
NAPBS CRIMINAL RESEARCH PROVIDER GUIDELINES*

Note: the following guidelines are intended for **Research Providers** in the Background Screening Industry. Accordingly, research for the purpose of *screening* or *verification* is differentiated from research for the purpose of *investigation*. For clarification between the two see terms **screening vs. investigation, verification** and **investigation** in the glossary.

General Guidelines†

- 1) The research provider will never falsify their research in any way, and will ensure actual research is conducted on each **subject** they are entrusted to search.
- 2) The research provider shall refrain from conducting **literal research** wherever they have direct control over a search (as opposed to jurisdictions wherein clerks control aspects of the search), but rather shall pursue, within reason, similarities in any **identifiers** found.
- 3) The research provider shall endeavor to become knowledgeable in their local area, including, but not limited to, a working knowledge of the following for each jurisdiction they directly service:
 - a) Each distinct criminal court within that jurisdiction;
 - b) Any rules, policies and procedures of each court that pertain to criminal record research;
 - c) The **Start Date** and **Through Date** of each criminal index within that jurisdiction;
 - d) Any peculiarities of each criminal index that, without knowledge thereof, could affect the accuracy of a search (e.g., how wild cards operate on that index);
 - e) What constitutes the **Central Court** for that jurisdiction;
 - f) What constitutes the **Predominately Used Index (PUI)** for that jurisdiction, and what it does or does not cover (e.g., are there remote or minor outlying courts, or certain types or levels of records, the PUI does not cover?);
 - g) Where and how each criminal court maintains its records—including any archiving system, record destruction routines, et cetera;
 - h) What would typically constitute **Available Records** and **Non-Readily Available Records** in each criminal court;
 - i) The nature and consequence of any court-imposed record access barriers;
 - j) Approximate turn-around times for accessing any records for each court within that jurisdiction;
 - k) The know-how to interpret the contents of case files and documents located in that jurisdiction;
 - l) How cases progress through the court systems of that jurisdiction;
 - m) Any crucial factors that may have bearing upon legal reportability (such as an established mechanism to dismiss a record after the fact of conviction).
- 4) The research provider shall remain in good communication with their **customer**, answering messages, inquiries, requests for status, et cetera as promptly as possible.

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† Key terms are in bold font on their initial appearance and defined in the *Glossary*.

- 5) The research provider shall have a formal, written description of their **default search products**, and should disclose it, if not generally to their customers, then minimally upon demand, so that their customer can know what to expect when requesting such products of that provider, and thus have the opportunity to request any **enhanced search products** should that provider's default search products fall short of what is needed.
- 6) The research provider shall disclose their rates, **surcharges** and any **regularly incurred mandatory court fees** by furnishing their customer with an explicit rate schedule in writing at the onset of their relationship. The provider shall be prepared to substantiate any regularly incurred mandatory court fees should their customer request that.
- 7) The research provider shall conduct themselves in a professional, courteous manner while interacting with both the staff and public of a court or public records agency.
- 8) The research provider shall perform their research in a manner consistent with the rules prescribed by the courts or public record agencies in which they operate.
- 9) Research Providers shall handle their financial obligations with other research providers in a responsible manner.
- 10) The research provider should obtain Errors and Omissions Insurance in the event they are not already effectively covered by a policy held by their customer. The amount of that insurance will be in an amount that can meaningfully respond to a potential claim.
- 11) Both the research provider and their customer should appreciate the following facts: that there is a difference between a **regular search** and a **record retrieval request**; that a **prescreened search** is a type of record retrieval request; that any provider whose **default search product rates** are based upon a regular search has the right to surcharge record retrieval requests accordingly; and that this right applies regardless of whether a record retrieval request was submitted as such, or submitted unbeknownst to the provider in the guise of a regular search request—in which case the provider, upon discovery, is within their rights to charge a premium for at any time after the fact of the record retrieval.
- 12) Should the research provider become aware of any significant action being considered or taken by a county or state regarding the availability of criminal records, which might adversely affect their local research community and/or the Background Screening Industry in general, they are strongly encouraged to notify the NAPBS directly as well as their customer(s) with full particulars.

Compliance

- 13) Research providers are governed by §623 of the **FCRA, Title 15 U.S.C. §1681s-2: Responsibilities of furnishers of information** to consumer reporting agencies.
- 14) §623(a)(1)(A) and §623(a)(1)(C) prohibit research providers from reporting any information they know or have reasonable cause to believe is inaccurate.

- 15) §623(b) imposes several duties on the research provider upon notification from a **CRA** of a consumer dispute:
 - Duty to reinvestigate;
 - Duty to report the results of the reinvestigation to the CRA;
 - Duty to complete the reinvestigation within the reasonable time limits set forth by the customer: the provider's goal should be within two business days where court records are available.*
- 16) The **FCRA** requires that each research provider, and any of their associated research providers, be informed of their responsibilities under the FCRA. If a CRA does not so inform the provider, the provider can request a copy of the applicable portions of the FCRA from the CRA, or download such from <http://www.ftc.gov/bcp/online/pubs/buspubs/infopro.pdf> or the NAPBS website.
- 17) The research provider shall not obtain information through illegal or unethical means, nor convey such information to their customers.
- 18) The research provider shall obtain any license required to perform public record research in their jurisdiction.
- 19) Any research provider operating as an independent contractor shall have the permits or licensures required to operate a business in their jurisdiction.
- 20) a) The research provider shall exercise due caution whenever required by their CRA customer to provide records which may be potentially **un-reportable** under applicable federal and state reporting laws. In such instances a written agreement between the provider and their CRA customer should clearly indicate the CRA customer requires the provider to report such records, and that the CRA customer will assume responsibility for filtering the provider's results, where legally required, prior to reporting to the End User.†

b) As additional precaution against potential liability, the research provider, for their own protection, should possess a competent appreciation of the federal and state consumer reporting laws pertaining to their jurisdiction(s), and might consider routinely identifying any legally un-reportable records they may be required by their CRA customer to provide.

Timeliness

- 21) The research provider shall endeavor to complete each search within any agreed upon time frame.
- 22) In the event of a court-imposed delay the research provider should provide their customer with an **ETA** of when the search might be expected to complete, and furthermore update that ETA as needed until the search is complete.

* Note: failure to complete the reinvestigation within the statutory time limits will result in removal of the information from the Consumer Report. Furthermore, the provider should appreciate that an End User shall not be charged for a reinvestigation, and accordingly any additional research required should be considered a part of the original search request they were given to perform.

† As is prudent when entering into any business contract the provider is encouraged to seek competent legal advice

Performing the Search

- 23) The research provider shall use only the most current, complete, best possible source* of public record in performing their research. If not, the provider must disclose this fact up front to their customers (e.g., if the provider were using a less current microfiche index in a jurisdiction with a more current, directly or indirectly accessible public computer index, they must disclose this fact to their customers.)
- 24) In conducting a search on a **Common Name**, the research provider should make reasonable efforts to **pursue** any **Partial Name Match Only** or **Full Name Match Only** listings found on the index. If such cannot be feasibly cleared—whether by clerk check or other valid means—the provider should minimally disclose this fact in writing to their customer, including the approximate number of possible records not pursued and the reason why it was infeasible to do so.
- 25) a) The research provider should specifically have a formal, written description of their **Common Search Guideline**, and shall disclose it, if not generally to their customers, then minimally upon demand.

b) In performing a **Common Search** the research provider is minimally required to check the **Predominantly Used Index** in the **Central Court** for the jurisdiction being searched.

Reporting Results In General

- 26) The research provider shall report the **results** of their research in a clear, concise, legible manner that can be easily understood by their customer. Wherever possible this would include (unless otherwise agreed upon by their customer) interpreting criminal codes on any charges reported, and refraining from the use of local abbreviations that may not be understood outside their area.
- 27) The research provider shall not provide any record information they themselves do not understand. Instead, they should get any such information clarified and understood before including it in their report.
- 28) The research provider shall not speculate on or “dub in” key case information, but report only verifiable facts that can be substantiated by available court records.
- 29) The research provider shall **mention** in writing the existence of any aliases or other identifier variations found in the course of research on a given subject.
- 30) Should a subject be found to have an **available record** under an un-requested alias, the research provider should either provide a report of that record, or minimally mention in writing its existence to their customer.
- 31) Should a subject be found to have a record located in another jurisdiction the research provider shall mention its existence in writing to their customer.
- 32) The research provider shall understand that a record reported with a **Matching Logic** of **Partial Name Match Only** or **Full Name Match Only** might constitute a problem for their customer, and accordingly should make reasonable efforts to discover any type of identifiers for that record in order to either establish a **Strict Match** or eliminate the record as a non-match. If none can be found, the provider should (unless otherwise agreed upon by their

* See FCRA §613(a)(2)

customer) submit a “Name Match Only” report on that record, including an affirmative statement to the effect that no other identifiers could be found in the court record.

- 33) When reporting on a record, and the identifiers provided by a customer differ in any way from those found in the court record, the research provider shall include a statement acknowledging this fact so there is no question as to why a discrepancy appears in the report.

Reporting the Logistics of the Search

- 34) The research provider shall include the following information with every search result returned to their customer, while taking reasonable precautions to comply with the ***NAPBS Provider Data Security & Privacy Guidelines***:
- The subject's key identifiers as originally included with the search request submitted by the customer
 - The type of search performed
 - The jurisdiction searched
 - The scope of the search
 - An affirmative statement as to the outcome of the search—or, in the event the search cannot be completed straight away (due to the discovery of **possible records**, files on order with the court, court access barriers, et cetera) an indication the search is still pending, with an ETA of its completion.

Reporting Records

- 35) In the event a record is found, the research provider’s report shall include, as available, the following information as it appears in the court record:
- Case number
 - County and court wherein the record is located
 - The subject’s exact full name
 - Any aliases noted, including maiden names
 - The key identifiers, including DOB, SSN, DL, Address and any other applicable identifiers
 - File date
 - Violation date
 - The final level and nature of each charge (ideally including code sections)
 - The **disposition date**
 - The final **disposition** of each charge
 - General sentencing data, including any probation, incarceration, fines, fees, programs, et cetera

- Ideally a summary of any readily available, significant violations of probation
 - In jurisdictions which impose a time window on legal reportability, any key information which might extend that window
 - Any open warrant, including type, date of issuance, cause and bail amount
 - On pending cases, indicate the next court date and, if available, the purpose of that hearing.
- 36) The research provider shall assist CRAs in their responsibility, as per §613(2) of the FCRA, to maintain strict procedures designed to insure any derogatory information reported on a consumer is complete and up to date, by reporting only the current public record status of any derogatory information, and delivering their report promptly upon acquisition of that information.

Correcting Information

- 37) The research provider should notify their customer immediately upon any timely discovery of a significant error or omission in their reported results.

Audits

- 38) The research provider should recognize their customer has both the obligation and the right to audit them—by periodically submitting, at the customer’s expense, a **salted search** on a subject with a known **positive result**, or other audit methods. However it should be expected that any such positive result should include only legally reportable records, substantiated by reliable copies in possession of the customer (as opposed to unverified record information provided by another provider).

Confidentiality

- 39) It is critical the research provider recognize the sensitive and confidential nature of the **Personally Identifiable Information** (PII) with which they are entrusted—including search requests, *result* reports, subject identifiers, et cetera—and must make their best effort to transport, transmit, retain, confidentially dispose of and otherwise maintain and protect such information in compliance with the *NAPBS Provider Data Security & Privacy Guidelines*.
- 40) In disposing any and all records containing PII the research provider must utilize document disposal or destruction methods that render all disposed data unintelligible. For example, shredding or burning paper records containing PII would generally be appropriate. The provider is directed to the **FTC** regulations at **Title 16 CFR §682.1 et seq.** regarding the proper disposal of consumer information.

Glossary*

Admitted Record: A record the subject has admitted to having. Admitted record information can prove valuable for the research provider in conducting a search, and ideally *customers* would include any such information up front with their search requests as matter of course.

Available Record: Any record which has not been lost, sealed, expunged, destroyed or otherwise rendered unavailable for public viewing.

Central Court: In counties with multiple courts that include smaller, local, lower level, outlying or remote municipal or justice-of-the-peace courts, the Central Court is considered that court in which felonies and most misdemeanors are adjudicated. The Central Court index may not include all cases that can be found in these smaller local courts, as such courts may not report all convictions to the Central Court—or "County Seat" Court as it is sometimes referred to.

CFR: Code of Federal Regulations, is the codification of the general and permanent rules and regulations published by the executive departments and agencies of the Federal Government of the United States.

Common Name: Any name that is found to have a *Matching Logic of Partial Name Match Only* or *Full Name Match Only* with at least 5 different *subjects* listed on any single *Predominately Used Index*. For example, if the research provider is given a Robert L. Smith to check on an index with no DOBs, and discovers at least five different listings for a Robert Smith with no middle, Robert L. Smith would constitute a Common Name on that index.

Common Search: See *Seven-Year Search*.

Common Search Guideline: A formal, written guideline specifically outlining how a *common search* is to be performed. Such a guideline could be originated by the research provider or the customer. A provider's Common Search Guideline is equivalent to a description of their *default search product* for a *common search*, which, when disclosed, provides their *customer* with an expectation of how that provider will perform their common search requests.

Consumer: A consumer, for our purposes, is the applicant or employee on whom background information is being gathered.

Consumer Report: A consumer report, for our purposes, is a pre-employment or pre-tenancy background report, prepared by a *Consumer Reporting Agency* on a *consumer*.

Consumer Reporting Agency: See *Retail Screening Company*.

CRA: *Consumer Reporting Agency*: See *Retail Screening Company*.

Customer: The direct client of a *Research Provider*—either a *Retail Screening Company* or another Research Provider, but not an *End-User*.

Default Search Product: The search product the research provider will, by default, routinely perform for any given customer unless specifically negotiated with to do otherwise (see *enhanced search product*). A provider's rates would typically be based upon their default search products (see *default search product rate*).

Default Search Product Rate: The rate a research provider charges for their *default search product*.

Derogatory Information: A *result* that could be classified as adverse to the *subject* under *FCRA* or other applicable laws.

Disposition: The court's final determination or adjudication of a criminal charge.

Disposition Date: The date of final adjudication - i.e., either the date of conviction or the date of dismissal or acquittal.

Due Diligence: *Diligence* is defined as vigilant activity, attentiveness or care, of which there are infinite shades, from the slightest momentary thought to the most vigilant anxiety. *Due Diligence* is defined as

* Any italicized words which appear within a definition are defined in this glossary.

reasonable care or attention to a matter, which is good enough to avoid a claim of negligence, or is a fair attempt (as in due diligence in a *process server's* attempt to locate someone).

Enhanced Search Product: Any search product a research provider is willing or able to provide which surpasses the depth, level or scope of their *default search product*. An example of an enhanced search product might be an *extended search* or *unlimited search*, where that provider's default search product is limited to a seven or ten year search. Another example might be the routine inclusion of copies on any criminal records found, where that provider's default search product does not include such copies. An enhanced search product would not necessarily be provided by default to any given customer—unless that customer specifically requested such and negotiated with their researcher to obtain it. (Compare with *default search product*.)

End-User: The entity—typically an employer in the case of employment screening, a property owner in the case of tenant screening—that originally requests and ultimately receives the qualified search *results* in the form of a *consumer report*.

Et seq.: A Latin abbreviation meaning "and the following." Here it specifically refers to a statutory section or subsection and the sections or subsections that follow it.

ETA: Estimated Time of Arrival: defined here as the time or date by which a search is estimated to be completed and delivered to the *customer*. An ETA by definition is not a guarantee, but rather an estimate—particularly in view of the fact that public record agencies can impose access barriers or delays beyond the control of a provider.

Extended Search: any search with a *search scope* that extends beyond 7-10 years.

Fair Credit Reporting Act: The federal law of the United States that regulates the collection, dissemination and use of consumer credit information. It regulates entities in the business of providing reports on consumers' credit standing, character and reputation (*consumer reports*). It should be noted that the Act has been expanded to regulate not only credit reports, as the name would suggest, but information derived from public records associated with consumers' criminal records and civil litigation histories as well. In fact it would be more aptly named the Federal Fair Credit and Employment Reporting Act.

FCRA: See *Fair Credit Reporting Act*

Federal Trade Commission: An independent agency of the United States government. One of its principal missions is the promotion of consumer protection.

FTC: See *Federal Trade Commission*

Full Name Match Only: Only a full match of the *subject's* name is established—with no additional matching identifiers also established, such as a DOB, DLN or SSN (see *Matching Logic*).

Furnishers of Information: Anyone providing information about consumers to a *CRA* is considered a "furnisher" of information under the *FCRA*.

Guideline(s): An official recommendation indicating how something should be done or what sort of action should be taken in a particular circumstance.

Identifier(s): Facts used to determine whether a public record belongs to a *subject*—e.g., full name, DOB (Date of Birth), SSN (Social Security Number), DLN (Driver's License Number), address, gender, physical description, identifying marks, et cetera.

Investigation: A systematic, minute and thorough attempt to ascertain the facts about something complex or hidden. It is often formal and official. In an investigation the investigator (who may, depending upon jurisdictional licensure requirements, be licensed as a private investigator) will develop independent leads and conduct independent inquiries as the facts and situation warrant. Most Background Screening/Verification Companies are not conducting investigations but are providing verification services for the purpose of background *screening*.

Literal Research: The practice of neglecting similarities in identifiers found when performing research; pursuing full or exact identifier matches only.

Logistics: See *Search Logistics*.

Matching Logic: The use of *identifiers* provided with a search request to determine whether a record belongs to a *subject*. *Retail Screening Companies* are ultimately responsible for determining the level of Matching Logic that will meet FCRA rules before reporting a *result*. Strict Matching Logic should be applied, if possible, to *Derogatory Information*. There are three levels of Matching Logic: *Partial Name Match Only*, *Full Name Match Only* and *Strict Match*.

Mention: To mention a record or possible record means just that: to merely mention or disclose, in writing, the fact of its existence to the *customer*, as opposed to providing a formal record report on it.

NAPBS: National Association of Professional Background Screeners: a non-profit trade association founded in 2003 to represent the interest of companies offering employment and background screening.

NAPBS Provider Data Security & Privacy Guidelines: Guidelines established by the *NAPBS* for Providers of information or technology to the Background Screening Industry, for the purpose of regulating the secure transportation, transmission, retention or disposal of the *PII* with which they are commonly entrusted.

National Research Provider: See *Research Providers*.

Negative Result: A *result* indicating a *subject* is clear of *reportable* records for the search type and jurisdiction searched.

Non-Readily Available Record: 1) A record that is not readily available compared to other more readily available records in the same court or public records agency; 2) A record that is not readily available due to court access barriers. It should be noted that records which are readily available individually, or in smaller quantities, can nonetheless be more difficult to access collectively, or in larger quantities, by virtue of court imposed record access barriers—such as file-pull limitations (e.g., the court only allows 5-10 file-pulls per provider per day), viewing time limitations (e.g., the court only allows 1 hour of file-viewing per provider per day), et cetera.

Partial Name Match Only: Only a partial match of the *subject's* name is established—with no additional matching identifiers also established, such as a DOB, DLN or SSN (see *Matching Logic*).

Personally Identifiable Information (PII): “Personally identifiable information”, or “personally identifying information”, is any piece of information along with the consumer’s name which can potentially be used to uniquely identify, contact or locate a single person. PII can also be exploited by criminals to steal the identity of a person, among other crimes.

Positive Result: A *result* indicating a *subject* has matching *reportable* records for the search type and jurisdiction searched.

Possible Record: A potential record requiring further research, due to the fact that it may or may not be a *Strict Match* with the subject, or may or may not otherwise be *reportable*.

Pre-indexed: A search request on a *subject* who has been pre-indexed has been pre-researched by the requestor, the requestor’s *customer*, et cetera, on either the same index (or some version thereof) that the provider is now being requested to search. While a pre-indexed search does not necessarily equate to *prescreening* (e.g., see *salted search*), all *prescreened searches* have by definition been pre-indexed.

Predominantly Used Index (PUI): That portion or portions of a county’s index at the *Central Court* which is commonly considered adequate to use exclusively in performing a *Common Search*. For example, in a county with three separate criminal index sections—such as: a section of the felony/misdemeanor index on computer which extends 10 years back; another section of the felony/misdemeanor index on microfiche which extends from 10 to 20 years back; and a felony-only index that extends 60 years back—only that 10 year section of the felony/misdemeanor index on computer would constitute the *Predominantly Used Index*, if

indeed it is the section of public index predominately and exclusively used by the local research community to perform a Common Search in that county. Another example would be a county with a computer index that extends only 5 years back; then another microfiche index which extends from 5 to 10 years back; and a card index that extends 10 to 25 years back. The 5 year computer index plus the 5-10 year microfiche index would constitute the *Predominantly Used Index*, if indeed those are the sections of public index predominately and exclusively used by the local research community to perform a Common Search in that county.

Prescreened Search: Any search on a *subject* that has been prescreened from a greater group of subjects, with the intent being to eliminate from that original group most or all subjects with *Negative Results*, so that only subjects with *Positive Results* need be submitted to the provider. If a subject has been prescreened the *customer* is fully expected to disclose the fact up front. A prescreened search is not to be confused with a *salted search*, or with a *regular search* on a subject who has admitted to having a record. (The customer's inclusion with a regular search request of any additional information on the subject, obtained my means other than prescreening and simply meant to aid the provider in performing their search, would not constitute a prescreened search).

Prescreening: See *Prescreened Search*.

Process Server: the individual engaged to give legal notice to a person (defendant etc.) of a legal proceeding involving them, so as to enable that person to respond to the proceeding before the court. Usually the notice is furnished by delivering a set of court documents to the person to be served.

Pursue: To pursue a possible record means just that: to pursue or further research it in order to discover more about it.

Regional Research Provider: See *Research Providers*.

Regular Search: A search on a subject that has not been *pre-indexed* for any reason. A regular search is not to be confused with a *prescreened* or *salted search*.

Regularly Incurred Mandatory Court Fee(s): Any mandatory court fee regularly incurred by the research provider on behalf of their customer—e.g., a mandatory court clerk search fee regularly imposed by a court which does not allow direct public access to its index.

Reportability: See *Reportable*.

Reportable: 1) Refers to which *results* can be legally reported to an *End-User*—the standard being whether the information complies with applicable law, such as the *FCRA* and state *consumer reporting* laws; 2) From a Research Provider's perspective, *unusable records* are typically considered or referred to as "unreportable" in the context of a criminal search (unless specifically negotiated for by their customer).

Research Provider: Research Providers for the Background Screening Industry are classified as follows: **In-court, Regional, National and International.** An **In-Court Provider** performs research directly, whether the region they directly cover is comprised of one county or five. A Mom & Pop would be considered an In-Court Research Provider so long as they perform research directly. A **Regional Provider** utilizes one or more In-Court Providers to cover any size region short of an entire nation. By contrast, a Mom & Pop who hire one or more In-Court Providers to cover any portion of their region would re-classify as a Regional Provider. A **National Provider** utilizes In-Court and/or Regional Providers to cover an entire nation. An **International Provider** utilizes any of the above to provide coverage internationally. A Research Provider is not considered a Consumer Reporting Agency.

Result: Either the outcome of an index check on a subject (Index Result); the record information obtained on a *subject* (Case or Record Result); or both.

Retail Screening Company: A company that conducts background checks using public records and other information to furnish a *consumer report* for an *End-User* (i.e. employer or property owner), in which capacity it must comply with the *Federal Fair Credit Reporting Act (FCRA)*, under which a Retail Screening Company is considered a *Consumer Reporting Agency (CRA)*. It is the ultimate responsibility of the screening company to ensure any information they provide to an End-User is in compliance with the FCRA and any other applicable *consumer reporting* laws (see *NAPBS Criminal Research Provider Guideline #20*).

Record Retrieval Request: A request to retrieve case information, copies, et cetera on a record that is known to exist by the *customer*. In that a provider's *default search product rate* is typically based on a *regular search*, it should be fully appreciated that the provider has a right to *surcharge* for a record retrieval request. A *prescreened search* that has been submitted in the guise of a *regular search* is nonetheless a record retrieval request in fact, and the provider has the right to surcharge their customer accordingly for it.

Screening vs. Investigation: "The difference between *screening* and *investigation* is analogous to the difference between giving cholesterol tests to a large number of consumers for a medical risk factor for heart disease, versus doing an exploratory surgical procedure one patient at a time. Obviously an exploratory procedure is much more reliable, but it is also intrusive, time consuming and expensive. Of course, when giving merely a cholesterol test instead of performing exploratory surgery, it is possible that someone with a serious condition might slip through the cracks and have a more serious condition than indicted. However, the cost must be weighed against the benefit of faster, less expensive and less intrusive procedures that have an excellent detection rate on a greater number of people."^{*}

Research for the purpose of *screening* conventionally entails a seven to ten year search scope.

§: A typographical character (called a Section Sign) used mainly to refer to a particular section of a document, such as a legal code.

§1681s-2: This designation references the section of the *FCRA* entitled "Responsibilities of *furnishers of information* to consumer reporting agencies".

Salted Search: A search on a *subject* that has been otherwise *pre-indexed* and found to have a legally *reportable* record, and as a quality assurance measure is now being requested of the unwitting provider in order to test their ability to discover and accurately report the known record. A salted search is not to be confused with a *prescreened search* or a *regular search*.

Search Logistics: The details about the manner in which a search was performed—e.g., the date the search was completed; the jurisdiction it was performed in; the type of search performed; the *Search Scope*; the key *identifiers* with which the search was conducted; et cetera.

Search Scope: 1) Of a search request: the period of time to be covered by that search, from *starting date* to *through date*; 2) Of a search *result*: the period of time that was covered by that search, from starting date to through date.

Seven-Year Search: Historically the Seven-Year Search is the most common and predominately requested search product in the Background Screening Industry. However it is not the only product. The Ten-Year Search is probably the second most commonly requested search product. There can be varying *search scopes* beyond a Ten-Year Search, extending up to an *unlimited search*. *Research providers* typically base their *default search rates* upon a Seven- to Ten-Year Search product, and commonly charge a per-year surcharge to search beyond that.

Starting Date: 1) Of an index: indicates how far into the past that index extends; 2) Of a *search scope*: indicates how far into the past that *subject* was searched. (Compare with *through date*.)

Strict Match: At least two, and whenever possible three, matching subject *identifiers* are established. For example, a Name Match plus a DOB match would constitute a Strict Match (see *Matching Logic*).

Subject: The applicant or employee on whom background information is being gathered.

Surcharges: A research provider's *rates* are typically based on their *default search products*. Surcharges may apply to additional services that extend beyond the depth, level or scope of their default search products (see *enhanced search products*)—such as an *extended search*; *unlimited search*; copies; rush requests; *record retrieval requests*; *prescreened requests*; pursuing possible records on *common names*; pursuing *non-readily available records*; rechecks not pursuant to a *consumer* dispute; et cetera.

Through Date: 1) Of an index: indicates how near to the present that index extends, or the currency of that index; 2) Of a search scope: indicates how near to the present a *subject* was searched. (Compare with

* Taken from *The Safe Hiring Manual* by Lester S. Rosen, published by BRB Publications, Inc.

starting date.) The Through Date shall be sufficiently close to the provider’s report date so that the information is “complete and up to date” under the FCRA and applicable state law.

Title 15 U.S.C.: The U.S.C., or United States Code, is a compilation and codification of the general and permanent federal law of the United States. The code is made up of 50 distinct sections or “Titles”. Title 15 pertains to Commerce and Trade, under which the *FCRA* is to be found at §1681 *et seq.*

Title 16 CFR: The CFR, or Code of Federal Regulations, is the codification of the general and permanent rules and regulations published by the executive departments and agencies of the Federal Government of the United States. The code is made up of 50 distinct sections or “Titles”. Title 16 pertains to Commercial Practices.

Traffic Court Cases: Traffic court cases are just that—cases that are filed in a traffic court as opposed to a criminal court. Although sometimes traffic court cases are included on a criminal index, they are traffic court cases all the same, and are generally considered *unusable records* in the context of a criminal search. A traffic court case however is not to be confused with a traffic-related criminal record.

Unlimited Search: a search with a *search scope* that minimally constitutes the subject’s DOB plus 18 years.

Unreportable: not *reportable*. See *Reportable*.

Unusable Records: Unusable records in the Background Screening Industry conventionally include: infraction cases; *traffic court cases* that happen to appear on a criminal index; and dismissed cases to some extent—although the latter should not be taken for granted as some customers may require dismissed records either be *reported* on or at least *mentioned*.

Verification: A step during the *due diligence* process in which a **specialist** will attempt to confirm the validity of claims made by an applicant concerning their criminal history, education, licensure or experience **using information provided to the CRA by the consumer**. Most Background Screening/Verification Companies are not conducting *investigations* but are providing verification services for the purpose of background *screening*.