



# Accuracy and Identifiers

Rigorous federal requirements ensure that background checks are accurate. Unfortunately, some federal, state and local court systems have begun redacting a vital identifier: complete date of birth (DOB). Relying upon a name-based search alone, without the precision provided by a date of birth, renders it difficult — and at times impossible — to determine whether a criminal record belongs to an applicant.

**Like the law, users of background checks demand accuracy and efficiency.**

For example...

**...there are 5,226 Daniel Garcias in the U.S.**

Without a complete DOB, they may be left with multiple potential records and, frequently, no way to identify which ones belong to the applicant.



**NAME:** Daniel Garcia

**DOB:** XX XX, 1990

**CITY:** Greenville, SC

**CRIMINAL HISTORY:**  
Arson, DUI, Fraud,  
Battery



**NAME:** Daniel Garcia

**DOB:** XX XX, 1990

**CITY:** Greenville, SC

**CRIMINAL HISTORY:**  
None



## False Negative

A false negative is when the report comes back as clear but the applicant actually has a record, presenting a risk to the vulnerable populations the employer serves, fellow employees and the business.



## False Positive

A false positive is when the report shows a criminal record but the applicant actually does not have one, causing a delay or even loss of job opportunity.

## FAST FACTS

- ✓ Dates of birth are **not a means of identity theft**. 47 of the 48 states with data breach notification statutes do not classify DOB as an identifier that, if stolen, would require notification.
- ✓ **Communities of color**, which may have fewer unique names, can see an even greater impact. For example, 12 million Latinos share just 26 last names.
- ✓ When able to access identifiers like full DOB, **professional background checks are incredibly accurate**, often with accuracy rates above 99.5%.
- ✓ This is a problem at the **federal, state and local level**. The federal public record access system known as PACER fails to provide DOBs, and some state and local courts have begun doing the same.

### Solutions:

#### The Open Courts Act (S. 2614/H.R. 5844)

Modernizing PACER is helpful, but Congress should be more explicit in terms of incorporating identifiers such as DOBs to improve the accuracy of searches conducted on PACER.

#### The First Step Implementation Act (S. 1014/H.R. 3510)

Congress should expand the directive to improve the accuracy and completeness of records to the Administrative Office of the Courts whose records are used in the majority of background checks.