

## Is CHRI Covered by the FCRA?

**Question:** Is Criminal History Record Information (“CHRI”) covered by the Fair Credit Reporting Act (“FCRA”)?

**Short Answer:** No.

### FIRST, WHAT IS CHRI?

In many fields, federal or state regulations require employers to secure a fingerprint-based background check for prospective/current employees. The Federal Bureau of Investigation (FBI) or an authorized state entity conducts these fingerprint-based checks. Prior to requesting the information required to perform this type of check, employers must be authorized under Pub. L. 92-544 and approved by the FBI. This law authorizes the FBI to receive fingerprints and access the FBI database to provide Criminal History Record Information (CHRI) with officials of state and local governments for employment, licensing (which includes volunteers), and other similar non-criminal justice purposes. CHRI covers all information that may be returned from an FBI database.

### CHRI IS NOT COVERED BY THE FCRA

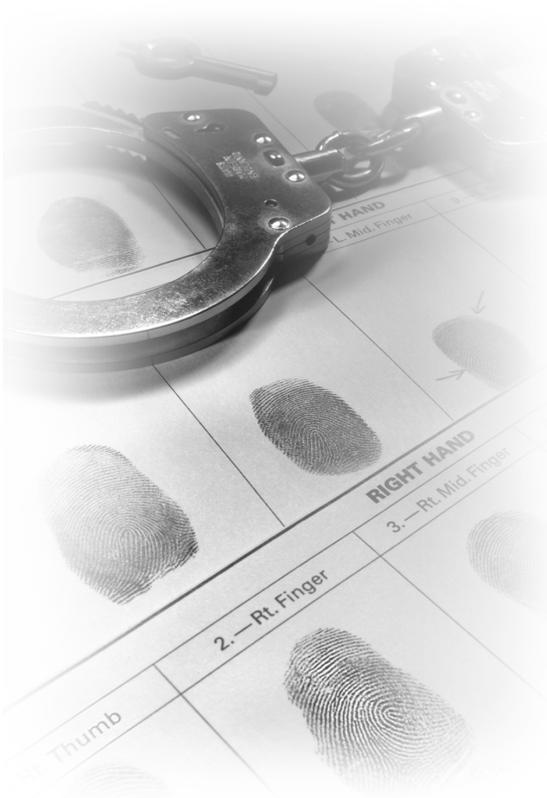
Certain authorized employers may request FBI CHRI while also performing a standard pre-employment background check as governed by the Fair Credit Reporting Act (FCRA.) Those employers must keep in mind that the FCRA does not apply to FBI CHRI.

#### CONTACT US:

**Business Information Group, Inc.**

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As an FBI-approved Channeler, **Fieldprint, Inc.** serves as a conduit for submitting fingerprints to the FBI and receiving FBI CHRI on behalf of our clients, also known as an Authorized Recipient. The act of channeling data to an Authorized Recipient is not governed by the FCRA. As such, Fieldprint does not act as a Consumer Reporting Agency (CRA) when transmitting FBI CHRI to an Authorized Recipient.

Therefore, because the FCRA does not cover CHRI, Authorized Recipients are not expected to apply FCRA-based requirements (i.e. consent, notices, adverse action statements) to CHRI and should instead implement specific procedures and forms when dealing with CHRI.

## RECOMMENDATIONS FOR EMPLOYERS

When handling CHRI, employers must implement CHRI-specific practices. For employers requesting both services governed by FCRA and fingerprint-based services, we recommend implementing the practices below in addition to previously established FCRA requirements, where applicable. Best practices for CHRI may include:

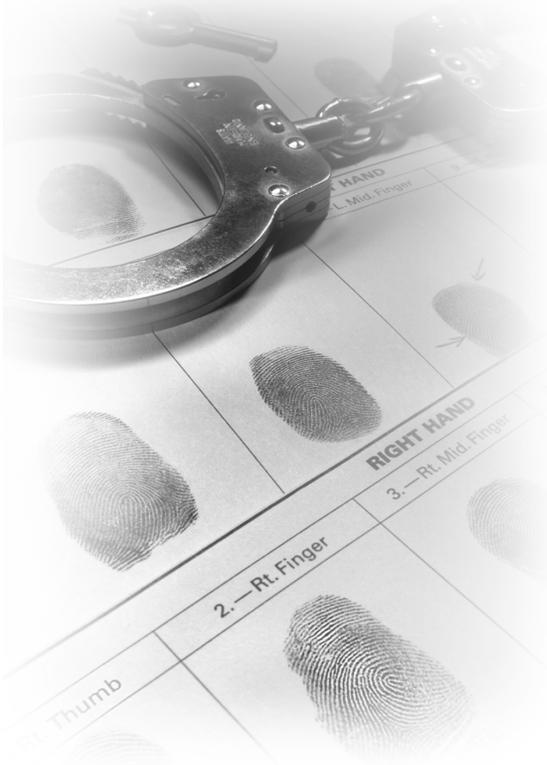
- **CHRI-specific notices and consent forms.** Employers are expected to collect an FBI fingerprint consent form. It is important to note that this consent form is different from an FCRA disclosure and authorization form. Business Information Group (**BIG**) can provide template FBI Fingerprint consent forms upon request.

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- **CHRI-specific pre-adverse and adverse action letters.** If an employer decides to take action against a consumer based on CHRI, employers should not rely on the same pre-adverse or adverse action letter used based on the information contained in a consumer report. Those pre-adverse action and adverse action letters use language specifically required under the FCRA. Employers should instead implement CHRI-specific pre-adverse and adverse action letters or language that instructs individuals to contact the FBI if there are any inaccuracies with their CHRI. **BIG** can provide template letters for CHRI upon request.
- **Exclude CHRI results from consumer reports.** **BIG** and **Fieldprint** cannot access any CHRI data per FBI regulations. CHRI results are made available directly to our clients through the **myBIG.com** portal and cannot be provided directly to individuals by **BIG**. Per this restriction, **BIG** will only include a link to CHRI results within its reports. However, employers are permitted to directly share CHRI with individuals directly without **BIG's** assistance.

Clients who engage **BIG** for adverse action letter support and would like to extend the process to include CHRI records should contact their Account Manager for further information. ■

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