



California bills AB1068 and AB2868 that amend AB655

Please note: All reports provided by Background Information Services, Inc. are in compliance with AB655 and the below listed amendments. Any applicant living or working in California for any of our clients based in California will receive the cover sheets with all reports generated. Please be sure to include all Background Information Services, Inc. contact information on the releases you are providing to your applicants.

Current Law	Changes
<p>Disclosures</p> <ul style="list-style-type: none"> • Provided to consumer not later than 3 days after ordering the report. • Disclosure must provide name & address of ICRA, nature & scope of investigation, and rights to reinvestigation. 	<p>Expands the disclosure requirements -</p> <ul style="list-style-type: none"> • Disclosure must be made in advance of ordering report and should state that an Investigative Consumer Report (ICR) <i>may</i> be ordered. • Disclosure must identify permissible purpose for report. • Phone number of the Investigative Consumer Reporting Agency (ICRA) must be included. • The consumer must authorize in writing the procurement of the report on the disclosure form.
<p>Mandatory Employer-provided Copy of Report to Consumer -</p> <ul style="list-style-type: none"> • Within 7 days of receipt of the report from ICRA. 	<p>Makes the Copy Optional -</p> <ul style="list-style-type: none"> • Provide the consumer with a check box on the disclosure to indicate if he/she wishes to receive a copy of the report. • If requested, the copy must be sent within 3 days of receipt from the ICRA. Recipient may contract with any other entity to send the copy to the consumer. • The copy of the report must have the name, address, and telephone number of the consumer reporting agency and instructions on how to contact. <p>Exception for Reports Containing Public Records –</p> <ul style="list-style-type: none"> • If public records are a part of an investigative consumer report (whether or not the services of a CRA are used), the employer will have to provide that information to the consumer within 7 days after receipt unless the report was obtained for the purpose of conducting an investigation for suspicion of wrongdoing or misconduct by the subject of the report. A check box may be included on application or other form to allow consumer to waive right to receive this information.
<p>Cover Sheet</p>	<p>Eliminates cover sheet -</p> <ul style="list-style-type: none"> • Adds 12 pt. bold statement on the first page of each report (which may be a cover sheet) that the report does not guarantee the accuracy or truthfulness of the information as to the subject of the report but that it is accurately copied

	<p>from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the subject of the report.</p> <ul style="list-style-type: none"> • Name and address of CRA must be on the report.
<p>CA Consumer Rights</p> <p>(This is a clarification, and did not change in these amendments).</p>	<ul style="list-style-type: none"> • Is be provided by the ICRA when responding to a consumer's request for a report. No requirement on the part of the employer to provide.
<p>Certifications From User Regarding Permissible Purpose – CA Addendum</p>	<ul style="list-style-type: none"> • ICRA may assume original purpose disclosed remains until notified by user. • ICRA must notify user of their obligation to notify ICRA when purpose changes.
<p>Notification After Reinvestigation to Prior Two Year Recipients - §1786.24(k)</p>	<ul style="list-style-type: none"> • Would only require notification of past recipients if requested by consumer.
<p>Other Issues in CA ICRA (Not Covered by 655)</p>	
<p>7 Year Conviction Restriction - §1786.18(a)(8)</p>	<ul style="list-style-type: none"> • Eliminates 7-year restriction on all adverse public record information if report is required by governmental agency for employment purposes.
<p>Requirement that public record reports must be complete and up to date - §1786.28 (b)</p>	<ul style="list-style-type: none"> • Not covered, no change