

APPENDICES

- Attachment D1: Governing Laws and Definition of Terms
- Attachment D2: Sample Form for Campus Request for Information From Applicant/Employee and Accompanying California Information Practices Act (IPA) Notice
- Attachment D3: Sample Form for Applicant/Employee Disclosure Statement Fair Credit Reporting Act-Investigative Consumer Reporting Agencies Act (FCRA-ICRA)
- Attachment D4: Sample Form for Applicant/Employee Authorization FCRA-ICRA
- Attachment D5: Summary of Rights Under FCRA
- Attachment D6: Sample Consumer Credit Report Disclosure and Authorization Form
- Attachment D7: Sample Letters to Applicants and Employees with Adverse Background Check Results
- Attachment D8: Confidentiality Agreement Form
- Attachment D9: Links to Websites/Resources

Attachment D1 Contents:

- I. Governing Laws
 - A. Fair Credit Reporting Act (FCRA)
 - B. California Investigative Consumer Reporting Agencies Act (ICRA)
 - C. California Information Practices Act (IPA)
 - D. California Consumer Credit Reporting Agencies Act (CCRAA)
 - E. California Labor Code §1024.5
 - F. California Labor Code §432.7 (a)
 - G. California Labor Code §432.8
- II. Definition of Terms

I. GOVERNING LAWS

California State University (CSU) background checks are subject to a number of federal and state statutes. These include the Federal Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681, *et seq.*; the Investigative Consumer Reporting Agencies Act (ICRA), CA Civil Code § 1786, *et seq.*; the Information Practices Act (IPA), CA Civil Code § 1798, *et seq.*; the Consumer Credit Reporting Agencies Act (CCRAA), CA Civil Code § 1785.1, *et seq.*; and CA Labor Code §§ 432.7, 432.8, and 1024.5 Detailed information on the statutes and citations to the full text of the laws are provided below:

A. Fair Credit Reporting Act (FCRA)

The FCRA, 15 U.S.C. § 1681, *et seq* governs “consumer reports” issued for multiple purposes, including credit checks, and employment background checks for the purposes of “hiring, promotion, retention or reassignment.” If the campus conducts the background investigation itself, the FCRA provisions do not apply. FCRA applies when the campus uses an outside consumer reporting agency to conduct a background check and requires the agency to:

- Give the individual notice on a separate document that consists solely of the notice that a report may be obtained.
- Obtain the individual’s permission in writing for preparation of the report and obtain specific permission if medical information is requested.
- Give a special notice if the individual’s neighbors, friends or associates will be interviewed about character, general reputation, personal characteristics or mode of living. This is called an “investigative consumer report” under FCRA.
- The campus must give a “pre-adverse action notice” along with a copy of the background report before an adverse action is taken. For applicants an adverse action occurs when the campus decides not to hire the individual based on information in the report. For existing employees, an adverse action might be a termination, a demotion or a decision not to promote the employee.
- Disclose to the individual a summary containing the nature and substance of the consumer report on which the adverse action was based, except that the sources of information need not be disclosed.
- Give individuals a second notice after an adverse action, telling them how to dispute inaccurate or incomplete information.
- Upon receiving a request to provide the individual with a copy of the consumer report, the campus must provide the report within 3 business days along with a copy of the consumer’s rights as prescribed by the Federal Trade Commission under 609(c)(3).

The FCRA text and information about the law is available at:
<http://www.ftc.gov/os/statutes/031224fcra.pdf>.

B. California Investigative Consumer Reporting Agencies Act (ICRA)

The CSU is subject to the provisions of the ICRA, CA Civil Code § 1786, *et seq.* The ICRA applies when the university uses a third party vendor to conduct background checks. Civil Code § 1786.16 requires prior approval by the subject of the background check and notice to the individual, including:

- A clear and conspicuous disclosure in writing to the applicant or employee before the investigative consumer report is procured from an outside vendor, in a document consisting solely of the disclosure, that includes:
 - A statement that an investigative consumer report may be obtained;
 - The permissible purpose of the report;
 - A statement that the disclosure may include information on the subject's character, general reputation, personal characteristics, and mode of living;
 - The name, address and telephone number of the outside vendor;
 - The nature and scope of the requested investigation and information on how the subject may inspect the outside vendor's investigatory files.

The text of ICRA is available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1786-1786.2>. Further information about ICRA is available at <http://oag.ca.gov/privacy>

C. California Information Practices Act (IPA)

The IPA, CA Civil Code § 1798, *et seq.*, restricts the maintenance and dissemination of personal information. The IPA applies to the university if the campus conducts its own background checks. Civil Code § 1798.17 requires state agencies that collect personal information about a subject person from a third party to provide notice to the third party of the following:

- The name of the agency and the division within the agency that is requesting the information.
- The title, business address, and telephone number of the agency official who is responsible for the system of records and who shall, upon request, inform an individual regarding the location of his or her records and the categories of any persons who use the information in those records.
- The authority, whether granted by statute, regulation, or executive order which authorizes the maintenance of the information.
- With respect to each item of information, whether submission of such information is mandatory or voluntary.
- The consequences, if any, of not providing all or any part of the requested information.
- The principal purpose or purposes within the agency for which the information is to be used.
- Any known or foreseeable disclosures which may be made of the information pursuant to subdivision (e) or (f) of § 1798.24.
- The individual's right of access to records containing personal information which are maintained by the agency.

The IPA also requires a state agency (including the university) to disclose the personal information to the individual to whom the information pertains unless the information is exempt from disclosure under Civil Code § 1798.40.

References/Appendices

The IPA text and information about the law is available at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1798.40.

More information about the IPA can be found at: <http://oag.ca.gov/privacy>.

D. California Consumer Credit Reporting Agencies Act (CCRAA)

The CCRAA, CA Civil Code § 1785.1, *et seq*, regulates consumer credit reporting agencies. If the University uses an outside vendor to obtain a credit report on a candidate for employment this law applies.

The text of the CCRAA is available at: http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=3.&title=1.6.&part=4.&chapter=1.&article=#.

More information about the CCRAA can be found at: <http://oag.ca.gov/privacy>

E. California Labor Code §1024.5

California Labor Code 1024.5 restricts the circumstances under which an employer may obtain a copy of an individual's credit report for employment purposes. The campus may obtain a credit report only if the individual is applying for or works in the following kinds of positions:

- Managerial positions
- Positions with the state Department of Justice
- Sworn peace officers or other law enforcement positions
- Positions for which the information contained in the credit report is required by law to be disclosed or obtained
- Positions that involve regular access (for any purpose other than the regular solicitation and processing of credit card applications in a retail establishment) to all of the following types of personal information of any one person: bank or credit card account information, social security number, and date of birth
- Positions in which the person is, or would be a named signatory on the bank or credit card account of the employer, authorized to transfer money on behalf the employer, or authorized to enter into financial contracts on behalf of the employer
- Positions that involve access to confidential or proprietary information, including a formula, pattern, compilation, program, device, method, technique, process or trade secret that (1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who may obtain economic value from the disclosure or use of the information, and (2) is the subject of an effort that is reasonable under the circumstances to maintain secrecy of the information
- Positions that involve regular access to cash totaling \$10,000 or more of the employer, a customer, or client, during the workday.

The text of Labor Code § 1024.5 is available at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1024.5.

F. California Labor Code §432.7 (a)

An employer may not seek information about the arrest or detention of an applicant that did not result in a conviction or use the information as a factor in an employment decision. A conviction includes a plea, verdict, or finding of guilt regardless of whether sentence is imposed by the court.

References/Appendices

An employer may ask an applicant for employment about an arrest for which the employee or applicant is out on bail or on his or her own recognizance pending trial.

The text of Labor Code §432.7 is available at:
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=432.7.

G. California Labor Code §432.8

An employer may not seek information about an applicant’s conviction of certain minor marijuana-related offenses if more than two (2) years have elapsed since the date of conviction or use the information as a factor in an employment decision.

The text of Labor Code §432.8 is available at:
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=432.8.

II. DEFINITION OF TERMS

Adverse Action	An action that adversely affects an employee or applicant, may include elimination from further consideration for an employment opportunity, demotion, suspension, or termination
Applicant	An individual seeking employment or an employee that applies for a position within the CSU
Appointee	An individual deemed to have an affiliation with the University that may or may not be an employment relationship
Background Check	A process of acquiring/verifying/validating records or information on an applicant that are used to determine suitability for employment. Types of background checks include: employment verification, education verification, reference check, criminal records check, credit report history check, motor vehicle records/licensing check, sexual offender registry check, and professional licensing, certification, and credential verification. Fingerprinting may be used to accomplish a criminal records check
Background Check Coordinator	Employee designated to administer the background check process for the positions specified in this policy and for those campuses who conduct their respective background check processes
Camp or Clinic	Any camp and/or clinic in which minor children participate and which is run by the CSU. Also included are camps and/or clinics in which minor children participate that are not run by the CSU but the campus either conducts the criminal records check of its employees or is informed of the results of the criminal records check of its employees
Candidate	An individual being considered for an appointment
Consultant	An individual or business entity engaged in a compensatory relationship with the CSU to perform specific services over a specific duration. Consultants may include Independent Contractors and Special Consultants (employees appointed via classification code 4660)
Credit Report History Check	Used to review an applicant’s financial history if the position has been specifically named in CA Civil Code § 1785.1, <i>et seq</i> and contains duties, responsibilities, or access that could affect the institution financially
Criminal Conviction	Being found guilty, entering a guilty plea, or pleading no contest to felony or misdemeanor

References/Appendices

Criminal Offender Record Information (CORI)	A person's criminal history results produced by Live Scan or equivalent criminal records check vendor
Criminal Records Check	A type of background check used to obtain any criminal offender record information, including a check of State or Federal criminal history databases with the use of Live Scan or other similar means
Criminal Records Check Agency	The agency used to conduct the criminal records check
CSU	California State University
Current Employee	An existing employee in an active or on leave employment status with the CSU
Decision Maker(s)	The person(s) selected by the campus to be responsible for reviewing results of a background check that disclose information that may disqualify a candidate from employment.
Education and Credential Verification	A type of background check used to verify if a degree or credential was issued and to confirm the date awarded
Employee	An individual appointed to a compensated position by the CSU in exchange for employment services. Includes individuals appointed in the Special Consultant classification code 4660
Employment Verification	A type of background check used to verify dates of employment, position, salary and other employment-related history
Fingerprint Check	A type of background check in which a candidate or applicant's digitally scanned fingerprints are obtained for the purposes of conducting a criminal records check
Guest	An individual with an affiliation with the CSU that is not employment-related, but one in which specific services may be performed for the CSU at the request or by invitation of the CSU
Independent Contractor	A business entity, including individuals that are self-employed that contract to perform services with the CSU. Does not include Special Consultant (Class Code 4660) employees
Level 1 Data	The first level of data classification that the CSU has adopted regarding the level of security placed on particular types of information assets. Level 1 data is "Confidential Information" that include but are not limited to: PINs (Personal Information Numbers), tax IDs with name, Social Security Number and name, health insurance information, biometric information, criminal background check results, electronic or digitized signatures, and private keys (digital certificates). For more information, refer to ICSUAM's policy on Information Security Data Classification at http://calstate.edu/icsuam/sections/8000/8065_FINAL_DRAFT_Data_Classification_CW_V4.pdf . Under this policy, employees who have access to Level 1 data (including student workers), are required to undergo a background check
Minor	Anyone under the age of 18. For CSU bargaining unit employees working at camps or clinics in which minor children participate, a minor is anyone under the age of 18 at the start of the camp/clinic
Motor Vehicle Records / Licensing Check	A type of background check used to determine a candidate's past driving records and/or to ensure that the candidate is authorized to operate various types of machinery or equipment as required by the position
New Hire	Any final candidate hired into an open position. This may include current CSU employees who transfer from one campus to another
Professional Licensing /	A type of background check used to verify that professional licenses are up-

References/Appendices

Certification Verification	to-date and valid for practice. Verifications may also be required to check prior suspensions of a license or disciplinary actions taken against a candidate through the licensing board or other appropriate source
Records Custodian	An employee responsible for retaining the results of a background check
Recreational Camp or Clinic	A camp or clinic on CSU premises typically for minor children that include but are not limited to sports, dance, music, academics and other disciplines
Reference Check	A type of background check that includes verbal and/or written checks used to assess an applicant's work history and skills using standardized questions structured for job specific inquiries
Represented Employee	An employee represented under a collective bargaining agreement between the CSU Board of Trustees and the respective collective bargaining representative
Sensitive Position	A position designated by the CSU as requiring heightened scrutiny of individuals holding said position, based on potential for harm to children, concerns for the safety and security of people, animals, or property, or heightened risk of financial loss to the CSU or individuals in the university community
Sexual Offender Registry Check	A type of background check used to determine if a candidate has been included in any state sexual offender registry
Student Worker	A CSU student appointed to a CSU student classification whose educational relationship with the university is predominant and who qualifies for the student FICA exemption under IRS Code § 3121 (b)(10) or has nonresident tax residency status with F, J, M or Q visas
Volunteers	Individuals who perform specific services for the CSU on a voluntary basis, including employees who work or will work with camps and/or clinics run by the CSU in which minor children participate. Volunteers may or may not be CSU employees

Sample Form

**California State University [campus]
Campus Request For Information from Applicant/Employee and
Accompanying California Information Practices Act Notice**

Print Name: _____		
Last	First	Middle
Birth Date: _____ Social Security #: _____ Driver's License #: _____		
Business Phone #: _____ Home Phone #: _____ Email: _____		
Current Address: _____		
Other Names you have used: _____		
Have you ever been convicted of a crime: Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes,		
_____	_____	_____
Crime	Date	City/County/State
_____	_____	_____
Crime	Date	City/County/State
_____	_____	_____
Crime	Date	City/County/State

Signature: _____ Date: _____

Information Practices Act Notice (Civil Code § 1798.17)

This information is being requested by [CSU campus]. [Name of campus] is authorized to maintain this information pursuant to Education Code §§ 89500, 89535, [state any other authority relevant here, including any executive orders or coded memoranda.]. Submission of the information requested on this form is mandatory. Failure to provide the requested information will mean that you will be ineligible for the position you are seeking. The principal purpose for which this information is to be used is to assist the University in evaluating your eligibility, qualifications, and suitability for the position you are seeking. You have a right of access to records containing personal information maintained by [CSU campus]. The name, business address and telephone number of the person at [campus] who is responsible for maintaining the requested information and will be able to inform you of the location of this information is: [name, address, telephone no.].

Sample Form

**California State University [campus]
Applicant/Employee Disclosure Statement**

**Fair Credit Reporting Act-Investigative Consumer Reporting
Agencies Act (FCRA – ICRA)**

In connection with your application for employment or consideration of you for a different position at the [campus] (“University”), a consumer report or an investigative consumer report may be obtained. The University will determine in its sole discretion which positions require background checks. The University will obtain any such reports from [name, address, telephone number and website of the specific consumer reporting agency to be used].

The background check may include information concerning your employment history, education, qualifications, motor vehicle record, character, general reputation, personal characteristics, social security verification, police and criminal records, civil records, workers’ compensation claims, credit and indebtedness history, and mode of living, and may be obtained from public records, through personal interviews with your neighbors, friends, or associates or with others with whom you are acquainted or who may have knowledge concerning the above items of information, in compliance with applicable law.

Attached to this Disclosure Statement are: (1) a summary of your rights under the federal Fair Credit Reporting Act (FCRA) 15 U.S.C. section 1681, *et seq.*; and, (2) a summary of the provisions of Civil Code § 1786.22, a section of the California Investigative Consumer Reporting Agencies Act (ICRA) that sets forth certain duties of investigative consumer reporting agencies to provide you with files and information.

You must acknowledge below receipt of this Disclosure Statement. You must also authorize in writing the procurement of the consumer report or investigative consumer report before such a report may be obtained. A separate authorization form is attached.

I hereby acknowledge that I have received the Applicant/Employee Disclosure Statement, FCRA – ICRA.

Signature: _____ Date: _____

Sample Form

**California State University (campus)
Applicant/Employee Authorization
Fair Credit Reporting Act-Investigative Consumer Reporting
Agencies Act (FCRA – ICRA)**

I, [individual's name], hereby authorize [CSU campus name] (“University”) to obtain a consumer report or an investigative consumer report about me from [name, address and website of specific investigative consumer reporting agency to be used] in connection with the University’s assessment and consideration of my application for employment or any other purpose(s) authorized by the CSU Background Check Policy. I acknowledge that I have received the Disclosure Statement and have read it and the attachments to it thoroughly.

If you would like to receive a copy of the investigative consumer report, if one is obtained, please check this box and you will be provided a copy within 3 business days of the date it is received by the University.

I hereby authorize and request, without any reservation, any present or former employer, school, police department, financial institution, division of motor vehicle, consumer reporting agencies, or other persons or agencies having knowledge of me to furnish the University and/or [name, address, and website address of investigative consumer reporting agency to be used] with any and all background information in their possession regarding me which may be obtained pursuant to law, in order that my employment qualifications may be evaluated.

I also agree that a fax or photocopy of this authorization with my signature is to be accepted with the same authority as the original.

Signature: _____ Date: _____

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681, *et seq.* 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.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C., 20580.**

- **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.ftc.gov/credit 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.ftc.gov/credit 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 credit, 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.ftc.gov/credit.
- **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.
- **Identify theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

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. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission Consumer Response Center - FCRA Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 1-800-613-6743
Federal Reserve System member banks (except national banks and federal branches/agencies of foreign banks)	Federal Reserve Consumer Help (FRCH) PO Box 1200 Minneapolis, MN 55480 Telephone: 888-851-1920 Website Address: www.federalreserveconsumerhelp.gov Email Address: ConsumerHelp@FederalReserve.gov
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 1-800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 (703) 519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 (202) 366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator - GIPSA Washington, DC 20250 (202) 720-7051

**Consumer Credit Report
Disclosure and Authorization Form**

In connection with your application for employment with [campus] ("University"), the University will obtain a consumer credit report, as defined in the California Consumer Credit Reporting Agencies Act, Civil Code § 1785.1 *et seq.* In processing your application for employment, or if you are offered employment, at any time during your employment, the University may obtain a consumer credit report from a Consumer Reporting Agency for employment purposes concerning credit worthiness, credit standing, and credit capacity.

California law requires employers, except financial institutions subject to 15 US Code §§6801-6809 (the Gramm Leach Bliley Act), to describe the permissible purpose for which a credit report may be sought.

The position for which you are being considered is one of the following, as listed in California Labor Code § 1024.5:

___ A managerial position (defined as persons who manage the University or a department of the University, have the authority to make hiring/retention decisions, manage two or more persons, are exempt employees, and earn more than two times the state's current minimum wage).

___ A position with the state Department of Justice.

___ That of a sworn peace officer or other law enforcement position.

___ A position for which the information contained in the credit report is required by law to be disclosed or obtained.

___ A position that involves regular access, for any purpose other than the regular solicitation and processing of credit card applications in a retail establishment, to all of the following types of personal information of any one person:

(1) Bank or credit card account information.

(2) Social security number.

(3) Date of birth.

___ A position in which the person is, or would be, any of the following:

(1) A named signatory on the bank or credit card account of the employer.

(2) Authorized to transfer money on behalf of the employer.

(3) Authorized to enter into financial contracts on behalf of the employer.

___ A position that involves access to confidential or proprietary information, including a formula, pattern, compilation, program, device, method, technique, process or trade secret that (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who may obtain economic value from the disclosure or use of the information, and (ii) is the subject of an effort that is reasonable under the circumstances to maintain secrecy of the information.

___ A position that involves regular access to cash totaling ten thousand dollars (\$10,000) or more of the employer, a customer, or client, during the workday.

A summary of your rights under the Fair Credit Report Act, 15 U.S.C. §1681 *et seq.*, is attached to this form. If you disagree with the accuracy of any information in the report, you must notify University within five days of the receipt of the report and that you are challenging information in the report. University will not make a final decision on your employment status until you have had a reasonable opportunity to address the information contained in the report.

Note that if you are denied employment or an adverse employment action is taken on information obtained in the credit report, you will be notified and provided with a copy of the report as well as a written description of your rights under the Fair Credit Reporting Act.

California law requires that you check the following box to indicate your desire to receive a copy of the report.

Please forward to my attention at the following address a copy of the report:

Street: _____

City, State, Zip: _____

Acknowledgement and Consent:

I consent to this investigation and hereby authorize University to obtain a consumer credit report on my background for employment purposes only and acknowledge that I have been provided with a summary of my rights under the Fair Credit Reporting Act.

Name (Please print): _____

Signature: _____ Date: _____

SAMPLE PRE-ADVERSE ACTION NOTICE

Date

Name of Applicant/Employee
Street Address
City State Zip

Dear Applicant/Employee,

When you applied for the [Job Title] position in the [Department Name] at the [campus], you consented to a background check conducted by a consumer reporting agency.

The [campus name] contracted with [Contractor], whose address and telephone number are [Contractor's Address], Telephone: [], and Website Address: [www.].

[Contractor] has reported to us the following information:

[Insert disqualifying information]

Based on this information, the university has made a preliminary determination that you should not be extended an offer of employment. [Contractor] has not made this decision and is not able to explain why the decision was made.

We are enclosing a copy of the report and a summary of your rights under the federal Fair Credit Reporting Act (FCRA). You have the right to obtain a free copy of your file from [Contractor] if you request the report within 60 days. You also have the right to dispute directly with [Contractor] the accuracy or completeness of any information provided by it.

If you believe the information listed above is not accurate, please contact [insert name, telephone number of contact] within five business days of receipt of this letter. The University will not make a final decision regarding your application until [insert date]. This will give you an opportunity to contact us if you want to dispute the report submitted by [Contractor].

Sincerely,

[Your Name]
[Your Title]

Enclosures: Report
FCRA Summary of Your Rights
Criminal Offender Records Information (CORI) (if applicable)

[NOTE: Campuses that are subject to the Information Practices Act (IPA) (e.g., conduct their own background checks and/or utilize Live Scan) should remove all references to the federal Fair Credit Reporting Act (FCRA).]**

SAMPLE ADVERSE ACTION NOTICE

Date

Name of Applicant
Street Address
City State Zip

Dear Applicant,

I am writing to advise you that we are unable to continue to consider you as a candidate for the [Job Title] position in the [Department name] at the [campus]. This determination was influenced by information contained in a background check report, made at our request and provided by:

[Contractor Name]
[Contractor Address]
[Contractor Telephone]
[Contractor Website Address]

Under the federal Fair Credit Reporting Act (FCRA) we are required to make the following disclosure to you:

You have the right to obtain a free copy of your file from the consumer-reporting agency if you make a request with the agency within 60 days. Enclosed with our letter to you dated [date of Pre-Adverse Notice], you were provided with a copy of the report we received from [Contractor]. You also have the right to obtain from the consumer reporting agency, free of cost, an additional copy of the report. You also must be provided with a copy of the FCRA Summary of Your Rights, which is attached to this letter. The summary was also included with our letter to you dated [Date of Pre-Adverse Notice].

You have the right to dispute directly with the consumer reporting agency the accuracy or completeness of any information provided by the consumer reporting agency. The consumer reporting agency did not make the adverse employment decision and is not able to explain the decision that was made.

Sincerely,

[Your Name]
[Your Title]

Enclosure: FCRA Summary of Your Rights
Criminal Offender Records Information (CORI) (if applicable)

[NOTE: Campuses that are subject to the Information Practices Act (IPA) (e.g., conduct their own background checks and/or utilize Live Scan) should remove all references to the federal Fair Credit Reporting Act (FCRA).]**

Confidentiality Agreement Human Resources

During the course of my employment with the [campus] (“University”), I may have access to sensitive and/or personal information regarding our students, employees, and applicants. Information may include, but is not limited to, confidential personnel data, employment applications, and files in various forms. Such information is treated in a confidential manner and should not be part of any public or private conversation. With respect to these records and information, and all other confidential and proprietary University information and records, I have read, understand, and agree to the following:

1. I acknowledge the confidentiality of all student, employee, and applicant information and records and other confidential and proprietary University information and records. This information will not be revealed to or distributed to or discussed with anyone other than my supervisor and appropriate University officials.
2. I will not attempt to alter, change, modify, add, or delete student, employee, or applicant record information or University documents unless specifically instructed to do so by supervisor or appropriate University officials.
3. Personal or identifying information about University employees and applicants (such as name, address, telephone, number, performance reviews, and/or salaries) will not be released to unauthorized individuals or agencies, without the consent of Human Resources or other appropriately designated University official.
4. I will access only information specified and authorized by my supervisor or appropriate University official. Access to information should be through normal departmental procedures for obtaining specific access to the information in written documents, computer files, student records, or other University information.
5. I understand that information acquired during the course of my work assignments may not be utilized for personal gain or benefit.
6. All procedures, creative work, written documents, records, and computer programs are created and documented according to University policies and procedures. These materials are considered the property of the University and are not for public disclosure or use.

If I am in doubt about a request for information, I understand that it is my responsibility to discuss the request with a manager or director within Human Resources prior to a decision to release the information.

I understand that the unauthorized release or removal of confidential records and information is strictly prohibited and grounds for immediate disciplinary action, up to and including termination, and may also be subject to legal action. Further, I understand that certain information is not authorized for release to other University employees unless there is a legitimate business need to know.

Name: _____

Signature: _____

Date: _____

HR Signature: _____

Date: _____

Links to Websites/Resources

Description	Link
Attachment A: Background Check Policy Requirements and Checking Practices	
California Commission on Peace Officer Standards and Training (P.O.S.T.)’s background check requirements for Police Dispatchers	http://www.post.ca.gov/overview-selection-standards.aspx
CSU’s Records Retention Policy	www.calstate.edu/recordsretention/
CSU’s Selection of CSU Police Personnel and Police Officer Testing policy	http://www.calstate.edu/HRAdm/policies.shtml
Executive Order 1083	https://www.calstate.edu/eo/EO-1083.pdf
Federal Bureau of Investigation for national sexual offender registry search	www.fbi.gov/scams-safety/registry
HR Letter 2006-03	http://www.calstate.edu/HRAdm/pdf2006/HR2006-03.pdf
HR Letter 2014-03 and HR 2014-03 Supplement #1	http://www.calstate.edu/HrAdm/pdf2014/HR2014-03.pdf http://www.calstate.edu/HrAdm/pdf2014/HR2014-03SUP1.pdf
HR/Appointments 2014-01	http://www.calstate.edu/HRAdm/pdf2014/TL-APPT2014-02.pdf
Information Security Management’s Information Security Data Classification Policy	http://calstate.edu/icsuam/sections/8000/8065_FINAL_DRAFT_Data_Classification_CW_V4.pdf
Integrated CSU Administrative Manual (ICSUAM)	http://www.calstate.edu/icsuam
Integrated CSU Administrative Manual’s Information Security Policy	http://www.calstate.edu/icsuam/sections/8000/8030.0.shtml
Megan’s Law for CA sexual offender registry check	http://www.meganslaw.ca.gov/
U.S. Department of Justice for national sexual offender registry search	www.nsopr.gov
Attachment C: Roles and Responsibilities	
State of California Department of Justice’s Custodian of Records	http://oag.ca.gov/fingerprints/custodian
Attachment D: References/Appendices	
California Consumer Credit Reporting Agencies Act (CCRAA) full text	http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=3.&title=1.6.&part=4.&chapter=1.&article=#
California Information Practices Act (IPA) full text	http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1798.40
California Investigative Consumer Reporting Agencies Act (ICRA) full text	http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1786-1786.2
California Labor Code §1024.5 full text	http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=1024.5
California Labor Code §432.7 (a) full text	http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=432.7
California Labor Code §432.8 full text	http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=432.8
Fair Credit Reporting Act (FCRA) full text	http://www.ftc.gov/os/statutes/031224fcra.pdf

Federal Reserve Consumer Help (FRCH) website	www.federalreserveconsumerhelp.gov
Federal Trade Commission's Consumer Information	www.ftc.gov/credit
More information on ICRA, IPA, CCRAA	http://oag.ca.gov/privacy