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## Compliance Now Required: New FCRA Summary of Rights Released

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The Consumer Financial Protection Bureau issued a new FCRA “Summary of Rights” form, effective September 21, 2018.

Employers that use consumer reporting agencies to conduct credit or background checks must let both job applicants and employees know their rights under the FCRA by providing this form along with the FCRA disclosure and authorization. Failure to do so exposes employers to significant legal risk, including government penalties and private lawsuits, including class actions. Also, note that multiple courts have found that the FCRA disclosure and authorization forms must be completely “stand alone” from other onboarding or other documentation provided to applicants/employees and should not contain other language beyond the officially prescribed language. See e.g., [Poinsignon v. Imperva, Inc., No. 17-cv-05653-EMC](#)

This revised form was initiated by legislation earlier this year that, in part, amended the FCRA by requiring notice of availability of “national security freezes” that must be provided to consumers. The notice informs consumers they have a right to place a “security freeze” on their credit report, which will prohibit a consumer reporting agency from releasing information in the report without express authorization from the consumer.

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