SAMPLE PRELIMINARY ADVERSE ACTION NOTIFICATION TEXAS

<Date>

<Applicant/Employee Name/Volunteer Name>

<Address>

<City>, <State> <Zip Code>

Dear <Applicant/Employee/Volunteer Name>

You recently authorized **[INSERT NAME OF COMPANY]** (the “Company”)to obtain consumer reports and/or investigative consumer reports about you from a consumer reporting agency. The Company is considering taking action in whole or in part based on information in such report(s).

We will evaluate the information in your report on an individualized case-by-case basis in accordance with applicable law. If you believe that there is additional information that may help us better evaluate your fitness for this position, including evidence of rehabilitation or mitigating circumstances, please contact **<name of individual/department and phone number within your business/organization that the applicant can contact >** immediately.

Enclosed please find (1) a copy of the report we obtained from **IntelliCorp, 5000 Corporate Court, Suite 203; Holtsville, NY 11742; Tel. No. 1.866.202.1436; E-mail** [**reinvestigation@intellicorp.net**](mailto:reinvestigation@intellicorp.net)**;** [**www.intellicorp.net**](http://www.intellicorp.net); (2) A Summary of Your Rights Under the Fair Credit Reporting Act.

If you wish to dispute the accuracy of the information in the report directly with the consumer reporting agency (i.e., the source of the information contained in the report), you should contact the agency identified above directly.

If we do not hear from you within **< X number of business days (recommended 10 day window)>** days, we will make our employment decision based on the information currently available to us.

In the event that an adverse employment action is taken based upon information contained in the pre-employment background screen, the Company will provide you notice of such action.

Sincerely,

<Company Representative Name>

<Title>

Enclosures:   
A Summary of Your Rights Under the FCRA  
Consumer Report

*Para información en español, visite* [*www.consumerfinance.gov/learnmore*](http://www.consumerfinance.gov/learnmore) *o escribe a la Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.*

**A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to** [**www.consumerfinance.gov/learnmore**](http://www.consumerfinance.gov/learnmore) **or write to: Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.**

* **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
* **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  + a person has taken adverse action against you because of information in your credit report;
  + you are the victim of identity theft and place a fraud alert in your file;
  + your file contains inaccurate information as a result of fraud;
  + you are on public assistance;
  + you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

* **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
* **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer

reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.

* **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
* **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 10 years old.
* **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
* **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore.](http://www.consumerfinance.gov/learnmore)
* **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
* The following FCRA right applies with respect to nationwide consumer reporting agencies**:**

**CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent.

However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is

placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

* **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
* **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore.](http://www.consumerfinance.gov/learnmore)

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**

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| --- | --- |
| **TYPE OF BUSINESS:** | **CONTACT:** |
| 1.a. Banks, savings associations, and credit unions with total assets of over $10 billion and their affiliates  b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB: | 1. Consumer Financial Protection Bureau 1700 G Street NW   Washington, DC 20552   1. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue NW Washington, DC 20580   (877) 382-4357 |
| 2. To the extent not included in item 1 above:   1. National banks, federal savings associations, and federal branches and federal agencies of foreign banks 2. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act. 3. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations 4. Federal Credit Unions | a. Office of the Comptroller of the Currency Customer Assistance Group  P.O. Box 53570 Houston, TX 77052  b. Federal Reserve Consumer Help Center  P.O. Box 1200 Minneapolis, MN 55480   1. Division of Depositor and Consumer Protection National Center for Consumer and Depositor Assistance Federal Deposit Insurance Corporation   1100 Walnut Street, Box #11 Kansas City, MO 64106   1. National Credit Union Administration Office of Consumer Financial Protection 1775 Duke Street   Alexandria, VA 22314 |
| 3. Air carriers | Assistant General Counsel for Office of Aviation Protection Department of Transportation  1200 New Jersey Avenue SE Washington, DC 20590 |
| 4. Creditors Subject to the Surface Transportation Board | Office of Public Assistance, Governmental Affairs, and Compliance Surface Transportation Board  395 E Street SW Washington, DC 20423 |
| 5. Creditors Subject to the Packers and Stockyards Act, 1921 | Nearest Packers and Stockyards Division Regional Office |
| 6. Small Business Investment Companies | Associate Administrator, Office of Capital Access United States Small Business Administration  409 Third Street SW, Suite 8200  Washington, DC 20416 |
| 7. Brokers and Dealers | Securities and Exchange Commission 100 F Street NE  Washington, DC 20549 |
| 8. Institutions that are members of the Farm Credit System | Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090 |
| 9. Retailers, Finance Companies, and All Other Creditors Not Listed Above | Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue NW Washington, DC 20580  (877) 382-4357 |

**Statement of Consumer Rights under Texas Law**

Texas law requires consumer reporting agencies, such as IntelliCorp to include an explanation of consumer rights under Texas law with any written disclosure to a Texas resident.

**Disclosures to Consumers.** On request and proper identification provided by you, IntelliCorp is required to disclose to you in writing all information pertaining to you in our file at the time of request, including:

* The name of each person requesting credit information about you during the preceding six months and the date of each request;
* A set of instructions describing how information is presented on the consumer reporting agency's written disclosure of your consumer file; and
* If the consumer reporting agency compiles and maintains files on a nationwide basis, a toll- free number at which personnel are available to you during normal business hours for use in resolving a dispute if you submit a written dispute to the consumer reporting agency.

**The Process for Receiving a Consumer Report or Consumer File.** If you would like to receive a copy of a particular consumer report IntelliCorp has furnished about you or a copy of all of the information in IntelliCorp’s consumer file about you, you may request this information by contacting IntelliCorp at:

IntelliCorp

5000 Corporate Court, Suite 203

Holtsville, NY 11742

Toll Free #: 866-202-1436

[reinvestigation@intellicorp.net](mailto:reinvestigation@intellicorp.net) [www.intellicorp.net](http://www.intellicorp.net/)

After you provide proper identification, IntelliCorp will process your request and mail you copies of the requested information, if any. Please note that IntelliCorp customarily only collects consumer report information when it has been asked to furnish a consumer report, so we may not have any information on file for an individual if we have not previously been asked to prepare a consumer report about you.

**Charges for Disclosures.** Except as provided below, a consumer reporting agency may impose a reasonable fee under Texas law for the disclosure of information pertaining to you, currently not to exceed $12.50.

A consumer reporting agency may not charge a fee for:

1. A request by you for a copy of your consumer file made no later than the 60th day after the date on which adverse action is taken against you;
2. A request made by you for a copy of your consumer file made on the expiration of a 45 day security alert;
3. Notification of the deletion of information that is found to be inaccurate or can no longer be verified sent to a person designated by you, as prescribed by Section 611 of the Fair Credit Reporting Act (15 U.S.C. Section 1681i);
4. A set of instructions for understanding the information presented on your consumer report; or
5. A toll-free number that you may call to obtain additional assistance concerning your consumer report.

While IntelliCorp is permitted to charge a fee for file disclosures in other cases, it is IntelliCorp’s policy not to charge consumers for file disclosures even in cases where a fee is permitted by law.

**Requesting or Removing a Security Alert or Freeze.** A 'security alert' is a notice placed on your consumer file that alerts a recipient of a consumer report involving your consumer file that your identity may have been used without your consent to fraudulently obtain goods or services in your name. On request and proper identification provided by you, you may request in writing or by telephone that IntelliCorp place a security alert on your consumer file. The security alert will remain in effect for at least 45 days. You may include with the security alert a telephone number to be used by persons to contact you to verify your identity before entering into a transaction with you. You may also request that a security alert be removed from your file after it has been entered. At the end of the 45 day period, upon request in writing or by telephone and with proper identification, IntelliCorp is required to provide you with a copy of your consumer file.

The amount of the charge for placing a security freeze on a consumer file, temporarily lifting a security freeze for a designated period, or removing a security freeze may not exceed $10 per request. The amount of the charge for temporarily lifting a security freeze for an identified requester may not exceed $12 per request.

To request the addition or removal of a security alert on a consumer report, you can contact IntelliCorp at 866-202-1436. There is no fee for adding or removing a security alert. There is no limit on the number of security alerts you may request.

**You Can Dispute Inaccurate Information with the Consumer Reporting Agency.** If you dispute the accuracy or completeness of information contained in your IntelliCorp consumer file and you notify IntelliCorp of the dispute, IntelliCorp is required to reinvestigate the disputed information free of charge and record the current status of the disputed information usually not later than the 30th business day after the date on which IntelliCorp receives the notice. IntelliCorp is required to provide you with the option of notifying us of a dispute concerning your consumer file by speaking directly to a IntelliCorp representative during normal business hours. Consumers have the option of doing so by calling IntelliCorp at 866-202-1436. If you prefer, you can submit your request to us in writing. Please send such requests to:

IntelliCorp

5000 Corporate Court, Suite 203

Holtsville, NY 11742

Toll Free #: 866-202-1436

[reinvestigation@intellicorp.net](mailto:reinvestigation@intellicorp.net) [www.intellicorp.net](http://www.intellicorp.net/)

Not later than the fifth business day after the date on which IntelliCorp receives notice of a dispute from you, IntelliCorp is required to provide notice of the dispute to each person who provided any information related to the dispute. IntelliCorp may terminate a reinvestigation of information disputed by you if we reasonably determine that the dispute is frivolous or irrelevant. If we do so, we are required to provide you with notice of the termination and our reasons by mail, or if authorized by you, by telephone. The presence of contradictory information in your consumer file does not by itself constitute reasonable grounds for determining that the dispute is frivolous or irrelevant.

If disputed information is found to be inaccurate or cannot be verified after a reinvestigation, IntelliCorp, unless otherwise directed by you, is required to promptly delete the information from your consumer file, revise your consumer file, and provide the revised consumer report to you and to each person who requested the consumer report within the preceding six months.

IntelliCorp may not report the inaccurate or unverified information in subsequent reports.

Information deleted may not be reinserted in your consumer file unless the person who furnishes the information to the consumer reporting agency reinvestigates and states in writing or by electronic record to the agency that the information is complete and accurate.

IntelliCorp is required to provide written notice of the results of a reinvestigation or reinsertion made under this section not later than the fifth business day after the date on which the reinvestigation or reinsertion has been completed. IntelliCorp must provide: a statement that the reinvestigation is complete; a statement of the determination made by the agency on the completeness or accuracy of the disputed information; and a copy of your consumer file or consumer report and a description of the results of the reinvestigation. A description of the procedure used to determine the accuracy and completeness of the information will be provided to you by the agency upon your request, including the name, business address, and, if available, the telephone number of each person contacted in connection with the information. When applicable, you are entitled to add a statement to your consumer file disputing the accuracy or completeness of the information as provided by Section 611 of the Fair Credit Reporting Act (15 U.S.C. Section 1681i). You may be entitled to dispute resolution in accordance with Texas Business and Commerce Code Section 20.08 after you receive notice of the results of the reinvestigation.

**Correction of Inaccurate Information.** IntelliCorp, as a consumer reporting agency, is required to provide a person who provides consumer information to the agency with the option of correcting previously reported inaccurate information by submitting the correction by facsimile or other automated means. The consumer reporting agency that receives the correction is required to have reasonable procedures to assure that previously reported inaccurate information in a consumer’s file is corrected in a prompt and timely fashion.

**Your Right to File Action in Court or Arbitrate Disputes.** Texas Business and Commerce Code Section 20.08 authorizes a consumer to bring an action to enforce an obligation of a consumer reporting agency under Chapter 20 of the Texas Business and Commerce Code to in any court as provided by the Fair Credit Reporting Act or, if agreed to by both parties, the matter may be submitted to binding arbitration in the manner provided by the rules of the American Arbitration Association.