIFORNIA CONSUMER RIGHTS

You have rights when an investigative consumer report is obtained on you. The following are some of your rights:

1. You have the right to contact the agency that made the report. You can do this in one of the following ways:
  - (a) You can go to the agency in person during the normal business hours and on reasonable notice. You can bring someone with you. You and that person may be required to present identification. You may be required to sign a paper allowing the agency to discuss your file with or to show your file to this person.
  - (b) You may receive your file by certified mail, if you have given written notice to the agency that you want information mailed to you or to another person you want to receive the file. You will be required to provide identification when you write for your file.
  - (c) You may be able to discuss your file over the telephone if you have given written instructions to the agency and have provided identification.
  
2. You have the right to receive a copy of your file or your investigative consumer report at the agency. You may be charged up to \$8.00 to obtain a copy of your report or file. However, you may receive a free copy if:
  - (a) Once during a twelve month period if you are unemployed and intend to seek employment within sixty (60) days or you receive public welfare assistance or you believe your file contains inaccurate information because of fraud.
  - (b) If you are receiving a copy from the agency relating to an investigation into the accuracy of information you have disputed or if information is put back into your file.
  
3. You have the right to know the following information:
  - (a) The names of the persons and companies who have received a report about you in the last three (3) years. You may request their addresses and telephone numbers.
  - (b) Explanations of any codes or abbreviations used in your report, so you can understand the report.
  
4. You have the right to dispute any information in your file. You must contact the agency directly to do so. The person who ordered a report is required to give you the name and address of the agency.
  - (a) The agency has thirty (30) days from the day it receives your dispute to complete the investigation.
  - (b) When the agency is done with the investigation, it must tell you of any changes made in the report as a result of the investigation.
  - (c) If the investigation does not remove the information disputed by you, you have the right to place your statement of the facts in your file. The agency has people to help you write the statement. The agency may limit your statement to five hundred (500) words.
  - (d) If information is removed or you add a statement to your file, you can request the agency to send the report, as changed or with your statement, to anyone who received the information in the last two (2) years.
  - (e) If information that is removed from your files is placed back in your file, you are entitled to receive written notice of that fact and you have the right to dispute the information added.
  
5. You also have rights under federal law in regard to your report. A copy of those rights is given to you with this California statement of consumer rights. Many of these rights are also included within California law.

## DERECHOS DEL CONSUMIDOR EN CALIFORNIA

Usted tiene derechos cuando un reporte de investigación del consumidor es obtenido respecto a usted. Los siguientes son algunos de sus derechos:

1. Usted tiene derecho de contactar la agencia que hizo el reporte y puede hacer esto de las maneras siguientes:
  - (a) Puede ir a la agencia en persona durante horas normales de trabajo y en la nota razonable. Puede traer a un acompañante. Usted y esa persona debe traer una identificación. Es posible que tenga que firmar un documento en el que usted dará derecho a la agencia de discutir lo que está en su archivo o de mostrar el archivo a la persona que lo acompaña.
  - (b) Usted puede recibir su archivo por correspondencia certificada si es que avisó a la agencia por escrito que desea información por carta o desea que otra persona reciba su archivo. Por lo tanto, usted deberá proveer una identificación cuando solicite la información.
  - (c) Usted podrá platicar respecto a su archivo por teléfono si es que dió instrucciones por escrito a la agencia y presentó una identificación.
2. Usted tiene derecho de recibir una copia de su archivo o de su reporte de investigación del consumidor en la agencia y se le puede cobrar hasta 8.00 dólares para obtener una copia de su reporte o archivo. De cualquier manera, usted podrá recibir una copia gratis en las siguientes circunstancias:
  - (a) Si es que durante doce meses usted está desempleado o tiene intenciones de buscar empleo durante 60 días o si usted recibe asistencia pública o cree que su archivo contiene información incorrecta debido a fraude.
  - (b) Si usted recibe una copia de la agencia relacionada con la investigación para verificar la exactitud de la información que usted reportó o si es que la información fue regresada a su archivo.
3. Usted tiene derecho de saber la siguiente información:
  - (a) Los nombres de personas y de compañías quienes han recibido un reporte respecto a usted en los últimos 3 años y puede solicitar sus domicilios y números de teléfono.
  - (b) Usted puede solicitar que se le explique códigos o abreviaciones utilizadas en su reporte para que usted lo pueda comprender con más claridad.
4. Usted tiene derecho de reclamar cualquier información que esté en su archivo pero deberá contactar a la agencia directamente. La persona que ordenó el reporte deberá darle a usted el nombre y domicilio de la agencia.
  - (a) La agencia tiene 30 días para completar la investigación.
  - (b) Una vez terminada la investigación, la agencia debe informarle a usted de cualquier cambio que se haya hecho al reporte como resultado de la investigación.
  - (c) Si es que la investigación no elimina información reportada por usted, entonces tiene derecho de agregar su declaración en el archivo. La agencia tiene personal que le puede ayudar a escribir su declaración siempre y cuando no exceda quinientas (500) palabras.
  - (d) Si usted elimina o agrega información a su archivo puede pedirle a la agencia que mande el reporte como "Cambiado" o con su declaración a cualquiera que haya recibido la información en los últimos dos años.
  - (e) Si hay información que fue eliminada de su archivo y después vuelta a poner, usted tiene derecho a recibir por escrito lo sucedido y tiene derecho a reclamar la información agregada.
5. También tiene derechos bajo la ley federal respecto a su reporte. Se le dará una copia de esos derechos con esta declaración de derechos del consumidor de California.

*Post where readily accessible to job applicants and employees.*

## CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE, MAYOR



### NOTICE TO JOB APPLICANTS AND EMPLOYEES

# San Francisco Fair Chance Ordinance

## Police Code, Article 49

**Starting August 13, 2014, the Fair Chance Ordinance (San Francisco Police Code, Article 49) requires employers to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions.** The ordinance covers job applicants and employees who would be or are performing work in whole, or in substantial part, in San Francisco and applies to employers who have 20 or more employees (regardless of the employees' locations).

**Certain matters are off-limits.** An employer may *never* ask about, require disclosure of, or consider: an arrest not leading to a conviction (other than an unresolved arrest that is still undergoing criminal investigation or trial); participation in a diversion or deferral of judgment program; a conviction that has been expunged or made inoperative; any determination in the juvenile justice system; a conviction more than 7 years old; and a criminal offense other than a felony/misdemeanor. Matters that are off-limits cannot be used by the employer for any reason at any stage of the hiring process.

**An employer cannot ask about an individual's conviction history or unresolved arrests at the start of the hiring process.** This includes through a job application form, informal conversation, or otherwise.

**A mandatory interactive process for matters not off-limits.** Only after a live interview has been conducted, or a conditional offer of employment made, is the employer allowed to ask about an individual's conviction history (except as to matters that are off-limits) and unresolved arrests. Only those convictions and unresolved arrests that *directly relate* to the individual's ability to do the job may be considered in making an employment decision.

Before the employer may take an adverse action such as failing/refusing to hire, discharging, or not promoting an individual based on a conviction history or unresolved arrest, the employer must give the individual an opportunity to present evidence that the information is inaccurate, the individual has been rehabilitated, or other mitigating factors. The individual has seven days to respond, at which point the employer must delay any adverse action for a reasonable time and reconsider the adverse action. The employer must notify the individual of any final adverse action.

*Evidence of rehabilitation* include satisfying parole/probation; receiving education/training; participating in alcohol/drug treatment programs; letters of recommendation; and age at which the individual was convicted. *Mitigating factors* include coercion, physical or emotional abuse, and untreated substance abuse/mental illness, that contributed to the conviction.

**Preemption.** Where federal or state law imposes a criminal history requirement that conflicts with a requirement of the Fair Chance Ordinance, the federal or state law will apply.

**No Retaliation.** An employer may not take an adverse action against an applicant or employee for exercising their rights under the ordinance or cooperating with the Office of Labor Standards Enforcement OLSE.

If you need more information, or wish to report an employer that you believe has violated this ordinance, please contact the OLSE at 415-554-5192 or email [FCE@sfgov.org](mailto:FCE@sfgov.org).

*Publicar donde esté accesible para quienes solicitan el empleo y los empleados.*

## CIUDAD Y CONDADO DE SAN FRANCISCO



EDWIN M. LEE, ALCALDE

### **AVISO PARA LOS SOLICITANTES DE EMPLEO Y EMPLEADOS**

# Ordenanza de Oportunidades Equitativas de San Francisco

## Código de Policía, Artículo 49

A partir del 13 de agosto de 2014, la Ordenanza de Oportunidades Equitativas (Código Policiaco de San Francisco, Artículo 49) requiere que los empleadores sigan reglas estrictas referentes al uso de los expedientes de arrestos y condenas al tomar decisiones de contratación y empleo. La ordenanza cubre a los solicitantes de empleos y empleados que estarían o están realizando su trabajo, o una parte sustancial del mismo, en San Francisco y se aplica a los empleadores que tengan 20 o más empleados (sin importar la ubicación de los empleados).

**Está prohibido tocar ciertos asuntos.** Un empleador nunca puede preguntar, requerir la divulgación de, o considerar: un arresto que no haya resultado en una condena (que no sea un arresto no resuelto que actualmente esté bajo investigación penal o juicio); participación en un programa de justicia alternativa o de fallo diferido; una condena que haya sido cancelada o declarada inoperante; cualquier determinación en el sistema de justicia juvenil; una condena de más de 7 años de antigüedad; y una infracción penal que no sea un delito mayor o delito menor. El empleador no puede utilizar los asuntos que están prohibidos para ningún propósito, en ninguna etapa del proceso de contratación.

**Un empleador no puede preguntar sobre el historial de condenas o de arrestos no resueltos de una persona al inicio del proceso de contratación.** Esto incluye preguntar mediante un formulario de solicitud de empleo, una conversación informal o de otra forma.

**Un proceso interactivo obligatorio para asuntos que no estén prohibidos.** Sólo después de que se haya hecho una entrevista en persona, o se haya hecho una oferta condicional de empleo, el empleador tiene permitido hacer preguntas sobre el historial de condenas de una persona (excepto sobre asuntos que estén prohibidos) y arrestos no resueltos. Sólo se pueden tomar en cuenta las condenas y los arrestos no resueltos que directamente se relacionen con la capacidad de la persona para hacer el trabajo al tomar la decisión del empleo.

Antes de que el empleador pueda tomar una acción adversa como no contratar, negarse a contratar, despedir, o no dar un ascenso a una persona con base en su historial de condenas o arrestos no resueltos, debe darle a la persona una oportunidad para presentar evidencia de que la información no es precisa, que la persona está rehabilitada, y otros factores atenuantes. La persona tiene 7 días para responder, en cuyo momento, el empleador debe posponer cualquier acción adversa durante un tiempo razonable y reconsiderar la acción adversa. El empleador debe avisar al individuo sobre cualquier acción adversa final.

La evidencia de rehabilitación incluye una libertad probatoria/bajo palabra satisfactoria; recibir educación/capacitación; participación en programas de tratamiento contra alcohol/drogas; cartas de recomendación; y la edad a la que la persona recibió la condena. Los factores atenuantes incluyen el chantaje, el maltrato físico o emocional, y la enfermedad no tratada mental o de consumo de sustancias que hayan contribuido con la condena.

**Aplicación preferente.** Cuando la ley federal o estatal impone un requisito de historial criminal que entra en conflicto con algún requisito de la Ordenanza de Oportunidades Equitativas, prevalecerá la ley federal o estatal.

**Sin represalias.** Un empleador no puede tomar una acción adversa contra un solicitante o empleado por ejercer sus derechos conforme a la ordenanza o por cooperar con la Oficina de Cumplimiento de los Estándares Laborales (Office of Labor Standards Enforcement, OLSE).

Si usted necesita más información, o si desea reportar a un empleador que usted crea que ha infringido esta ordenanza, por favor comuníquese con la OLSE al 415-554-5192 o por correo electrónico a [FCE@sfgov.org](mailto:FCE@sfgov.org).

OFFICE OF LABOR STANDARDS ENFORCMENT

City Hall, Room 430 1 Dr. Carlton B. Goodlett Place San Francisco CA 94102-4685 Tel. (415) 554-6235 Fax (415) 554-4791

***Ipaskil kung saan madaling mabasa ng mga aplikante ng trabaho at mga kawani.***

## **LUNGSOD AT COUNTY NG SAN FRANCISCO**



**EDWIN M. LEE, MAYOR**

### **PASABI SA MGA APLIKANTE NG TRABAHO AT MGA KAWANI**

## **Ordinansa ng Makatarungang Pagkakataon ng San Francisco (San Francisco Fair Chance Ordinance) Police Code, Article 49**

Simula ng Agosto 13, 2014, ang Ordinansa ng Makatarungang Pagkakataon (Fair Chance Ordinance) (San Francisco Police Code, Article 49) ay nag-uutos sa mga may-ari ng negosyo na mahigpit na sundin ang mga alituntunin tungkol sa paggamit ng mga talaan sa pagdakip at paghatol ng pagkakasala sa mga desisyon sa pagtanggap ng kawani at pagtatrabaho. Ang ordinansa ay sumasakop sa mga aplikante ng trabaho at mga kawani na magtatrabaho o nagtatrabaho sa kabuuan, o sa mahalagang bahagi, sa San Francisco at umiiral sa mga may-ari ng negosyo na may 20 o higit pang kawani (sa kabila ng mga lugar na kinaroroonan ng mga kawani).

**Ang ilang mga bagay ay pinagbabawal.** Ang may-ari ng negosyo ay hindi kailanman maaaring magtanong, mangailangan ng pagbubunyag, o isaalang-alang ang tungkol sa: pagdakip na hindi nagresulta sa paghatol ng pagkakasala (maliban sa hindi pa nalulutas na pagdakip na sumasailalim pa ng kriminal na imbestigasyon o paglilitis); paglahok sa programa ng isang paglihis o pagliban ng paghatol; paghatol ng pagkakasala na binura o hindi ipinatupad; anumang pagpapasiya sa sistema ng katarungang pangkabataan; paghatol ng pagkakasala na mahigit sa 7 taon; at kriminal na pagkakasala maliban sa krimen/maliit na kasalanan. Ang mga bagay na pinagbabawal ay hindi maaaring gamitin ng employer para sa anumang dahilan at anumang bahagi ng proseso ng pagtanggap ng kawani.

**Ang may-ari ng negosyo ay hindi maaaring magtanong sa indibiduwal tungkol sa kasaysayan ng paghatol ng pagkakasala o hindi pa nalulutas na mga pagdakip sa simula ng proseso ng pagtanggap ng kawani.** Kabilang dito ang paggamit sa pormularyo ng aplikasyon sa trabaho, hindi pormal na pakikipag-usap, o ng iba pang paraan.

**Ang inuutos na interaktibong proseso para sa mga bagay na hindi pinagbabawal.** Pagkatapos lamang na magsagawa ng personal na panayam, o magbigay ng may-kondisyong alok ng pagtatrabaho, ang employer ay pinapahintulutan magtanong sa indibiduwal tungkol sa kasaysayan ng paghatol ng pagkakasala (maliban sa mga bagay na pinagbabawal) at hindi pa nalulutas na mga pagdakip. Iyon lamang mga paghatol ng pagkakasala at hindi pa nalulutas na mga pagdakip na *tuwirang may-kaugnayan* sa kakayahan ng indibiduwal na gawin ang trabaho ang maaaring isaalang-alang sa paggawa ng desisyon sa pagtatrabaho.

Bago maaaring gumawa ng kasalungat na aksiyon ang employer gaya ng pagbagsak/pagtanggong tanggapin sa trabaho, pagpapaalis, o hindi pagtataas ng tungkulin ng indibiduwal batay sa kasaysayan ng paghatol ng pagkakasala o hindi pa nalulutas na pagdakip, ang employer ay dapat bigyan ng pagkakataon ang indibiduwal na magharap ng ebidensiya na ang impormasyon ay hindi wasto, na ang indibiduwal ay dumaan na sa rehabilitasyon, o iba pang nakakababang mga dahilan. Ang indibiduwal ay may pitong araw upang tumugon, na kung saan ang employer ay dapat ipagpaliban ang anumang kasalungat na aksiyon sa loob ng makatwirang panahon at muling isaalang-alang ang kasalungat na aksiyon. Ang employer ay dapat ipabatid sa indibiduwal ang anumang panghuling kasalungat na aksiyon.

Kabilang sa *ebidensiya ng rehabilitasyon* ay ang kasiya-siyang parol/pansamantalang pagpapalaya (probation); pagtanggap ng edukasyon/pagsasanay; paglahok sa mga programa ng paggamot ng alkohol/druga; mga sulat ng rekomendasyon; at edad nang nahatulan ang indibiduwal. Kabilang sa *nakakababang mga dahilan* ay pananakot, pisikal o emosyonal na pag-abuso, at hindi pa nagagamot na pag-abuso sa substansiya/sakit pangkaisipan, na naging dahilan sa paghatol ng pagkakasala.

**Paghadlang.** Kapag ang batas ng pederal o estado ay nag-uutos ng isang pangangailangan ng kasaysayan ng krimen na sumasalungat sa isang pangangailangan ng Ordinansa ng Makatarungang Pagkakataon (Fair Chance Ordinance), ang batas ng pederal o estado ang iiral.

**Walang Pagganti.** Ang may-ari ng negosyo ay hindi maaaring gumawa ng kasalungat na aksiyon laban sa aplikante o kawani dahil sa pagganap ng kanilang mga karapatan sa ilalim ng ordinansa o pakikipag-tulungan sa Office of Labor Standards Enforcement (OLSE).

Kung kailangan pa ninyo ng higit na impormasyon, o nais mag-ulat ng employer na sa palagay ninyo ay lumabag sa ordinansang ito, mangyaring kontak ang OLSE sa 415-554-5192 o email [FCE@sfgov.org](mailto:FCE@sfgov.org).



*Para informacion en espanol, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20006.*

### **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 20006.**

**You may have additional rights under Maine's FCRA, Me. Rev. Stat. Ann. 10, Sec 1311 et seq.**

- **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 identify 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 1-888-567-8688.
- **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:
<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 Bureau:</p>	<p>a. Bureau of Consumer Financial Protection 1700 G Street NW Washington, DC 20006</p> <p>b. Federal Trade Commission: Consumer Response Center – FCRA 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 Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings Department of Transportation 400 Seventh Street SW Washington, DC 20590</p>
<p>4. Creditors Subject to Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 1925 K Street NW Washington, DC 20423</p>
<p>5. Creditors Subject to Packers and Stockyards Act</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 406 Third Street, SW, 8th Floor Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F St NE 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>FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357</p>

## RESUMEN DE DERECHOS DEL CONSUMIDOR

Para información en español, visite <http://www.consumerfinance.gov/learnmore> O escriba a la Consumer Financial Protection Bureau, 1700 G Street N. W. Washington, DC 20006.

## RESUMEN DE DERECHOS DEL CONSUMIDOR

### **Un resumen de sus derechos bajo la Ley sobre Informes Crediticios Imparciales**

La ley federal sobre Informes Crediticios Imparciales (FCRA: "Fair Credit Reporting Act") fue concebida con el objeto de garantizar la exactitud, la imparcialidad y el carácter privado de la información existente en los archivos de cada "agencia de informes de crédito" (CRA: "consumer reporting agency"). La mayor parte de los CRA son entidades que se dedican a compilar y vender información sobre particulares –por ejemplo, si la persona paga sus cuentas a tiempo o se ha declarado en bancarrota– a acreedores, proveedores de empleo, dueños de propiedades de alquiler y otras entidades comerciales. El texto completo del FCRA, 15. U.S.C. 1681-1681u puede hallarse en el sitio web del (<http://www.consumerfinance.gov/learnmore>). El FCRA le otorga los derechos específicos que se indican más abajo. Es posible que de conformidad con las leyes estatales, la persona tenga derechos adicionales. Usted puede dirigirse a una agencia estatal o municipal de protección del consumidor o al fiscal general de su estado para informarse sobre tales derechos.

- **Tiene derecho a que le comuniquen si la información existente en su archivo ha sido utilizada en contra de usted.** Toda entidad o persona que utilice la información obtenida de un CRA para actuar en contra de usted –por ejemplo, para rechazar una solicitud de crédito, seguro o empleo– debe informárselo y darle el nombre, la dirección y el número de teléfono del CRA que suministró el informe crediticio.
- **Tiene derecho a saber qué información contiene su archivo.** Siempre que usted lo solicite, el CRA deberá proporcionarle la información existente en su archivo y una lista de todas las entidades o personas que la hayan solicitado recientemente. No tendrá que pagar por el informe si la entidad o persona ha utilizado la información en contra de usted, debido a la información suministrada por el CRA, y si solicita el informe dentro de un plazo de 60 días a partir de la fecha en que recibió el aviso de acción. También tiene derecho a obtener un informe gratuito cada doce meses, si usted lo solicita y certifica que (1) se encuentra desempleado y piensa buscar empleo dentro de un plazo de 60 días, (2) está recibiendo ayuda económica del gobierno ("welfare"), o (3) su archivo contiene datos erróneos por motivo de fraude. De lo contrario, el CRA puede cobrarle hasta un máximo de ocho dólares.

- **Tiene derecho a disputar datos erróneos compilados por el CRA.** Si usted le comunica a un CRA que su archivo contiene información errónea, el CRA deberá investigar los datos (normalmente dentro de un plazo de 30 días), presentándole a su fuente de información todas las pruebas pertinentes que usted proporcione, a menos que su disputa se considere insignificante. La fuente de información deberá examinar sus pruebas y presentar sus resultados al CRA. (La fuente de información también deberá comunicar el error a todos los CRA que operan a nivel nacional –a aquéllos que ha suministrado los datos.) El CRA deberá proporcionarle un informe por escrito de la investigación realizada y una copia de su informe, si el resultado de la investigación dio lugar a algún cambio. Si la investigación realizada por el CRA no logra resolver la disputa, usted tiene derecho a que se incluya en su archivo una breve declaración al respecto. El CRA normalmente deberá incluir un resumen de su declaración en futuras presentaciones de su informe. Si se ha eliminado un dato de su informe o se ha añadido a su archivo una resolución de la disputa, tiene derecho a solicitar que se comunique la modificación a toda entidad o persona que recientemente haya recibido su informe.
- **La información errónea deberá ser corregida o eliminada del archivo.** Un CRA deberá eliminar de su archivo, o corregir en el mismo, datos erróneos o no verificados, normalmente dentro de un plazo de 30 días de haber iniciado su disputa. **No obstante, el CRA no tiene la obligación de eliminar datos veraces de su archivo a menos que se consideren caducos (según se indica más abajo) o resulte imposible verificarlos.** Si el resultado de su disputa da lugar a cambios cualesquiera en su informe, el CRA no puede incluirlos de nuevo en su archivo como datos disputados a menos que la fuente de información verifique que son veraces y completos. Además, el CRA deberá proporcionarle un aviso por escrito para comunicarle que el dato ha sido incluido de nuevo en su archivo. El aviso deberá incluir el nombre, la dirección y el número telefónico de la fuente de información.
- **Tiene derecho a disputar los datos erróneos con la fuente de información.** Si usted le comunica a una entidad o persona –por ejemplo, a un acreedor que suministra datos a un CRA– que usted disputa la veracidad de un dato, dicha entidad o persona no deberá comunicar la información al CRA sin un aviso de su disputa. Además, una vez que usted haya notificado por escrito a la fuente de información que existe un error, ésta no deberá seguir comunicando el dato, en el supuesto caso de que en verdad sea erróneo.

- **Los datos caducos no puede ser comunicados.** En la mayoría de los casos, un CRA no puede comunicar datos negativos de más de siete años de antigüedad; las declaraciones de bancarrota de diez años de antigüedad o menos pueden ser incluidas.
- **El acceso a su archivo es limitado.** Un CRA sólo puede proveer información sobre usted a entidades o personas cuya necesidad de la misma haya sido reconocida por el FCRA –normalmente éstas incluyen las solicitudes de acreedores, compañías de seguros, proveedores de empleo, dueños de propiedades de alquiler y otros tipos de negocios.
- **Su consentimiento es necesario para la presentación de informes a proveedores de empleo o informes que contengan datos médicos.** Un CRA no puede suministrar información sobre usted a su proveedor de empleo, o a un posible proveedor de empleo, sin consentimiento suyo por escrito. Un CRA no puede suministrar datos médicos a acreedores, compañías de seguro o proveedores de empleo sin su permiso.
- **Tiene derecho a excluir su nombre de las listas de los CRA que son solicitadas para ofrecerle crédito o seguros no solicitados por usted.** Es posible que acreedores y compañías de crédito utilicen la información existente en su archivo para enviarle ofertas de crédito o de seguros no solicitadas por usted. Dichas ofertas deben incluir un número telefónico de acceso gratuito al cual usted pueda llamar si desea que su nombre sea eliminado de listas futuras. Si efectúa la llamada, usted tiene derecho a ser eliminado de la lista por dos años. Si solicita al CRA un formulario para tal efecto, lo llena y se lo devuelve, su nombre no deberá figurar en tales listas por tiempo indefinido.
- **Tiene derecho a compensación por daños y perjuicios por parte de entidades o personas que violen la ley.** Si un CRA, un usuario o, en algunos casos, un proveedor de datos de un CRA, viola la ley FCRA, usted tiene derecho a entablar una acción legal contra el mismo, recurriendo a un tribunal estatal o federal.

La ley otorga a diversas agencias federales la autoridad de hacer valer la ley  
FCRA:

PARA PREGUNTAS O ASUNTOS RELACIONADOS CON:	POR FAVOR DIRÍJASE A:
CRA, acreedores y otras entidades no mencionadas más abajo	Federal Trade Commission Consumer Response Center – FCRA Washington, DC 20580 # 202-326-3761
Bancos nacionales, sucursales/agencias federales de bancos extranjeros (el término “National” o las iniciales “N.A.” forman parte del nombre del banco o figuran después del mismo)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 # 800-613-6743
Bancos que son miembros del Federal Reserve System [Sistema de la Reserva Reserva Federal] (excepto bancos nacionales y sucursales federales/agencias de bancos extranjeros)	Federal Reserve Board / Division of Consumer & Community Affairs Washington, DC 20551 # 202-452-3693
Asociaciones de cajas de ahorro y bancos autorizados por el gobierno federal (el término “Federal” o las iniciales “F.S.B.” forman parte del nombre de las instituciones federales)	Office of Thrift Supervisors Consumer Programs Washington, DC 20552 # 800-842-6929
Cooperativas de crédito federales (el término “Federal Credit Union” forma parte del nombre de la institución)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 # 703-518-6360
Bancos autorizados por el gobierno estatal que no son miembros del Federal Reserve System [Sistema de la Reserva Federal]	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 # 800-934-FDIC
Compañías de transporte aéreo, terrestre o ferroviario que son reguladas por el antiguo Civil Aeronautics Board of Interstate Commerce Commission [Comité de Aeronáutica Civil de la Comisión Interestatal del Comercio]	Department of Transportation Office of Financial Management Washington, DC 20590 # 202-366-1306
Actividades sujetas a la Ley sobre Embaladores y Corrales, 1921	Department of Agriculture Office of Deputy Administrator-GIPSA Washington, DC 20250 # 202-720-7051