

**Please note:** Sample documents should NOT be construed as legal advice, guidance or counsel. Organizations should consult their own attorney about their compliance responsibilities under the FCRA and applicable state law. IntelliCorp expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided. Employers seeking credit reports must provide additional notices pursuant to state law.

This packet contains **three sample Disclosure Forms** and **one universal Authorization Form**.

### Instructions for IntelliCorp Client:

1. Please select the sample **Disclosure Form** that aligns with your organization's permissible purpose:
  - **EMPLOYMENT PURPOSES** (Includes contractors, volunteers, and agents)
  - **TENANT PURPOSES**
  - **INSURANCE PURPOSES** (only if you are the insurance company or agent)
2. Combine the Disclosure Form that you selected with the universal Authorization Form. **Keep these documents on separate pages and single sided.**
3. Modify both forms by inserting the name of your organization in the appropriate fields, the organization name should match on both pages.
4. **Remove the disclaimer** at the top of the forms (should this not be removed, the forms may not be valid).
5. Incorporate **only** state specific requirements that apply to your situation (if the business operates in or the subject of the background check resides in the state) and **place them at the end of this set of documents** unless otherwise noted.
6. Final approval to use any form should be done in consultation with your legal counsel.

**Note:** This set of documents contains additional state law information (starting on page 7) that you should review to determine if it impacts your organization. The information provided is a summary only and is not meant to be an all inclusive listing of state requirements.

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## **DISCLOSURE FORM TO OBTAIN CONSUMER REPORTS FOR EMPLOYMENT PURPOSES**

***Please Read Carefully Before Signing the Authorization***

### **DISCLOSURE**

In considering you for employment and, if you are employed, in considering you for subsequent promotion, assignment, reassignment, retention, or discipline, [ ***INSERT NAME OF COMPANY*** ] (“the Company”) may request and rely upon one or more consumer reports or investigative consumer reports about you that we obtain from a consumer reporting agency, such as IntelliCorp Records, Inc.

IntelliCorp Records, Inc. can be contacted by mail at 3000 Auburn Dr, Suite 410; Beachwood, OH 44122; or phone: 1-888-946-8355; or website: [www.intellicorp.net](http://www.intellicorp.net).

For explanation purposes:

- a “consumer report” is a written, oral or other communication of any information by a consumer reporting agency bearing on your credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in making an employment-related decision about you. Such information may include, for example, credit information, criminal history reports, or driving records; and
- an “investigative consumer report” is a consumer report in which information on your character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with your prior employers, neighbors, friends, or associates, or with others who may have knowledge concerning any such items of information. In the event an investigative consumer report is requested about you, you are entitled to additional disclosures regarding the nature and scope of the investigation requested, as well as a written summary of your rights under the Fair Credit Reporting Act (“FCRA”).

Under the FCRA, before the Company can obtain a consumer report or investigative consumer report about you for employment purposes, we must have your written authorization. Before we take adverse action on the basis, in whole or in part, of information in that report, you will be provided a copy of that report, the name, address, and telephone number of the consumer reporting agency, and a summary of your rights under the FCRA.

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## **DISCLOSURE FORM TO OBTAIN CONSUMER REPORTS FOR TENANT PURPOSES**

***Please Read Carefully Before Signing the Authorization***

### **DISCLOSURE**

In considering you for tenancy and, if you are selected, in considering you for continued housing [ ***INSERT NAME OF LEASING COMPANY / LANDLORD*** ] (“the Company”) may request and rely upon one or more consumer reports or investigative consumer reports about you that we obtain from a consumer reporting agency, such as IntelliCorp Records, Inc.

IntelliCorp Records, Inc. can be contacted by mail at 3000 Auburn Dr, Suite 410; Beachwood, OH 44122; or phone: 1-888-946-8355; or website: [www.intellicorp.net](http://www.intellicorp.net).

For explanation purposes:

- a “consumer report” is a written, oral or other communication of any information by a consumer reporting agency bearing on your credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in making an tenant-related decision about you. Such information may include, for example, credit information, criminal history reports, or driving records; and
- an “investigative consumer report” is a consumer report in which information on your character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with your prior employers, neighbors, friends, or associates, or with others who may have knowledge concerning any such items of information. In the event an investigative consumer report is requested about you, you are entitled to additional disclosures regarding the nature and scope of the investigation requested, as well as a written summary of your rights under the Fair Credit Reporting Act (“FCRA”).

Under the FCRA, before the Company can obtain a consumer report or investigative consumer report about you for tenant purposes, we must have your written authorization. Before we take adverse action on the basis, in whole or in part, of information in that report, you will be provided the name, address, and telephone number of the consumer reporting agency, and a summary of your rights under the FCRA.

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## **DISCLOSURE FORM TO OBTAIN CONSUMER REPORTS FOR INSURANCE PURPOSES**

***Please Read Carefully Before Signing the Authorization***

### **DISCLOSURE**

For insurance underwriting purposes, [ ***INSERT NAME OF INSURANCE COMPANY / INSURANCE AGENT*** ] (“the Company”) may request and rely upon one or more consumer reports or investigative consumer reports about you that we obtain from a consumer reporting agency, such as IntelliCorp Records, Inc.

IntelliCorp Records, Inc. can be contacted by mail at 3000 Auburn Dr, Suite 410; Beachwood, OH 44122; or phone: 1-888-946-8355; or website: [www.intellicorp.net](http://www.intellicorp.net).

For explanation purposes:

- a “consumer report” is a written, oral or other communication of any information by a consumer reporting agency bearing on your credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in making an insurance-related decision about you. Such information may include, for example, credit information, criminal history reports, or driving records; and
- an “investigative consumer report” is a consumer report in which information on your character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with your prior employers, neighbors, friends, or associates, or with others who may have knowledge concerning any such items of information. In the event an investigative consumer report is requested about you, you are entitled to additional disclosures regarding the nature and scope of the investigation requested, as well as a written summary of your rights under the Fair Credit Reporting Act (“FCRA”).

Under the FCRA, before the Company can obtain a consumer report or investigative consumer report about you for insurance purposes, we must have your written authorization. Before we take adverse action on the basis, in whole or in part, of information in that report, you will be provided the name, address, and telephone number of the consumer reporting agency, and a summary of your rights under the FCRA

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## AUTHORIZATION

I have read and understand the foregoing Disclosure, and authorize [ ***INSERT NAME OF COMPANY REQUESTING THE BACKGROUND CHECK*** ] to obtain and rely upon consumer reports or investigative consumer reports concerning me obtained from IntelliCorp Records, Inc.

By my signature below, I authorize the Company to obtain any such reports and to share the information received with any person involved in their decision about me.

I also consent to have any legally required notices sent electronically.

I do \_\_\_\_\_do not\_\_\_\_\_ authorize you to contact, through IntelliCorp Records, Inc., *my current* employer for Employment and Reference Verifications. (*Checking “I do” will authorize inquiries to the Human Resources Department and to any listed supervisors.*)

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Legal Guardian Signature  
(for searches conducted on minors under  
the age of 18)

\_\_\_\_\_  
Date

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## Personal Data

_____	_____	_____
Last Name	First Name	Middle Name
_____		_____
Current Address		Dates Lived Here
_____	_____	_____
Date of Birth	Other Names Used (including maiden name)	Years Used
_____	_____	_____
Social Security Number	Driver's License #	DL State
_____		
Email address (may be used for official correspondence)		

I have the right to make a request to **IntelliCorp Records, Inc**, upon proper identification, to request the nature and substance of all information in its files on me at the time of my request, including sources of information, and the recipients of any reports on me which **IntelliCorp Records, Inc** has previously furnished within the two year period preceding my request.

I certify that all elements of the personal data I have provided are true, accurate and complete.

_____	_____	_____
Printed Name	Applicant Signature	Date

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## **INFORMATION FOR INTELLICORP CUSTOMERS REGARDING ADDITIONAL STATE LAW REQUIREMENTS**

*In addition to the foregoing disclosure and authorization form needed to comply with the federal Fair Credit Reporting Act, various states impose additional disclosure or other obligations on employers when they obtain consumer reports or investigative consumer reports on employees or applicants.*

***The following is a summary of possible state requirements that may need to be included as separate pages placed at the end of this set of documents, unless otherwise noted.***

- **WITH REGARD TO INDIVIDUALS WHO RESIDE, ARE OR WILL BE EMPLOYED IN CALIFORNIA, MINNESOTA, AND OKLAHOMA, you should add the following language to the end of the Authorization:**

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☐ You may request a free copy of any consumer report or investigative consumer report we obtain on you by checking the box.

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- **WITH REGARD TO INDIVIDUALS WHO RESIDE, ARE OR WILL BE EMPLOYED IN MASSACHUSETTS AND NEW JERSEY, you should add the following language to the end of the Authorization:**

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☐ By checking this box, you are acknowledging that you have been informed of your right to request a copy of the investigative consumer report we obtained on you and you are exercising your right to obtain a copy of that report.

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- **WITH REGARD TO INDIVIDUALS WHO RESIDE, ARE OR WILL BE EMPLOYED IN CALIFORNIA:**

*Under California Civil Code §§ 1786.16(a)(2) and 1786.22, the following additional disclosure should be provided before procuring a consumer report:*

We will be obtaining a consumer report from IntelliCorp Records, Inc.; 3000 Auburn Dr; Suite 410; Beachwood, OH 44122; 1-888-946-8355; [www.intellicorp.net](http://www.intellicorp.net). You have the right to request from that agency, upon proper identification, the nature and substance of all information in its files on you, including the sources of information, and the recipients of any reports on you, which the agency has previously furnished within the three-year period preceding your request. You may view the file maintained on you by the agency during normal business hours. You may also obtain a copy of this file upon submitting proper identification and paying the costs of duplication services. Upon making a written request, you may receive a summary of your report via telephone.

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- **WITH REGARD TO INDIVIDUALS WHO RESIDE, ARE OR WILL BE EMPLOYED IN NEW YORK:**

*Under Article 25 Section 380-g of the New York General Business Law, if an employer receives a consumer report containing criminal conviction information, the employer must provide the applicant or employee who is the subject of the report, a printed or electronic copy of Article 23-A of the New York Correction Law, which governs the employment of persons previously convicted of one or more criminal offenses.*

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

**§750. Definitions.**

For the purposes of this article, the following terms shall have the following meanings:

- (1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
- (3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

**§751. Applicability.**

The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

**§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.**

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless: (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or (2) The issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

**§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.

**§754. Written statement upon denial of license or employment.**

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

**§755. Enforcement.**

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.



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- **WITH REGARD TO INDIVIDUALS WHO RESIDE, ARE OR WILL BE EMPLOYED IN WASHINGTON STATE:**

*Under the Washington Fair Credit Reporting Act, you have the right to ask IntelliCorp for a written summary of your rights. If you submit a request to Employer in writing, you have the right to get from Employer a complete and accurate disclosure of the nature and scope of the investigative consumer report Employer ordered, if any. If Employer obtains information bearing on your credit worthiness, credit standing or credit capacity, it will be used to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered.*

- **WITH REGARD TO INDIVIDUALS WHO RESIDE, ARE OR WILL BE EMPLOYED IN OREGON:**

*Information describing your rights under federal and Oregon law regarding consumer identity theft protection, the storage and disposal of your credit information, and remedies available should you suspect or find that Employer has not maintained secured records is available to you upon request.*

#### **ADDITIONAL NOTES FOR INTELICORP CLIENTS:**

- **CREDIT REPORTS:** If you intend to obtain a “credit report” to be used for employment or insurance purposes, you should be aware that a number of states have enacted laws to limit the use of such reports, and other states are considering such legislation. A “credit report” is a type of consumer report that contains information on a consumer’s credit worthiness, credit standing, or credit capacity. Good sources of information about state law restrictions on the use of credit reports for employment or insurance purposes are:

<https://www.intellicorp.net/marketing/uploadedFiles/IntelliCorp-CreditReportGuide4-2017.pdf>

<http://www.ncsl.org/research/financial-services-and-commerce/use-of-credit-information-in-insurance-2016-legislation.aspx>

- **BAN THE BOX/FAIR CHANCE LAWS:** A number of states, through statutes or administrative regulations, also impose limitations on employers asking applicants about arrests and/or convictions as well as additional adverse action requirements. You should review your state’s laws and regulations in this regard. Good sources of information on this topic are:

<https://www.intellicorp.net/marketing/uploadedFiles/IntelliCorp-BanTheBoxGuide12-2016.pdf>

<http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-State-and-Local-Guide.pdf>