



Mineral



Question of the Week

July 17, 2024

Question

Do we have to get permission to run a background check?

ANSWER

You certainly do! The Fair Credit Reporting Act (FCRA) requires you to get permission from an applicant or employee before conducting a background check. It also has specific notice requirements, such as providing the applicant or employee a summary of their FCRA rights and the appropriate adverse action letters if you decide not to hire them or terminate their employment because of the background check. A number of state laws also have background check requirements.

Legal requirements aside, telling applicants what to expect as part of the selection process is considered a professional courtesy, especially if you'll conduct background checks or any other kind of screening that digs into history that may not be directly related to the work they will be doing.

You can learn more about background checks, including legal requirements, on the platform.

This Q&A does not constitute legal advice and does not address state or local law.