

Table 1 WHO CAN REIN IN FAULTY BACKGROUND SCREENING REPORTS?

Background screening companies routinely make mistakes when issuing criminal background checks. The result? Job seekers pay with their livelihood, while employers waste money and potentially miss hiring qualified employees as the result of sloppy work that skirts the Fair Credit Reporting Act (FCRA). This list contains common errors or bad practices found in reports from all corners of the United States. Adoption of the suggested remedies would greatly increase accuracy on reports by improving accountability.

INACCURACY/POOR PRACTICE	SOLUTION	RESPONSIBILITY
Report Includes Sealed or Expunged Records	Develop procedures to ensure that purchasers of bulk public data delete sealed and expunged records, and perform audits to ensure compliance.	State legislatures, administrative agencies, and/or courts
Mismatched Report (providing a report on the wrong person)	Provide guidelines on matching criteria; require consumer reporting agencies to use all available data; and prohibit name only based matching.	Consumer Financial Protection Bureau (CFPB)
Incomplete Record (i.e., omits disposition data)	Requiring verification and updating of criminal records that lack disposition data for records more than one year old.	CFPB
Misleading Reporting (i.e., a single charge listed multiple times)	Prohibiting multiple reports of the same case regardless of source.	CFPB
Inability Of Applicant/ Employee to Correct Errors in the Report Prior to an Adverse Action	Require employers to allow sufficient time (i.e., 35 days) to fix report before taking adverse action.	CFPB
Screening Companies Disclaim Responsibility Under the FCRA	Require registration of all consumer reporting agencies and investigate major industry players for common FCRA violations.	CFPB and Federal Trade Commission (FTC)
Employers Fail to Provide FCRA Notices	Investigate employers for FCRA compliance.	FTC
Misclassifies Grade or Classification Of Offense	Investigate background screening companies for inaccurate reporting in violation of FCRA.	FTC