

Frequently Asked Questions

What is TRUSST?

TRUSST stands for Tracking Residence Using Social Security Trace. A social security trace is run which provides validation of the individual's social security number as well as the past 7 years of residency history. From the residency history, criminal searches are conducted in those counties displayed on the social security trace report.

What is the proper adverse action procedure?

In compliance with the Fair Credit Reporting Act, employers are required to notify an applicant if information obtained from a consumer report is used, in whole or in part, in the decision to deny employment. The notification should be in the form of a letter that must contain the name, address and phone number of the consumer reporting company. The notification allows the applicant the opportunity to dispute any information they believe is incorrect.

The following 4 steps must be completed in the following order in the adverse action process.

1. Notify the consumer, applicant or employee with a pre-adverse action letter.
2. Include a copy of the Federal Summary of Rights and if applicant resides in one of the following states: California, Colorado, Connecticut, Maryland, Massachusetts, Vermont, or Washington; the State Summary of Rights must also be included.
3. Include a copy of the report.
4. After the consumer, applicant or employee has had the opportunity to dispute the report information, an adverse action letter may be sent if the individual is not disputing his or her report.

How long should a subscriber wait before sending an adverse action letter?

The Fair Credit Reporting Act indicates that an adverse action letter can be sent after a "reasonable" time has elapsed from the time of pre-adverse notification. Acxiom suggests the time period of 5 business days.

What is the difference between a federal, statewide and county criminal search?

Federal crimes include such offenses as racketeering, mail fraud, embezzlement or crimes committed between states lines such as trafficking controlled

substances. The plaintiff in a federal case is the United States government. A federal search is restricted to specific districts. States may have more than one federal court. In total there are 89 federal districts courts.

County criminal crimes include felony and sometimes misdemeanor level cases. Felony cases are held at the highest level of the county court while misdemeanors may be disposed of at a lower level county court. A county criminal search is a 100% in person/real time search of the information contained in a county courthouse. The information retrieved is the most up-to-date and accurate information.

A statewide criminal search is dependent upon the individual law enforcement agencies and county courts providing information to the state at undesignated times. Information from a statewide search may not always be the most current and information may be incomplete.

What is the difference between a felony and misdemeanor?

The difference between a felony and misdemeanor is the class it is assigned by state or federal statutes. A felony is more severe than those crimes designated misdemeanors. Felonies may be punishable with a sentence to a penitentiary while misdemeanors may be punishable with fines, probation, or imprisonment other than a state penitentiary.

Can a bankruptcy on an applicant's credit report be used to deny employment?

No, as per the Bankruptcy Act, a bankruptcy on an applicant's credit report cannot be used to deny employment.

What is permissible purpose?

Permissible purpose is required by subscribers as defined by Section 604 of the Federal Fair Credit Reporting Act (15 USC 1681b). The subscriber certifies that they have a permissible purpose for obtaining a consumer report as in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of the consumer; or in connection with the underwriting of insurance involving the consumer or review of existing policy holders for insurance underwriting purposes, or in connection with an insurance claim where written permission of the consumer has been obtained; or in connection with a tenant screen application involving the consumer; or in accordance with the written instructions of the consumer; or for a legitimate business need in connection with a business transaction that is initiated by the consumer; or as a

potential investor, service, or current insurer in connection with a valuation of, or assessment of, the credit or prepayment risks.

How long should a subscriber keep an applicant's release form?

An applicant's release form should be kept on site for 5 years.