

Important Information About
End-User Identification Requirements

Before you order information products regulated by the Federal Fair Credit Reporting Act, there are some things you need to know about what is required of you as a user of that information. Typically, these products would include an FCRA Permissible Purpose Credit Header or Consumer Credit Report.

These requirements are spelled out clearly in the Fair Credit Reporting Act. They are not our policies. **They are the law.**

Remember: when you use an FCRA-regulated product, an inquiry appears on the consumer's report.

- 1. End User Identification.** The name inserted in the End User Field *must* be the entity who will ultimately use the information contained in the report to make a decision which could adversely affect the consumer (e.g. hiring or collection action). If you are not making such a decision (or if you are preparing a report on behalf of another entity), you are ***NOT*** the End User. Please note: a business can not collect child support on its own behalf – you must list the recipient or the appropriate state agency on whose behalf the report is requested.
- 2. The Name of the End User.** The name of the End User must be listed in a clear enough fashion that the subject of the report may easily identify the entity. For instance, Alpha Beta Company should be listed as Alpha Beta Company, not ABC.
- 3. Type of Report/Permissible Purpose.** The type of report you order and permissible purpose you select must reflect its ultimate end use. You may not order a Permissible Purpose Credit Header for any reason other than those allowed, nor choose a permissible purpose that does not reflect the report's end use. You may not order a Basic Credit Report for employment purposes or an Employment (Peer) Credit Report for collection purposes, etc.
- 4. Signed Release.** There is a format for signed releases for credit reports -- especially those requested for employment purposes – that meets the requirements specified by the FCRA (copy enclosed). No signed releases will be accepted that do not use this or a substantially similar format.

Our mandate is clear. We are required to audit the usage of restricted products and to terminate access to these products immediately if we have any reason to believe that a customer is knowingly or willfully disregarding the law and to report such breaches to the appropriate body.

We fully understand that these requirements are cumbersome and that you might have some reluctance about sharing information about your customers with a vendor. We will not, under any circumstances, actively pursue business relationships with companies listed as the end user of your reports. The information you supply about your end users will be used for no purpose other than to establish the legitimacy of your request for a credit report.

Please feel free to contact us with any questions regarding this matter.

**NOTICE TO USERS OF CONSUMER REPORTS:
OBLIGATIONS OF USERS UNDER THE FAIR CREDIT REPORTING ACT**

The federal Fair Credit Reporting Act (FCRA) requires that this notice be provided to inform users of consumer reports of their legal obligations. State law may impose additional requirements. The first section of this summary sets forth the responsibilities imposed by the FCRA on all users of consumer reports. The subsequent sections discuss the duties of users of reports that contain specific types of information, or that are used for certain purposes, and the legal consequences of violations. The FCRA, 15 U.S.C. 1681-1681u, is set forth in full at the Federal Trade Commission's Internet Web site (<http://www.ftc.gov>).

I. OBLIGATIONS OF ALL USERS OF CONSUMER REPORTS

A. Users Must Have A Permissible Purpose

Congress has limited the use of consumer reports to protect consumers' privacy. All users must have a permissible purpose under the FCRA to obtain a consumer report. Section 604 of the FCRA contains a list of the permissible purposes under the law. These are:

- ◆ As ordered by a court or a federal grand jury subpoena. [Section 604(a)(1)]
- ◆ As instructed by the consumer in writing [Section 604(a)(2)]
- ◆ For the extension of credit as a result of an application from a consumer or the review or collection of a consumer's account. [Section 604(a)(3)(A)]
- ◆ For employment purposes, including hiring and promotion decisions, where the consumer has a given written permission [Sections 604(a)(3)(B) and 604(b)]
- ◆ For the underwriting of insurance as a result of an application from a consumer. [Section 604(a)(3)(c)]
- ◆ When there is a legitimate business need, in connection with a business transaction that is initiated by the consumer. [Section 604(a)(3)(F)(i)]
- ◆ To review a consumer's account to determine whether the consumer continues to meet the terms of the account. [Section 604(a)(3)(F)(ii)]
- ◆ To determine a consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status. [Section 604(a)(3)(D)]
- ◆ For use by a potential investor or servicer, or current insurer, in a valuation or assessment of the credit or prepayment risks associated with an existing credit obligation. [Section 604(a)(3)(E)]
- ◆ For use by state and local officials in connection with the determination of child support payments, or modifications and enforcement thereof. [Sections 604(a)(4) and 604(a)(5)]

In addition, creditors and insurers may obtain certain consumer report information for the purpose of making unsolicited offers of credit or insurance. The particular obligations of users of this "prescreened" information are described in Section V below.

B. Users Must Provide Certifications

Section 604(f) of the FCRA prohibits any person from obtaining a consumer report from a consumer reporting agency (CRA) unless the person has certified to the CRA (by a general or specific certification, as appropriate) the permissible purpose(s) for which the report is being obtained and certifies that the report will not be used for any other purpose.

C. Users Must Notify Consumers When Adverse Actions Are Taken

The term “adverse Action” is defined very broadly by Section 603 of the FRCA. “Adverse actions” include all business, credit, and employment actions affecting consumers that can be considered to have negative impact – such as unfavorably changing credit or contract terms or conditions, denying or canceling credit or insurance, offering credit on less favorable terms than requested, or denying employment or promotion.

1. Adverse Actions Based on Information Obtained From A CRA

If a user takes any type of adverse action that is based at least in part on information contained in a consumer report, the user is required by Section 615(a) of the CFRA to notify the consumer. The notification may be done in writing, orally, or be electronic means. It must include the following.

- ◆ The name, address, and telephone number of the CRA (including a toll-free number if it is a nationwide CRA) that provided the report.
- ◆ A statement that the CRA did not make the adverse decision and is not able to explain why the decision was made.
- ◆ A statement setting forth the consumer’s right to obtain a free disclosure of the consumer’s file from the CRA if the consumer requests the report within 60 days.
- ◆ A statement setting form the consumer’s right to dispute directly with the CRA the accuracy or completeness of any information provided by the CRA.

2. Adverse Actions Based on Information Obtained From Third Parties Who Are NOT Consumer Reporting Agencies

If a person denies (or increases the charge for) credit for personal, family, or household purposes based either wholly or partly upon information from a person other than a CRA, and the information is the type of consumer information covered by the FCRA, Section 615(b)(1) of the FCRA requires that the user clearly and accurately disclose to the consumer his or her right to obtain disclosure of the nature of the information that was relied upon by making a written request within 60 days of notification. The user must provide the disclosure within a reasonable period of time following the consumer’s written request.

3. Adverse Actions Based on Information Obtained From Affiliates

If a person takes an adverse action involving insurance, employment or a credit transaction initiated by the consumer, based on information of the type covered by the FCRA, and this information was obtained from an entity affiliated with the user of the information by common ownership or control, Section 615(b)(2) requires the user to notify the consumer of the adverse action. The notification must inform the consumer that he or she may obtain a disclosure of the nature of the information relied upon by making a written request within 60 days of receiving the adverse action notice. If the consumer makes such a request, the user must disclose the nature of the information not later than 30 days after receiving the request. (Information that is obtained directly from an affiliated entity relating solely to its transactions or experiences with the consumer, and information from a consumer report obtained from an affiliate are not covered by Section 615(b)(2).

II. OBLIGATIONS OF USERS WHEN CONSUMER REPORTS ARE OBTAINED FOR EMPLOYMENT PURPOSES.

If information from a CRA is used for employment purposes, the user has specific duties, which are set forth in Section 604(b) of the FCRA. The user must:

- ◆ Make a clear and conspicuous written disclosure to the consumer before the report is obtained, in a document that consists solely of the disclosure, that a consumer report may be obtained.
- ◆ Obtain prior written authorization from the consumer.
- ◆ Certify to the CRA that the above steps have been followed, that the information being obtained will not be used in violation of any federal or state equal opportunity law or regulation, and that, if any adverse action is to be taken based on the consumer report, a copy of the report and a summary of the consumer's rights will be provided to the consumer.
- ◆ Before taking an adverse action, provide a copy of the report to the consumer as well as the summary of the consumer's rights. (The user should receive this summary from the CRA, because Section 604(b)(1)(B) of the FCRA requires CRAs to provide a copy of the summary with each consumer report obtained for employment purposes.)

III. OBLIGATIONS OF USERS OF INVESTIGATIVE CONSUMER REPORTS

Investigative consumer reports are a special type of consumer report in which information about a consumer's character, general reputation, personal characteristics, and mode of living is obtained through personal interviews. Consumers who are the subjects of such reports are given special rights under the FCRA. If a user intends to obtain an investigative consumer report, Section 606 of the FCRA requires the following:

- ◆ The user must disclose to the consumer that an investigative consumer report may be obtained. This must be done in a written disclosure that is mailed, or otherwise delivered, to the consumer not later than three days after the date on which the report was first requested. The disclosure must include a statement informing the consumer of this or her right to request additional disclosures of the nature and scope of the investigation as described below, and must include the summary of consumer rights required by Section 609 of the FCRA. (The user should be able to obtain a copy of the notice of consumer rights from the CRA that provided the consumer report.)
- ◆ The user must certify to the CRA that the disclosures set forth above have been made and that the user will make the disclosure described below.
- ◆ Upon written request of a consumer made within a reasonable period of time after the disclosures required above, the user must make a complete disclosure of the nature and scope of the investigation that was requested. This must be made in a written statement that is mailed, or otherwise delivered, to the consumer no later than five days after the date on which the request was received from the consumer or the report was first requested, whichever is later in time.

IV. OBLIGATIONS OF USERS OF CONSUMER REPORTS CONTAINING MEDICAL INFORMATION

Section 604(g) of the FCRA prohibits consumer reporting agencies from providing consumer reports that contain medical information for employment purposes, or in connection with credit or insurance transactions, without the specific prior consent of the consumer who is the subject of the report. In the case of medical information being sought for employment purposes, the consumer must explicitly consent to the release of the medical information in addition to authorizing the obtaining of a consumer report generally.

V. OBLIGATIONS OF USERS OF "PRESCREENED" LISTS

The FCRA permits creditors and insurers to obtain limited consumer report information for use in connection with unsolicited offers of credit or insurance under certain circumstances. [Sections 603(1), 604(c), 604(e), and 615(d)]. This practice is known as “prescreening” and typically involves obtaining a list of consumers from a CRA who meet certain pre-established criteria. If any person intends to use prescreened lists, that person must (1) before the offer is made, establish the criteria that will be relied upon to make the offer and to grant credit or insurance, and (2) maintain such criteria on file for a three-year period beginning on the date on which the offer is made to each consumer. In addition, any user must provide with each written solicitation a clear and conspicuous statement that:

- ◆ Information contained in a consumer’s CRA file was used in connection with the transaction
- ◆ The consumer received the offer because he or she satisfied the criteria for credit worthiness or insurability used to screen the offer.
- ◆ Credit or insurance may not be extended if, after the consumer responds, it is determined that the consumer does not meet the criteria used for screening or any applicable criteria bearing on credit worthiness or insurability, or the consumer does not furnish the required collateral.
- ◆ The consumer may prohibit the use of information in his or her file in connection with future prescreened offers of credit or insurance by contacting the notification system established by the CRA that provided the report. This statement must include the address and toll-free telephone number of the appropriate notification system.

VI. OBLIGATIONS OF RESELLERS

Section 607(e) of the FCRA requires any person who obtains a consumer report for resale to take the following steps:

- ◆ Disclose the identity of the end-user to the source CRA
- ◆ Identify to the source CRA each permissible purpose for which the report will be furnished to the end-user.
- ◆ Establish and follow reasonable procedures to ensure that reports are resold only for permissible purposes, including procedures to obtain: (1) the identity of the end-users; (2) certifications from all users of each purpose for which reports will be used; and (3) certifications that reports will not be used for any purpose other than the purpose(s) specified to the reseller. Resellers must make reasonable efforts to verify this information before selling the report.

VII. LIABILITY FOR VIOLATIONS OF THE FCRA

Failure to comply with the FCRA can result in state or federal enforcement actions, as well as private lawsuits. [Sections 616, 617, and 621.] In addition, any person who knowingly and willfully obtains a consumer report under false pretenses may face criminal prosecution [Section 619].

NOTICE TO FURNISHERS OF INFORMATION: OBLIGATIONS OF FURNISHERS UNDER THE FCRA

The federal Fair Credit Reporting Act (FCRA) as amended imposes responsibilities on all persons who furnish information to consumer reporting agencies (CRAs). These responsibilities are found in Section 623 of the FCRA. State laws may impose additional requirements. All furnishers of information to CRAs should become familiar with the law and may want to consult with their counsel to ensure that they are in compliance. The FCRA, 15 U.S.C. 1681-1681u, is set forth in full at the Federal Trade Commission's Internet web site (<http://www.ftc.gov>). Section 623 imposes the following duties:

GENERAL PROHIBITION ON REPORTING INACCURATE INFORMATION:

The FCRA prohibits information furnishers from providing information to a consumer reporting agency (CRA) that they know (or consciously avoid knowing) is inaccurate. However, the furnisher is not subject to this general prohibition if it clearly and conspicuously specifies an address to which consumers may write to notify the furnisher that certain information is inaccurate [Sections 623(a)(1)(A) and (a)(1)(C)]

DUTY TO CORRECT AND UPDATE INFORMATION

If at any time a person who regularly and in the ordinary course of business furnishes information to one or more CRA determines that the information provided is not complete or accurate, the furnisher must provide complete and accurate information to the CRA. In addition, the furnisher must notify all CRAs that received the information of any corrections, and must thereafter report only the complete and accurate information. [Section 623(a)(2)]

DUTIES AFTER NOTICE OF DISPUTE FROM CONSUMER

If a consumer notifies a furnisher, at an address specified by the furnisher for such notices, that specific information is inaccurate, and the information is in fact inaccurate, the furnisher must thereafter report the correct information to CRAs. [Section 623(a)(1)(B)]

If a consumer notifies a furnisher that the consumer disputes the completeness or accuracy of any information reported by the furnisher, the furnisher may not subsequently report that information to a CRA without providing notice of the dispute. Section (a)(3)

DUTIES AFTER NOTICE OF DISPUTE FROM CONSUMER REPORTING AGENCY

If a CRA notifies a furnisher that a consumer disputes the completeness or accuracy of information provided by the furnisher, the furnisher has a duty to follow certain procedures. The furnisher must:

- ◆ Conduct an investigation and review all relevant information provided by the CRA, including information given to the CRA by the consumer. [Sections 623(b)(1)(A) and (b)(1)(B)]
- ◆ Report the results to the CRA, and, if the investigation establishes that the information was, in fact, incomplete or inaccurate, report the results to all CRAs to which the furnisher provided the information that compile and maintain files on a nationwide basis. [Sections 623(b)(1)(C) and (b)(1)(D)]
- ◆ Complete the above within 30 days from the date the CRA receives the dispute (or 45 days, if the consumer later provides relevant additional information to the CRA). [Section 623(b)(2)]

DUTY TO REPORT VOLUNTARY CLOSING OF CREDIT ACCOUNTS

If a consumer voluntarily closes a credit account, any person who regularly and in the ordinary course of business furnishes information to one or more CRA must report this fact when it provides information to CRAs for the time period in which the account was closed [Section 623(a)(4)]

DUTY TO REPORT DATES OF DELINQUENCIES

If a furnisher reports information concerning a delinquent account placed for collection, charged to profit or loss, or subject to any similar action, the furnisher must, within 90 days after reporting the information, provide the CRA with the month and the year of the commencement of the delinquency that immediately preceded the action, so that the agency will know how long to keep the information in the consumer's file. [Section 623(a)(5)]

A Summary of Your Rights Under the Fair Credit Reporting Act

The Federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information used in the process of granting credit. This information is supplied by public record sources, credit grantors, and others to credit reporting agencies (CRA's) who organize and store that information. The information is made available for distribution to credit grantors, employers and insurers who are making credit, employment and insurance decisions about you. The FCRA gives the people who supply that information and the people who use it to make decisions very specific responsibilities in connection with their roles in the credit granting and reporting process.

The FCRA also gives you specific rights in dealing with these entities. We've summarized them below. You can find the complete text of the FCRA (15 U.S.C. 1681 et seq.) at the Federal Trade Commission's web site (<http://www.ftc.gov>) or by writing the Federal Trade Commission at the address supplied below.

You may have additional rights under your state's consumer laws. You should contact a state or local consumer protection agency or a state attorney general to learn about those rights.

- **Access to your file is limited.** Your file may only be accessed by those who have a permissible purpose recognized by the FCRA – usually to consider an application you have submitted to a creditor, insurer, employer, landlord, or other business, or to consider you for an unsolicited offer of credit.
- **Your consent is required for reports that are provided to employers or that contain medical information.** A CRA may not give a report about you to your employer, or a prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You can find out what is in your file.** Upon your request, a CRA must give you all the information in your file and a list of everyone who has requested it recently. However, you are not entitled to any information concerning “risk scores,” credit scores,” or other economic predictors that are in your file. There is no charge for the report if a third party used the information in your file to take unfavorable action toward you and you request the report within 60 days of receiving notice that the information in your file was used by a third party unfavorably. You are also entitled to one free report every twelve months if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) that your report is inaccurate due to fraud. Otherwise, a CRA may charge you a fee of up to eight dollars.
- **You must be told if your file was a factor considered by a third party who took unfavorable actions toward you.** Upon your request, anyone who considers information from a CRA and who takes unfavorable actions toward you – such as denying an application for credit, insurance, or employment – must give you the name, address, and phone number of the CRA that provided the information. Keep in mind that the third party, not the CRA, took unfavorable action toward you and that the CRA will not be able to provide you with the reason for the unfavorable action.
- **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 (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source must also advise national CRA's – to which it has provided data – of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your dispute statement in future reports. 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 inaccurate information from its files, usually within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert a disputed item into your file unless the information source verifies its accuracy.

and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address, and phone number of the information source.

- **You can dispute inaccurate items with the source of the information.** If you tell the third party who furnished information to a CRA – such as a creditor who reports to a CRA – that you dispute an item, it may not then report the information to a CRA without including a notice of your dispute. In addition, once you’ve notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old (ten years for bankruptcies).
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free telephone number for you to call and tell the CRA if you want your name and address removed from future lists or offers. If you notify the CRA through the toll-free number, it must keep you off the lists for two years. If you request, complete and return the CRA form provided for this purpose, you can have your name and address removed indefinitely.
- **You may seek damages from violators.** If a CRA, a user, or (in some cases) a provider of CRA data violates the FCRA, you may sue them in state or federal court.

The Fair Credit Report Act gives several different federal agencies authority to enforce this law:

FOR QUESTIONS OR CONCERNS REGARDING:	PLEASE CONTACT:
CRA’s creditors and others not listed below...	Federal Trade Commission Bureau of Consumer Protection – FCRA Washington, DC 20580 • (202) 326-3430
National banks, federal branches/agencies of foreign banks (the word “National” or initials “N.A.” appear in or after the bank’s name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 • (800) 613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 • (202) 452-3693
Savings associations and federally chartered savings banks (the word “Federal” or initials “F.S.B.” appear in the institution’s name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552 • (800) 842-6929
Federal Credit Unions (the words “Federal Credit Union” appear in the institution’s name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 • (703) 518-6360
Banks that are state-chartered or are not Federal Reserve System members	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 • (800) 934-FDIC
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