

TO BE  
REVIEWED  
AND  
COMPLETED  
BY EMPLOYER

## Certification of Permissible Use to Omni Investigative Services, LLC by \_\_\_\_\_ (company)

Please read the following:

### NOTICE TO USERS OF CONSUMER REPORTS: OBLIGATIONS OF USERS UNDER THE FCRA

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. This 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 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 FCRA. "Adverse actions" include all business, credit, and employment actions affecting consumers that can be considered to have a 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 FCRA to notify the consumer. The notification may be done in writing, orally, or by electronic means. It must include the following:

The name, address, and telephone number of the CRA (including a toll-free telephone 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 forth 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 his 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 the 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.

I, \_\_\_\_\_ (name) \_\_\_\_\_ (title) with \_\_\_\_\_ (company),  
Certify to Omni Investigative Services, LLC, 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.

Also, before taking an adverse action, I will provide a copy of the report to the consumer as well as the summary of the consumer's rights.

\_\_\_\_\_ Signature \_\_\_\_\_ Date

PLEASE FAX TO: 317-536-3720
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TO BE  
REVIEWED AND  
COMPLETED BY  
APPLICANT

**Omni Investigative Services**  
**(Agent of Company)**  
**Release Authorization**  
**Strictly Personal & Confidential**

In connection with a proposed business relationship (e.g., offer of employment, continuing employment or other employment or contractor related investigations, including contract services) with \_\_\_\_\_ (hereafter, the Company), I understand that background check various third party consumer reporting agencies from federal, state, and other agencies which maintain such records; as well as information from various third party consumer reporting agencies concerning previous record requests made from such agencies.

***I understand and consent to the Company, its agents, employees or affiliates, obtaining investigation reports about me. Examples of reports the Company may obtain include (but not limited to) criminal records, motor vehicle driving records, credit histories, reference checks, past employment and educational verification, and investigations into Social Security Number verification, civil record history, theft, fraud, harassment and workplace violence.***

***I authorize and release from liability, without reservation, any party or agency and the Company, their heir or assigns or any agency directed by the Company, their heirs or assigns, to furnish this information now and at any time during my relationship with the Company. I understand and agree that if for any reason I fail to meet the minimum qualifications set by the Company policy for satisfactory background records, I will be denied a business relationship with the Company, including employment or contract services.***

I have the right to make a request to any third party consumer reporting agency (the agency), upon proper identification, to request the nature and substance of all information in its files on me at the time of my request, including the sources of information; and the recipients of any reports on me which the agency has previously furnished within the two years preceding my request. I hereby consent to your obtaining the above information from any third party consumer reporting agency (the agency), and I agree that such information which the agency has or obtains (including your access of the information), may be supplied by the agency to other companies who subsequently are authorized by me to obtain this information.

The following information is required by law enforcement agencies and other entities for positive identification purposes when checking public records. It is confidential and will not be used for any other purposes.

Full Name    Last                      First                      Middle                      \_\_\_\_\_                      Date of Birth

Home Address                      City                      State                      Zip                      County

\_\_\_\_\_                      Social Security Number                      Driver's License Number                      State of Issuance

\_\_\_\_\_                      Signature                      \_\_\_\_\_                      Date

PLEASE FAX  
TO:  
317-536-3720

TO BE  
COMPLETED  
BY EMPLOYER  
AND  
APPLICANT  
DRIVER

**Release of Information Form -- 49 CFR Part 40 Drug and Alcohol Testing**

**Section I. To be completed by the new employer and signed by the employee:**

Employee Printed or Typed Name: \_\_\_\_\_

Employee SS or ID Number: \_\_\_\_\_

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer or agent, listed in *Section I-B*, to the employer listed in *Section I-A*. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in *Section II-A* by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: \_\_\_\_\_

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

**I-A.**

New Employer Name: \_\_\_\_\_

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

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Designated Employer Representative: \_\_\_\_\_

**I-B.**

Previous Employer Name:

Address:

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

Phone #: \_\_\_\_\_

Designated Employer Representative (if known):

\_\_\_\_\_

**Section II. To be completed by the previous employer:**

**II-A.**

In the two years prior to the date of the employee’s signature (in Section I), for DOT-regulated testing ~

- 1. Did the employee have alcohol tests with a result of 0.04 or higher? **YES** \_\_\_\_ **NO** \_\_\_\_
- 2. Did the employee have verified positive drug tests? **YES** \_\_\_\_ **NO** \_\_\_\_
- 3. Did the employee refuse to be tested? **YES** \_\_\_\_ **NO** \_\_\_\_
- 4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? **YES** \_\_\_\_ **NO** \_\_\_\_
- 5. Did a previous employer report a drug and alcohol rule violation to you? **YES** \_\_\_\_ **NO** \_\_\_\_
- 6. If you answered “yes” to any of the above items, did the employee complete the return-to-duty process? **N/A** \_\_\_\_ **YES** \_\_\_\_ **NO** \_\_\_\_

*NOTE: If you answered “yes” to item 5, you must provide the previous employer’s report. If you answered “yes” to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).*

**II-B.**

Name of person providing information in *Section II-A*:

\_\_\_\_\_

Title: \_\_\_\_\_

Phone #: \_\_\_\_\_

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

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TO BE  
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## A Summary of Your Rights

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 for distribution to credit grantors, employers and insurers who are making credit, employment and insurance decisions about you. The FCRA gives suppliers and users of credit information, and CRA's, specific responsibilities in connection with their respective roles in the credit granting and reporting process. The FCRA also gives you specific rights in dealing with these entities, as summarized below. You can find the complete text of the FCRA, 15 U.S.C. 1681 et seq., at the Federal Trade Commissions web site <http://www.ftc.gov>. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn 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 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 upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) 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 information in 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 the 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 also must 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. A Summary of Your Rights Under the Fair Credit Reporting Act • 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 (as described below) or cannot be verified. If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item 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).
- 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 FCRA gives several different agencies authority to enforce the FCRA: For questions or concerns regarding the FCRA contact:**

<p>FCRA's, creditors, and others not listed below</p>	<p>Federal Trade Commission Bureau of Consumer Protection - FCRA Washington DC 20580* (202)326-3671</p>
<p>National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear on or after the banks name)</p>	<p>Office of Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington DC 20219 (800) 613-6743</p>
<p>Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)</p>	<p>Reserve Board Division of Consumer &amp; Community Affairs Washington DC 20551 (202) 452-3693</p>
<p>Savings associations and federally chartered savings banks (word "Federal" or initials "ES.B" appear in federal institutions name)</p>	<p>Office of Thrift Supervision Consumer Programs Washington DC 20552 (800) 842-6929 National</p>
<p>Federal Credit Unions (word "Federal Credit Union" appear in institutions name)</p>	<p>Credit Union Administration 1775 Duke Street Alexandria, VA 22314 (703) 518-6360 Federal</p>
<p>Banks that are state-chartered, or are not Federal Reserve System members</p>	<p>Deposit Insurance Corporation Division of Compliance &amp; Consumer Affairs Washington DC 20420 (800) 934-FDIC</p>
<p>Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission</p>	<p>Department of Transportation Office of Financial Management Washington DC 20590 (202) 366-1306</p>
<p>Activities subject to the Packers and Stockyards Act, 1921</p>	<p>Department of Agriculture Office of Deputy Administrator - GIPSA Washington DC 20250 (202) 720-7051</p>