



November 12, 2018

Office of Regulations  
Consumer Financial Protection Bureau  
1700 G St. N.W.  
Washington, D.C. 20552

**Re:** Response of The National Association of Professional Background Screeners (“NAPBS”) to Request For Comment Regarding Summaries of Rights Under the Fair Credit Reporting Act (Regulation V) – Docket No. CFPB–2018–0025

To Whom It May Concern:

The National Association of Professional Background Screeners (“NAPBS”) is an international trade association of over 900 member companies. Its members provide employment and tenant background screening and related services to virtually every industry around the globe. The reports prepared by NAPBS’s background screening members are used by employers and landlords every day to ensure that workplaces and residential communities are safe for all who work, reside or visit there. NAPBS members range from large background screening companies to individually-owned businesses, each of which must comply with applicable law, including how they obtain, handle, or use public record data. NAPBS members also include court-record retrieval services and companies that provide access to public record data to background screeners as well as employers who utilize background screening services in their onboarding process. The majority of NAPBS’s members are consumer reporting agencies (“CRAs”) who provide consumer reports for employment or tenant screening purposes to employers and landlords.

As the Bureau of Consumer Financial Protection (“CFPB”) considers revisions to its model summary of rights forms, the NAPBS respectfully calls to your attention certain incomplete language within the Summary of Consumer Rights form. Specifically, the language of the sixth summary bullet, which reads as follows:

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 11 years old.

While the bullet summary, as currently written, qualifies the general rule of exclusion for outdated information with “in most cases,” it omits an important exception concerning criminal convictions. Under the Fair Credit Reporting Act, “adverse item[s] of information, *other than*



*records of convictions of crimes* which [antedate] the report by more than seven years,” are excluded from consumer reports (emphasis added)(15 U.S.C. § 1681(c)(a)(5)). As such, the FCRA specifically allows the reporting of crimes irrespective of when the conviction occurred.

The NAPBS believes CFPB should amend the Summary of Consumer Rights form to include this critical distinction. While the current language is accurate, it is not necessarily complete. Consumers with criminal convictions older than seven years may reasonably believe that such convictions fall within the reporting exclusion. This reasonable belief could lead to consumer consternation and unnecessary, time-consuming disputes with consumer reporting agencies. Both consumers and consumer reporting agencies would benefit from adding brief language distinguishing criminal convictions from the general rule of exclusion. The NAPBS respectfully recommends the following addition concerning criminal convictions:

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 11 years old. *This exception does not apply to criminal convictions.*

The NAPBS recognizes that any changes to the Summary of Consumer Rights obligates consumer reporting agencies, and other businesses utilizing consumer reports, to revise the Summary themselves, for both manual and automated processes. As such, the NAPBS suggests CFPB adopt the above revision only if CFPB, consistent with its recent practices, adopts other revisions as well. In this scenario with multiple revisions, the NAPBS respectfully requests that CFPB provide consumer reporting agencies and other users with a reasonable timeframe to make such revisions. A period of one year would provide sufficient time for affected businesses to implement changes while mitigating associated costs.

The NAPBS thanks CFPB for the opportunity to share its comments regarding revisions to the Summary of Rights form, and sincerely hopes its comments are beneficial to CFPB’s review process. The NAPBS and its members are available and prepared to discuss any questions regarding our industry or the aforementioned concerns. Thank you for accepting our comments and we look forward to working with you further.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Sorenson", written in a cursive style.

Melissa Sorenson, Esq.  
Executive Director