



## TruView Pre-Adverse and Adverse Action Compliance and Best Practices

TruView confirms that each adverse record located is reportable under the federal Fair Credit Reporting Act (FCRA) and applicable governing state law. Every criminal conviction is reviewed twice by qualified human beings—the TruView Research Analyst and their Team Leader. Our platform is integrated with a dynamic legal compliance tracker on the backend of our system so that when we enter the jurisdiction, all applicable laws for that jurisdiction are displayed prominently to our Research Analyst and Team Leader, so we always know what legal issues, if any, there are in reporting the finding.

Under the federal Fair Credit Reporting Act, an employer who bases its decision not to hire a candidate on any information revealed in a background screen conducted by a third-party Consumer Reporting Agency—that is, a third-party background screening service provider—is required *by law* to send adverse action letters to the applicant.

In the event that background screens identify something in a candidate's background that is unacceptable to the employer—a criminal conviction, bankruptcy, or inclusion in a sex offender registry or government watchlist, for example—then the employer is required to send a pre-adverse action letter. The purpose of the pre-adverse action letter is to give the applicant notice of a negative finding and allow him or her time to dispute any inaccurate information contained in the report or provide an explanation that might be satisfactory to the employer.

If the candidate does not dispute the negative information within a reasonable amount of time, the employer is required to send an adverse action letter. The adverse action letter must outline the reason for why employment consideration has been terminated, citing the background screening report, the name of the report's preparer, and their contact information. The letter should include a statement that the background screening provider did not participate in the decision not to hire the candidate and only supplied the background screening report. The letter should also include notice of the candidate's right to dispute the report's findings and advise the candidate that they are entitled to receive a free background report from the background screening provider within 60 days of the letter.


Pre-adverse and adverse action letters provide evidence of compliance with the FCRA, which will prove helpful should a rejected candidate pursue the matter in court.

### TruView's Responsiveness Makes It Easier

TruView's TRU365 background screening platform has automated the Pre-Adverse and Adverse Action delivery process through electronic notices. Clients have the ability to use TruView's Best Practices Pre-Adverse or Adverse Action notices, upon approval, or upload their own forms to TruView's platform. Further, to ensure security and compliance, the electronic notice requires the applicant to confirm receipt (via applicant-specific identifiers) and captures IP address and date-and-time stamp when read. For users that prefer a hard copy notice, the applicant can decline the electronic notice and TruView's platform automatically creates an entry in the platform's queue for the Client and/or TruView to send out the manual notice and track its completion.

TruView also can perform pre-adverse and adverse action letter services, meeting all FCRA requirements, as a client option.

*TruView pre-populates pre-adverse and adverse letters using information from each applicant within the system. We hyperlink these letters at the end of each completed report for easy printing and compliance:*


Order ▾
 Reports 3 ▾
 Admin ▾
 Utilities ▾
 ▾ Last Name 🔍 NS

Name: MESS, HANK      SSN/DOB: XXX-XX-1111 / 11-22-XXXX  
 Email: nmauletta@truviewbsi.com      Phone: -  
 Address: 123 MAIN STREET, ISLIP, NY 11751  
 Position: CUSTODIAN      Prop. Salary: 45000

**Search Results** + Add to Order

Search	Status	
<b>SSN Trace_Address History</b>		
SSN Trace_Address History (XXX-XX-1111)	Complete	📄
<b>County Criminal Records Search</b>		
🚩 NJ-ESSEX (MESS, HANK M)	Complete	📄
🚩 NJ-ESSEX (MESS, HANK)	Complete	📄
🚩 NY-NYOCA (MESS, HANK)	Complete	📄
🚩 NY-NYOCA (MESS, HANK)	Complete	📄
<b>National Criminal Database Search</b>		
🚩 NATIONWIDE (MESS, HANK M)	Complete	📄
<b>Global Security Watch List</b>		
	Complete	📄

**Attachments** + ▾

- Adverse Action Letter (2 KB) ⓘ
- Pre-Adverse Action (2 KB) ⓘ
- Pre-Adverse Action (67 KB) ⓘ

**Disclosures and Forms**

-Select Disclosure or Form- ▾

📄 View
✉ Email



***TRU365 features a customized Pre-Adverse and Adverse Action module built directly into the platform. TruView and/or Client can send required disclosures directly from the platform in integrated email form:***



QuickView™ message from State University  
File # 1006

This message will expire after 24 hours.

FinishPrint

State University  
123 Main Street  
Arcadia, CA 91006  
Phone: (714) 512-3412  
Fax: (516) 686-0635

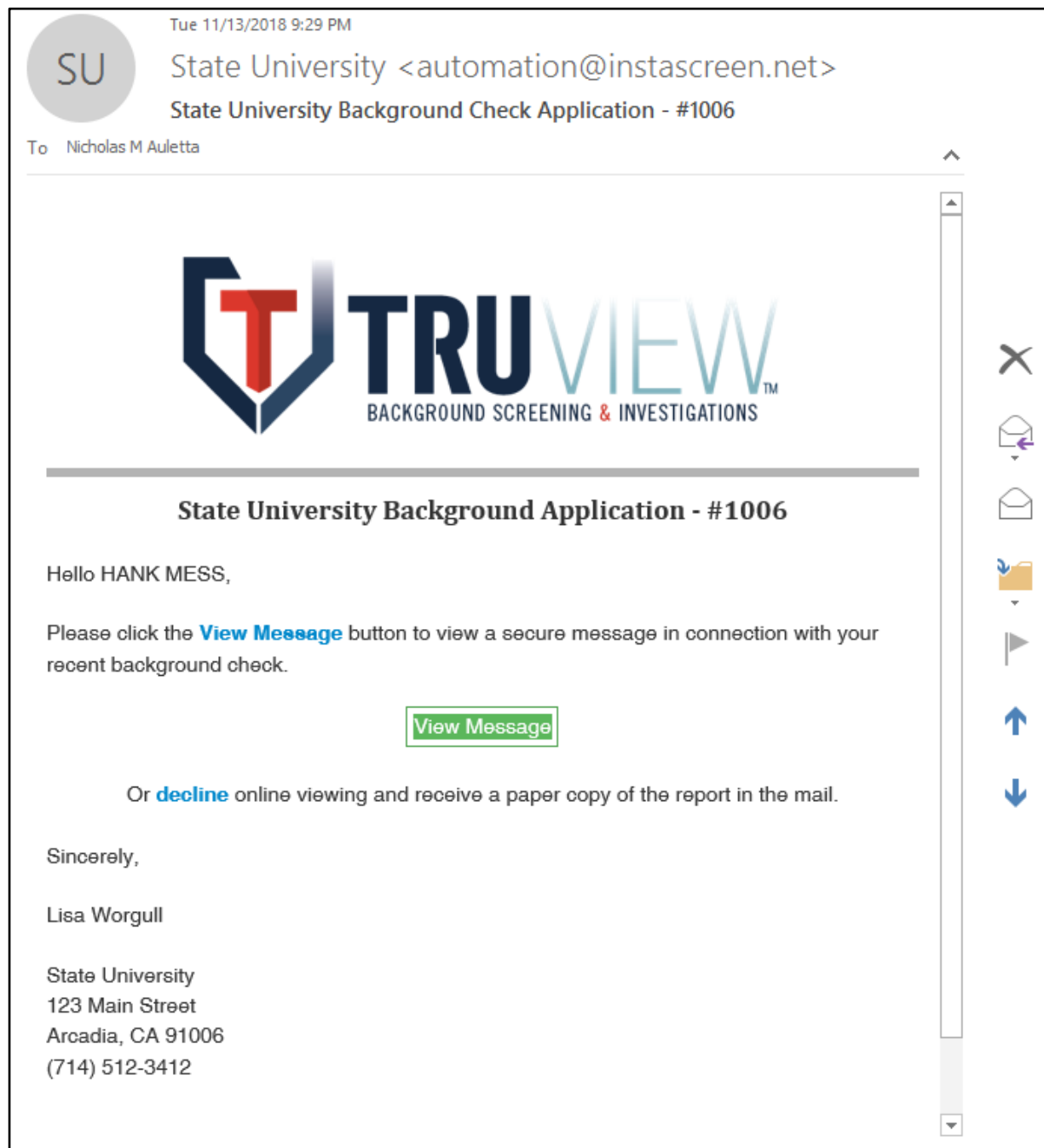
PRE-ADVERSE ACTION LETTER

CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY  
HANK MESS  
123 MAIN STREET  
ISLIP, NY 11751

November 13, 2018  
Hello HANK MESS,  
We are writing to inform you that in evaluating your application for employment we have received the enclosed consumer report. This notification is provided because we may make an adverse decision that may be based, in whole or part, on this report. We are hereby informing you of certain information pursuant to the Fair Credit Reporting Act and state law.  
  
The report was procured pursuant to an authorization signed by you. A summary of your rights as a consumer is enclosed. If you have any questions regarding this report or believe that it may contain incorrect information, you may contact the provider of the report, TruView BSI, and they will respond to your inquiry. Their mailing address and phone number are listed below:  
**TruView BSI**



*Applicants also have the option to refuse email delivery of these disclosures and the system alerts Client and TruView inside the platform's "Disclosures Queue" of which disclosures (to include Pre-Adverse and Adverse Action) are required to go out and when.*





### **Quality, Accuracy, and Compliance**

We are committed to 100% quality, accuracy, and compliance. TruView Team Leaders randomly spot-check our work to ensure that results are comprehensive, reportable, and delivered in an acceptable time. TruView management also performs periodic quality audits on our staff and processes.

Consistent with our best-practices approach, our Team Leaders and Managing Director perform ongoing audits for accuracy, which includes quality assessment of our databases. Records are cross-checked throughout engineered operational redundancies, so we are aware, for example, if a certain database is missing data we find through other sources. This becomes especially evident when we use secondary sources to confirm adverse records.

TruView screens meet FCRA "maximum possible accuracy" requirements. We verify criminal records through the most up-to-date, reliable, and accurate means—that is, direct searches of county court records and, where available, statewide court systems. When records are not available through an official court database, we physically retrieve the records, using a nationwide network of court investigators, giving us virtually 100% access to all U.S. courts.

TruView's commitment to the "maximum possible accuracy" requirement protects our Clients and TruView from high-profile civil litigation, and we can boast of an applicant dispute rate that our competitors cannot achieve—a tiny fraction of 1%. We complete hundreds of thousands of screens each year and we have never caused our Clients to be party to litigation because of our research. (Sadly, industry-wide, approximately 10% of disputes result in lawsuits against background screening companies and/or employers.)

However, should an applicant dispute a report's accuracy, we re-run the background check, taking additional steps to match identifiers, and verify any or all disputed elements. No formal inquiries or reports are required for an applicant to file such a dispute. Applicants can call our toll-free customer service hotline to dispute a result or ask questions about the screening process and subsequent reporting.

TruView maintains direct contact with the applicant throughout the process and accepts evidence from the applicant supporting his or her claim. To maintain transparency with our Clients, a "Disputes" section of the TruView platform allows you to monitor ongoing applicant disputes. Additionally, as a value-added service, members of the TruView team assist applicants to correct erroneously reported information, such as by providing applicants with the contact information and required steps for correction with the appropriate agency.