

# Background Checks and Your Rights

## What is a Private Background Check Report?

A private background check is a report of your criminal history created by a private background check company for use by employers and landlords when making decisions. Examples of background check companies are: Checkr, Backgroundchecks.com, Hireright and Rentgrow. Private background check companies and their reports must comply with federal law under the Fair Credit Reporting Act (better known as FCRA). FCRA gives you the right to dispute/challenge the accuracy of any information shared in the report.

## What can I do if I am denied a job/housing based on my record?

**Request a copy of the background report.** You are entitled to a free copy of your report.

### Review the background Report.

- Review the entire report and make sure it is accurate. Common issues include:
  - Report lists someone else’s criminal history.
  - The same charge/record appears multiple times.
  - Report lists wrong charge, or the outcome of the case is incorrect or missing.
- Cases that have been sealed/expunged should not be on your report. (*To learn more about sealing your Georgia record, visit: <https://gjp.org/record-restriction-expungement/faq/>*).
- **7-year rule:** cases over 7 years old that did not end in a conviction should not be on your report. Examples include: Nolle Pros, Dismissal, Acquittal, First Offender, Conditional Discharge. (**Note:** *this rule does not apply to convictions*).

### Dispute any in correction information.

- Usually, the background check company includes instructions on how to dispute the report. You should follow their process. Be sure to write down each step you take and save any communications.
- We recommend including a letter explaining what part of the report is inaccurate and why. If possible, include any supporting court documents. Examples include: court dispositions and sealing/expungement orders. *See attached template letter.*
- If the employer has already received a copy of the incorrect report, tell them you are disputing the results and request additional time for your application so that the private background check company can fix the report. (**Note:** *employer/landlord must give you at least 5 business days’ notice before denying your application based on the report.*)
- Once you dispute the report, the background check company must investigate and correct the information within 30 days. A corrected report must be forwarded to the employer/landlord and you.
- Request a copy of your report and dispute incorrect information with each new job or housing application because there are many different background check companies.

### File a complaint or lawsuit.

- If the private background check company does not give you a copy of your report upon request or correct inaccurate information, they may have violated the law. You can pursue this further by filing a complaint or even a lawsuit. For more information, please contact:
  - Consumer Financial Protection Bureau by visiting (<https://www.consumerfinance.gov/complaint/>)
  - Georgia Office of the Attorney General by calling (404) 651-8600.

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Georgia Justice Project may be able to assist you with criminal record restriction and sealing. For more information about our Criminal Records Program, call our intake line at **404-827-0027, ext. 238** or visit **www.GJP.org**.

Date: \_\_\_\_\_

Company name and address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RE: DISPUTING MY CRIMINAL BACKGROUND CHECK**

To whom it may concern:

This letter serves as notice under the Fair Credit Reporting Act (FCRA) §611 and any applicable state law, that I am disputing the background check information provided by your company. Pursuant to the FCRA, a consumer-reporting agency may be liable for damages for incorrectly reporting information that did not result in a conviction or for reporting information past the statutory period. Failure to update a record constitutes a willful violation of the FCRA. Pursuant to 15 USC §1681n(a), a victim of false reporting, such as myself, has the legal right to sue for actual damages, plus punitive damages, court costs, and attorney fees.

I have included my legal name, date of birth, and a detailed explanation of what is incorrect below. Please locate and remove these records from your database immediately.

**Personal/Contact Information:**

Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Information Disputed:

Case #: \_\_\_\_\_

Charges: \_\_\_\_\_

Explanation of what is incorrect:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Support documents attached: Yes or No (circle one). Explanation of Attachment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please confirm you have updated the record by sending a letter and updated copy of my background check to the mailing address above within 30 days of receipt of this letter.

Thank you for your assistance with this matter.

Sincerely,

\_\_\_\_\_