

PRE-ADVERSE ACTION NOTIFICATION

[Date]

[Name of Individual]

[Address of Individual]

Dear _____:

You recently authorized [EMPLOYER] to obtain a consumer report and/or investigative consumer report about you from a consumer reporting agency. [EMPLOYER] is considering taking action in whole or in part based on information in such report.

Enclosed please find a copy of: (1) the report we obtained from Metrodata Services, Inc., 2805 Wehrle Dr., Suite 6-7, Williamsville, NY 14221, (716) 847-1590, (2) A Summary of Your Rights under the Fair Credit Reporting Act, and (3) if applicable, notices required by state or municipal law (e.g., NY, NYC, NJ, MA, WA).

Disputing Accuracy of Report

If you see any errors or inaccuracies in your report, please contact _____ of [EMPLOYER] within five (5) business days of the date of this letter. If you would like to dispute the accuracy of the information in the report directly with the consumer reporting agency (*i.e.*, the source of the information contained in the report), then you should contact the consumer reporting agency identified above directly. If you wish, you may submit evidence challenging the accuracy of the information in your report.

Providing Additional Information Regarding Your Circumstances

If you would like to provide [EMPLOYER] with any other information that bears upon the matters identified in your report, please contact _____ of [EMPLOYER] within five (5) business days of the date of this letter.

THIS PARAGRAPH IS OPTIONAL – ONLY INCLUDE IF YOU PLAN TO SEND THE ENCLOSED CRIMINAL CONVICTION QUESTIONNAIRE: If your report contains one or more criminal convictions, you may complete the enclosed “Criminal Conviction Questionnaire” and return it to _____ within five (5) business days of the date of this letter. You may return the “Criminal Conviction Questionnaire” via email (_____). The Questionnaire is optional and designed to give us additional information about your circumstances before we make any employment-related decisions.

END-USERS: PLEASE NOTE THAT THIS IS A SAMPLE SET OF DOCUMENTS. IT IS BEING PROVIDED TO YOU SOLELY AS A COURTESY. IT SHOULD NOT BE CONSTRUED AS LEGAL ADVICE. USE OF SAMPLE DOCUMENTS PROVIDED BY METRODATA SERVICES IS ENTIRELY OPTIONAL. THEREFORE, IF YOU CHOOSE TO USE METRODATA SERVICES' SAMPLE DOCUMENTS IN PART OR WHOLE, YOU UNDERSTAND AND AGREE THAT SUCH DOCUMENTS SHALL BE CONSIDERED YOUR OWN (NOT THAT OF METRODATA SERVICES). PLEASE CONSULT WITH COUNSEL AS APPROPRIATE TO CONFIRM THAT YOUR DOCUMENTS COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.

Sincerely yours,

Enclosures: Consumer Report
A Summary of Your Rights Under the FCRA
Criminal Conviction Questionnaire (Optional)
Arkansas Security Freeze Notice (If applicable)
California Notice (If applicable)
California - City of Los Angeles Notice (If applicable)
California – County of Los Angeles Notice (If applicable)
California – County of San Diego Notice (If applicable)
Delaware Security Freeze Notice (If applicable)
Florida – City of Gainesville Notice (If applicable)
Illinois Notice (If applicable)
Illinois – City of Chicago Notice (If applicable)
Maryland - Montgomery County, Maryland Notice (If applicable)
Maryland - Prince George’s County, Maryland Notice (If applicable)
Massachusetts - Company’s CORI Policy in Massachusetts (If applicable)
Massachusetts - DCJIS information sheet in Massachusetts (If applicable)
New Jersey - A Summary of Your Rights Under New Jersey Law (If applicable)
New Jersey Security Freeze Notice (If applicable)
New York – Article 23-A of the New York Correction Law and Clean Slate Law
Advisory (If applicable)
New York City Fair Chance Act Documentation (If applicable)
North Carolina Security Freeze Notice (If applicable)
North Dakota Security Freeze Notice (If applicable)
Oklahoma Security Freeze Notice (If applicable)
Pennsylvania - City of Philadelphia Notice (If applicable)
Rhode Island Security Freeze Notice (If applicable)
Washington Notice (If applicable)
Washington – City of Seattle Notice (If applicable)
West Virginia Security Freeze Notice (If applicable)

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Criminal Conviction Questionnaire

INSTRUCTIONS

As indicated in the accompanying letter, a consumer report has revealed that you have a criminal conviction. This questionnaire will provide you an opportunity to provide additional information related to the conviction and your circumstances before [EMPLOYER] makes a decision as to your application. Submission of responses to one or more of the questions set forth in this questionnaire is optional. You may also submit documents or other evidence to [EMPLOYER] or in response to this questionnaire.

Please note: If you choose to respond to this Questionnaire, your answers to each question must be truthful.

You may write your responses on this questionnaire in dark ink. If you need additional space or would prefer to type your responses, you may attach letter-size sheets (8.5" x 11"). Please include your name on each sheet along with the item number for each response. We recommend that you keep a copy of your completed questionnaire for your records.

YOUR INFORMATION

Name:

Date Completed:

Position Applied For:

QUESTIONS

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1. Describe the facts and circumstances surrounding the criminal conviction(s) identified in your background screening report.	
2. When did the criminal offense or conduct leading to the criminal conviction(s) specified in your report occur?	
3. Do you feel remorse for the actions leading to your criminal conviction(s)? If so, why?	
4. How old were you at the time of the conviction(s) in your report?	

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5. Since your conviction(s), have you performed work with similar responsibilities to the job you have applied for? If yes, provide the name of the employer and the nature of your job responsibilities.	
6. Describe the length of your employment history both before and after the conviction(s) in your report.	
7. Describe any rehabilitation efforts you have made since your conviction(s) (e.g., vocational training, school, counseling).	

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8. Identify any employment or character references who may provide information regarding your good conduct since your conviction(s) and/or your fitness for the position. You may also submit one or more letters of reference. For each reference, please also provide a phone number and address.	
9. Are you bonded under a federal, state or local bonding program? If yes, please provide information as to the particular program.	
10. Describe any other information that you believe supports your fitness for the particular position you are applying for.	

Enclose this notice for all Arkansas consumers

Arkansas Consumers Have the Right to Obtain a Security Freeze

You have the right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a

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new loan, credit, mortgage, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale.

When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the security freeze on your credit report or authorize the release of your credit report for a period of time after the security freeze is in place. To provide that authorization you must contact the consumer reporting agency by one (1) of the methods that it requires and provide all of the following:

- (1) Your personal identification number or password;
- (2) Proper identification to verify your identity; and
- (3) The proper information regarding the period of time for which the credit report shall be available.

A consumer reporting agency must authorize the release of your credit report for a period of time within fifteen (15) minutes or as soon as practical if good cause exists for the delay, and must remove a security freeze no later than three (3) business days after receiving all of the above items by any method that the consumer reporting agency allows.

A security freeze does not apply to a person or an entity, or its affiliates, or collection agencies acting on behalf of the person or entity with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring a civil action against anyone, including a consumer reporting agency, that willfully or negligently fails to comply with any requirement of the Arkansas Consumer Report Security Freeze Act.

A consumer reporting agency has the right to charge you up to five dollars (\$5.00) to place a security freeze on your credit report, to temporarily lift a security freeze on your credit report, or to remove a security freeze from your credit report. However, you shall not be charged any fee if you are at least sixty-five (65) years of age or if you are a victim of identity theft and have submitted, in conjunction with the security freeze request, a copy of a valid investigative report or incident report or complaint with a law enforcement agency alleging the unlawful use of your identifying information by another person.

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California Applicant/Employee

Enclose this notice if potential adverse action is based upon criminal history information

No final decision on your employment status has been made. At this point, (Employer) has only made a preliminary finding that the following item in your report(s) may disqualify you from employment: (identify items)

You have the option to supply (Employer) with any of the following types of evidence before the preliminary decision referenced above becomes final: (1) evidence challenging the accuracy of the conviction history that is the basis of (Employer)'s preliminary decision, (2) evidence of rehabilitation; and/or (3) evidence of mitigating circumstances. Evidence of rehabilitation or mitigating circumstances may include, but is not limited to, the following:

- Facts or circumstances surrounding the offense or conduct;
- Facts or circumstances showing that the conduct was less serious than the conviction seems;
- The length and consistency of employment history or community involvement before and after the offense(s); and/or
- Evidence that you have performed the same type of work since your conviction(s).

We will consider any evidence you provide.

If you timely notify (Employer) that you dispute the accuracy of the conviction history that (Employer) is relying upon and that you are taking specific steps to obtain evidence supporting your assertion, then you have five additional business days to respond beyond the date set forth in the pre-adverse action notification before (Employer)'s decision to rescind the employment offer becomes final.

ADDITIONAL REMINDER FOR EMPLOYER: California law prescribes the amount of time that must be extended to applicants/employees. Please remember to change references to "five (5) business days from the date of this letter" in the pre-adverse action notification in accordance with the below chart:

METHOD OF TRANSMISSION OF PRE-ADVERSE ACTION NOTICE	LANGUAGE FOR PRE-ADVERSE ACTION LETTER
By email	"seven (7) business days from the date of this letter"
By mail to a California address	"ten (10) business days from the date of this letter"
By mail to a non-California U.S. address	"fifteen (15) business days from the date of this letter"

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By mail to a non-U.S. address	"twenty-five (25) business days from the date of this letter"
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California
City of Los Angeles Applicants/Employees

Enclose this notice if potential adverse action is based upon criminal history information

Enclosed please find the Fair Chance Initiative For Hiring Ordinance (FCIHO) Individualized Assessment and Reassessment Form.

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**California
County of Los Angeles Applicants/Employees**

Enclose this notice if potential adverse action is based upon criminal history information

No final decision on your employment status has been made. At this point, [Employer] has only made a preliminary finding that the following item in your report(s) may disqualify you from employment: (identify items). [Employer] may withdraw or rescind your conditional offer of employment due to the above-referenced item(s) in your report.

Enclosed please find a copy of [Employer]'s Initial Individualized Assessment and your background report.

You have the option to supply [Employer] with any of the following types of evidence before the preliminary decision referenced above becomes final: (1) evidence challenging the accuracy of the criminal history that is the basis of [Employer]'s preliminary decision, (2) evidence challenging the accuracy of other criminal history information that [Employer] possesses about you, (3) evidence of rehabilitation, and/or (4) evidence of mitigating circumstances. Evidence of rehabilitation or mitigating circumstances may include, but is not limited to, the following:

- Facts or circumstances surrounding the offense or conduct;
- Facts or circumstances showing that the conduct was less serious than the conviction seems;
- Supporting documents, such as a letter of recommendation from counselors, community leaders, or parole/probation officers who have observed you since your conviction;
- The length or consistency of employment history before and after the offense(s); and/or
- Evidence that you have performed the same type of work since your conviction(s).

We will consider any evidence you provide.

If you timely notify [Employer] that: (1) you dispute the accuracy of the conviction history that [Employer] is relying upon and that you are taking specific steps to obtain evidence supporting your assertion, or (2) you need additional time to obtain written evidence of rehabilitation or mitigating circumstances, then you have ten (10) additional business days

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to respond beyond the date set forth in the pre-adverse action notification before [Employer]’s decision to rescind the conditional offer of employment may become final.

ADDITIONAL REMINDER FOR EMPLOYER: Los Angeles County law prescribes the amount of time that must be extended to applicants/employees to respond to this notice. Please remember to change references to “five (5) business days from the date of this letter” in the pre-adverse action notification in accordance with the below chart:

METHOD OF TRANSMISSION OF PRE-ADVERSE ACTION NOTICE	LANGUAGE FOR PRE-ADVERSE ACTION LETTER
By mail via a method that provides for confirmation of receipt.	“five (5) business days from the date you received this letter”
By mail to a California address via a method that does not provide confirmation of receipt	“ten (10) business days from the date of this letter”
By mail to a non-California U.S. address via a method that does not provide confirmation of receipt	“fifteen (15) business days from the date of this letter”
By mail to a non-U.S. address via a method that does not provide confirmation of receipt	“twenty-five (25) business days from the date of this letter”

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**California
County of San Diego Applicants/Employees**

Enclose this notice if potential adverse action is based upon criminal history information

No final decision on your employment status has been made. At this point, [Employer] has only made a preliminary finding that the following item in your report(s) may disqualify you from employment: (identify items). [Employer] may withdraw or rescind your conditional offer of employment due to the above-referenced item(s) in your report.

Enclosed please find a copy of your background check.

You have the option to supply [Employer] with any of the following types of evidence before the preliminary decision referenced above becomes final: (1) evidence challenging the accuracy of the criminal report information that is the basis of [Employer]'s preliminary decision, (2) evidence of rehabilitation; and/or (3) evidence of mitigating circumstances. We will consider any evidence you provide.

If you timely notify [Employer] that you dispute the accuracy of the background check that is the basis for [Employer]'s preliminary determination and that you are taking specific steps to obtain evidence supporting your assertion, then you have ten (10) business days to respond to this notice from the date of the pre-adverse action notification before [Employer]'s decision to rescind the conditional offer of employment becomes final.

You have the right to file a complaint with: (1) the County of San Diego's Office of Labor Standards and Enforcement (OLSE) for a violation of San Diego County's Fair Chance Ordinance, and (2) the State of California's Civil Rights Department for a violation of California's Fair Chance Act.

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Enclose this notice for all Delaware consumers

Delaware Consumers Have the Right to Obtain a Security Freeze

You may obtain a security freeze on your credit report for no more than ten dollars to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a security freeze on your credit report pursuant to Delaware law. The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval. You must separately request, by certified mail, that it be frozen by the three consumer reporting agencies and pay each a ten dollar fee to do so. After January 31, 2009, you will be able to request this freeze from the agencies by e-mail.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. When you place a security freeze on your credit report, you will be sent a personal identification number or password to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report for a specific period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:

1. The unique personal identification number or password provided by the consumer reporting agency.
2. Proper identification to verify your identity.
3. The proper information regarding the period of time for which the report shall be available to users of the credit report.
4. A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request. By January 31, 2009, the consumer reporting agency must temporarily lift the freeze within 15 minutes of receiving the request.

A security freeze does not apply to circumstances where you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities.

If you are actively seeking a new credit, loan, utility, telephone, or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze with enough advance notice before you apply for new credit for the lifting to take effect. Until January 31, 2009, you should lift the freeze at least 3 business days before applying, and after that date you should lift the freeze at least 15 minutes before applying for a new account.

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You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency.

**Florida
Gainesville Applicants/Employees**

Enclose this notice if potential adverse action is based upon criminal history information

The following item(s) from your report are the basis for potential adverse action: (identify criminal history information). As noted in the enclosed letter, you have the option to supply (Employer) with additional context about the criminal history records and any information demonstrating your rehabilitation and good conduct since the occurrence of the criminal offense. If you wish to submit such information, you must do so within five (5) business days of the date of this letter. We will consider any evidence you provide.

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Illinois Applicants/Employees

Enclose this notice if potential adverse action is based upon criminal history information

(Employer) has made a preliminary decision that the following item(s) in your report(s) may disqualify you from employment: (identify the disqualifying conviction or convictions that are the basis for the preliminary decision). This preliminary decision is based on [[the substantial relationship between the conviction(s) and the employment sought or held] OR [the unreasonable risk to property or the safety or welfare of others created by granting or continuing employment]].

You have the option to supply (Employer) with evidence challenging the accuracy of the conviction record(s) and/or evidence of mitigating circumstances or rehabilitation (or both) before (Employer)'s decision becomes final. We will consider any evidence you provide.

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**Illinois
City of Chicago Applicants/Employees**

Enclose this notice if potential adverse action is based upon criminal history information

[Employer] has made a preliminary decision that the following item(s) in your report(s) may disqualify you from employment: (identify the potentially disqualifying conviction or convictions that are the basis for the preliminary decision).

This preliminary decision is based on (see check mark below):

- ☐ Applicable law which excludes applicants with the above criminal conviction(s) from occupying the relevant position.
- ☐ Your disqualification from obtaining a standard fidelity bond or an equivalent bond that is required for the relevant position.
- ☐ The substantial relationship between your conviction(s) and the employment sought or held by you.
- ☐ The unreasonable risk to property or the safety or welfare of others created by granting or continuing employment to you.

You have the option to supply [Employer] with evidence challenging the accuracy of the conviction record(s) and/or evidence of mitigating circumstances or rehabilitation (or both) before [Employer]'s decision becomes final. We will consider any evidence you provide.

Maryland
Montgomery County Applicants/Employees

Enclose this notice if potential adverse action is based upon criminal history information

The following items from your report are the basis for potential adverse action: (identify items).

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Maryland
Prince George's County Applicant/Employee:

Enclose this notice if potential adverse action is based upon criminal history information

The following items from your report are the basis for potential adverse action: (identify items).

Massachusetts Applicant/Employee

Enclose this notice if potential adverse action is based on information from Massachusetts' Criminal Offender Record Information ("CORI") database

The following items from your report are the basis for potential adverse action: **(identify items)**.

We have enclosed **[EMPLOYER]**'s Massachusetts Criminal Offender Record Information ("CORI") Policy and Massachusetts Department of Criminal Justice Information Services - Information Concerning The Process In Correcting A Criminal Record.

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**Massachusetts Department of Criminal Justice Information Services
Information Concerning The Process In Correcting A Criminal Record**

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 or by calling (617)660-4640 or go to the Massachusetts iCORI service.
2. The DCJIS charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the DCJIS waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please contact the Constituent Assistance and Research Unit at 617.660.4640 between 8:00AM and 6:00PM Eastern Time, Monday – Friday or via email at iCORI.INFO@state.ma.us
4. The DCJIS does not offer “walk-in” service but you may call our Legal Division at (617)660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617)727-5300.
5. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation Department at the court where the charges were brought and request that the case(s) be updated.
6. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
7. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please go to: <https://www.mass.gov/guides/alphabetical-listing-of-courthouses>.
8. In some situations of identity theft, you may need to contact the DCJIS to arrange to have fingerprints analysis conducted.
9. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
10. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617)660-4640.

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Enclose this notice for all New Jersey consumers

**A Summary of Your Rights
Under New Jersey's Fair Credit Reporting Act**

The New Jersey Fair Credit Reporting Act (NJFCRA) is designed to promote accuracy, fairness and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you – such as if you pay your bills on time or have filed bankruptcy – to creditors, employers, landlords and other businesses. You can find the complete text of the NJFCRA, N.J. Rev. Stat. §§ 56:11-28, at the New Jersey Legislature's website (<http://www.njleg.state.nj.us>). The NJFCRA gives you specific rights, as outlined below. You may have additional rights under the Federal Fair Credit Reporting Act, 15 U.S.C. 1681-1681u, which is available on the internet at the Federal Trade Commission's website (<http://www.ftc.gov>).

- **You must be told if information in your file has been used against you.** If an employer intends to use information from your consumer report to take an adverse action against you – such as denying you employment or firing you – the employer must also provide you with a copy of the report and a description of your rights under the NJFCRA and the Federal Fair Credit Reporting Act.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file (except that medical information may be withheld), and a list of everyone who has requested it recently. This disclosure may be made during normal business hours in person or, upon written request, by telephone. There is no charge for the report if you have received a notice of adverse action based on information supplied by the CRA, if you request the information within 60 days of receiving notice of the action. In most other cases, a CRA may charge you up to eight dollars.
- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the NJFCRA – usually to consider an application with a creditor, insurer, employer, landlord or other business.
- **Your consent is required for reports that are provided to employers.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must reinvestigate the items within 30 business days, unless your dispute is frivolous. The CRA must give you a written report of the investigation. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files within 30 business days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described above) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice

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telling you it has reinserted the item. The notice must include the name, address and telephone number of the information source.

- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data violates the NJFCRA, you may sue them in state court.

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Enclose this notice for all New Jersey consumers

New Jersey Consumers Have the Right to Obtain a Security Freeze

You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a “security freeze” on your credit report pursuant to New Jersey law.

The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. When you place a security freeze on your credit report, within five business days you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report for a specific party, parties or period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:

- (i) The unique personal identification number or password provided by the consumer reporting agency;
- (ii) Proper identification to verify your identity; and
- (iii) The proper information regarding the third party or parties who are to receive the credit report or the period of time for which the report shall be available to users of the credit report.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days or less, as provided by regulation, after receiving the request.

A security freeze does not apply to circumstances in which you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities.

If you are actively seeking credit, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around, or specifically for a certain creditor, a few days before actually applying for new credit.

You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

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New York Applicant/Employer

Enclose this notice for New York consumers if report contains criminal history information

Enclosed please find a copy of your background report containing criminal history information about you. In addition to your right to dispute the accuracy of information contained in your background report with the employer or consumer reporting agency as set forth in the pre-adverse action notification, you also have the right to seek correction of any incorrect criminal history information in your background report with New York State's Division of Criminal Justice Services if such information is maintained by New York State's Division of Criminal Justice Services. To do the latter, you can contact New York State's Division of Criminal Justice Services in writing at: Records Correspondence Unit, New York State Division of Criminal Justice Services, 80 South Swan St., Albany, N.Y. 12210 or via email at: dcjsCriminalJusticeRecords@dcjs.ny.gov.

Below please find a copy of Article 23-A of New York's Correction Law.

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.

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§ 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.

New York City, New York Applicants/Employees

Enclose this notice if potential adverse action is based upon criminal history information

Enclosed please find the New York City Fair Chance Act Notice.

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Enclose this notice for all North Carolina consumers

North Carolina Consumers Have the Right to Obtain a Security Freeze

You have a right to place a “security freeze” on your credit report pursuant to North Carolina law. The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization. A security freeze can be requested in writing by first-class mail, by telephone, or electronically. You also may request a freeze by visiting the following Web sites: <https://www.experian.com/freeze/center.html>, <https://www.transunion.com/credit-freeze/place-credit-freeze>, and/or https://www.freeze.equifax.com/Freeze/jsp/SFF_PersonalIDInfo.jsp# or calling the following telephone numbers: Experian at 1-888-397-3742, TransUnion at 1-800-680-7289, and/or Equifax at 1-800-685-1111.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gains access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transactions, or other services, including an extension of credit at point of sale.

The freeze will be placed within three business days if you request it by mail, or within 24 hours if you request it by telephone or electronically. When you place a security freeze on your credit report, within three business days, you will be sent a personal identification number or a password to use when you want to remove the security freeze, temporarily lift it, or lift it with respect to a particular third party.

A freeze does not apply when you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.

You should plan ahead and lift a freeze if you are actively seeking credit or services as a security freeze may slow your applications, as mentioned above.

You can remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party by contacting the consumer reporting agency and providing all of the following:

- (1) Your personal identification number or password,
- (2) Proper identification to verify your identity, and
- (3) Proper information regarding the period of time you want your report available to users of the credit report, or the third party with respect to which you want to lift the freeze.

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A consumer reporting agency that receives a request from you to temporarily lift a freeze or to lift a freeze with respect to a particular third party on a credit report shall comply with the request no later than three business days after receiving the request by mail and no later than 15 minutes after receiving a request by telephone or electronically. A consumer reporting agency may charge you up to three dollars (\$3.00) to institute a freeze if your request is made by telephone or by mail. A consumer reporting agency may not charge you any amount to freeze, remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party, if any of the following are true:

- (1) Your request is made electronically.
- (2) You are over the age of 62.
- (3) You are the victim of identity theft and have submitted a copy of a valid investigative or incident report or complaint with a law enforcement agency about the unlawful use of your identifying information by another person, or you are the spouse of such a person.

You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

Enclose this notice for all North Dakota consumers

North Dakota Consumers Have the Right to Obtain a Security Freeze

You may obtain a security freeze on your consumer credit file at no charge to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a “security freeze” on your consumer credit file pursuant to North Dakota law.

The security freeze will prohibit a consumer reporting agency from releasing any information in your consumer credit file without your express authorization or approval.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. When you place a security freeze on your credit file, within five business days you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit file or to temporarily authorize the release of your credit report or credit score for a specific party, parties, or period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:

1. The unique personal identification number or password provided by the consumer reporting agency.
2. Proper identification to verify your identity.
3. The proper information regarding the third party or parties who are to receive the credit report or the period of time for which the report shall be available to users of the credit report.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze shall comply with the request no later than three business days after receiving the request.

A consumer reporting agency may charge you up to five dollars each time you freeze or temporarily lift the freeze, except a consumer reporting agency may not charge any amount to a victim of identity theft who has submitted a copy of a valid investigative report or complaint to a law enforcement agency about the unlawful use of the victim's information by another person.

A security freeze does not apply to circumstances where you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.

If you are actively seeking a new credit, loan, utility, or telephone account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze--either completely if you are shopping around, or specifically for a certain creditor--with enough advance notice before you apply for new credit for the lifting to take effect.

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You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

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Enclose this notice for all Oklahoma consumers

Oklahoma Consumers Have the Right to Obtain a Security Freeze

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a period of time after the freeze is in place. To provide that authorization you must contact the consumer reporting agency by one of the methods that it requires, and provide all of the following:

1. The personal identification number or password;
2. Proper identification to verify your identity;
3. The proper information regarding the period of time for which the report shall be available; and
4. The payment of the appropriate fee.

A consumer reporting agency must authorize the release of your credit report no later than three (3) business days after receiving all of the above items by any method that the consumer reporting agency allows.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer reporting agency who willfully or negligently fails to comply with any requirement of the Oklahoma Consumer Report Security Freeze Act.

A consumer reporting agency has the right to charge you up to Ten Dollars (\$10.00) to place a freeze on your credit report, up to Ten Dollars (\$10.00) to temporarily lift a freeze on your credit report, and up to Ten Dollars (\$10.00) to remove a freeze from your credit report. However, you shall not be charged any fee if you are a victim of identity theft who has submitted, at the time the security freeze is requested, a copy of a valid investigative or incident report or complaint with a

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law enforcement agency about the unlawful use of your identifying information by another person, or if you are sixty-five (65) years of age or older for the initial placement and removal of a security freeze.

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**Pennsylvania
Philadelphia Applicant/Employee:**

Enclose this notice if potential adverse action is based upon criminal history information

REMINDER: Change references in pre-adverse action notification from five (5) days to ten (10) days.

The following item(s) from your report is the basis for potential adverse action: (identify items).

You have 10 business days from the date of the Pre-Adverse Action Notification to submit additional evidence regarding any error in the criminal history records in your consumer report and/or evidence of your rehabilitation and mitigation, including, but not limited to, information regarding your completion of a mental health or substance use disorder treatment program, completion of a job training program, completion of a GED or post-secondary education program, service to the community, work history in a related field since the conviction or incarceration, and/or active licensure required to perform the job. (Employer) will consider evidence of any error in the criminal history records in your consumer report and/or evidence of your rehabilitation and mitigation. You may provide this information to (Employer) using the contact information listed in the Pre-Adverse Action Notification.

Below please find a **Summary of Your Rights Under Philadelphia's Fair Criminal Record Screening Standards Ordinance:**

You have the following rights under Philadelphia, Pennsylvania's Fair Criminal Record Screening Standards Ordinance:

- **Job Application Process:** It is unlawful in Philadelphia for employers to ask about your criminal background during the job application process. This means that employers cannot ask about criminal history information on job applications or during any job interview. Further, employers cannot ask whether you are willing to submit to a background check during the job application process.
- **Conditional Offer of Employment:** Employers are only permitted to run your criminal background check after a conditional offer of employment has been made. Final hiring depends on the results of your background check.
- **Criminal History That May Be Considered:** Unless otherwise required by state or federal law, a city agency or private employer may consider for employment purposes:
 - Your felony conviction record only to the extent that the conviction did not result in exoneration and the underlying arrest or the release from incarceration for such conviction, whichever is later, occurred fewer than seven (7) years from the date of the inquiry.
 - Your misdemeanor conviction record only to the extent that the conviction did not result in exoneration and the underlying arrest or the release from incarceration for

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such conviction, whichever is later, occurred fewer than four (4) years from the date of the inquiry.

Employers are not permitted to consider summary offense convictions, arrests that did not lead to a conviction, expunged records, or sealed records.

- **Employer's Individualized Assessment:** If your background check reveals a conviction, the employer must perform an individualized assessment and consider:
 - The nature of the offense and the time that has passed since it occurred;
 - Your employment history before and after the offense and any period of incarceration;
 - The duties of the job being sought;
 - Any conviction's connection to the job you are applying for or that you currently have; and
 - Your job history, character references, and any evidence of rehabilitation or mitigation.

Employers can reject you based on your criminal record if your conviction bears such a relationship to the employment sought or held that the employer concludes you pose an unacceptable risk to the business or to other people.

- **Notice of Pre-Adverse Action:** If an employer intends to reject you for employment or a job opening based in whole or in part on criminal record information, the employer must provide you with written notice of its provisional decision and its basis, including the specific convictions considered, and must provide you with a copy of the criminal record used. The employer must also provide you with: (1) a summary of your rights under the Fair Criminal Record Screening Standards Ordinance; (2) a statement that the employer will consider evidence of any error in the criminal record used and any evidence of rehabilitation and mitigation, including completion of a mental health or substance use disorder treatment program, completion of a job training program, completion of a GED or post-secondary education program, service to the community, work history in a related field since the conviction or incarceration, and/or active licensure required to perform the job; and (3) instructions for how to provide evidence or explanation to the employer. You have ten (10) business days to provide evidence of the inaccuracy of the criminal record or to provide an explanation, including any evidence of rehabilitation or mitigation, before the employer may make a final determination concerning your employment.
- **Right to File a Complaint:** If you believe an employer has violated the law, you can file a complaint with the Philadelphia Commission on Human Relations, 601 Walnut Street, Suite 300 South, Philadelphia, PA 19106; (215) 686-4670; pchr@phila.gov; www.phila.gov/humanrelations.

Enclose this notice for all Rhode Island consumers

Rhode Island Consumers Have the Right to Obtain a Security Freeze

Consumers have the right to obtain a security freeze.

You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a "security freeze" on your credit report pursuant to chapter 48 of title 6 of the Identity Theft Prevention Act of 2006.

The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. When you place a security freeze on your credit report, within five (5) business days you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report for a specific period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:

- (1) The unique personal identification number or password provided by the consumer reporting agency.
- (2) Proper identification to verify your identity.
- (3) The proper information regarding the period of time for which the report shall be available to users of the credit report.

A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report shall comply with the request no later than three (3) business days after receiving the request.

A security freeze does not apply to circumstances where you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of an account review, collection, fraud control, or similar activities.

If you are actively seeking a new credit, loan, utility, telephone, or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze – either completely, if you are shopping around, or specifically for a certain creditor – with enough advance notice before you apply for new credit for the lifting to take effect.

You have a right to bring a civil action against someone who violates your rights under the credit

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reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

Unless you are sixty-five (65) years of age or older, or you are a victim of identity theft with an incident report or complaint from a law enforcement agency, a consumer reporting agency has the right to charge you up to ten dollars (\$10.00) to place a freeze on your credit report; up to ten dollars (\$10.00) to temporarily lift a freeze on your credit report, depending on the circumstances; and up to ten dollars (\$10.00) to remove a freeze from your credit report. If you are sixty-five (65) years of age or older or are a victim of identity theft with a valid incident report or complaint, you may not be charged a fee by a consumer reporting agency for placing, temporarily lifting, or removing a freeze.

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Washington Applicants/Employees

Enclose this notice if potential adverse action is based upon conviction record information

The following record(s) from your report are the basis for potential adverse action: (identify items).

(Employer) is relying upon the record(s) identified above to assess whether the nature of the criminal conduct underlying the adult conviction record will have a negative impact on your fitness or ability to perform the position sought (or held) or harm or cause injury to people, property, business reputation, or business assets.

You have the opportunity to explain the record(s) listed above and/or provide (Employer) with information regarding your rehabilitation, good conduct, work experience, education, and training. We will consider any explanation or information you provide.

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**Washington
Seattle Applicant/Employee**

Enclose this notice if potential adverse action is based upon criminal history information

The following items from your report are the basis for potential adverse action: (identify items).

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Enclose this notice for all West Virginia consumers

West Virginia Consumers Have The Right To Obtain A Security Freeze

You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a security freeze on your credit report pursuant to West Virginia law.

The security freeze will prohibit a consumer-reporting agency from releasing any information in your credit report without your express authorization or approval.

The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. When you place a security freeze on your credit report, within five business days you will be provided a unique personal identification number or password to use if you choose to remove the freeze on your credit report or to temporarily authorize the distribution of your credit report for a period of time after the freeze is in place. To provide that authorization, you must contact the consumer-reporting agency and provide all of the following:

- (1) The unique personal identification number or password provided by the consumer-reporting agency;
- (2) Proper identification to verify your identity; and
- (3) The period of time for which the report shall be available to users of the credit report.

A consumer-reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report shall comply with the request no later than three business days after receiving the request.

A security freeze does not apply to circumstances in which you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities.

If you are actively seeking credit, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, a few days before actually applying for new credit.

You have the right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer-reporting agency.

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