

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.

## EFFECTIVE DATE

Section effective upon the expiration of one hundred and eighty days following Oct. 26, 1970, see section 504(d) of Pub. L. 90-321, as added by Pub. L. 91-508, set out as a note under section 1681 of this title.

## REGULATIONS

Pub. L. 111-24, title II, §205(b), May 22, 2009, 123 Stat. 1747, provided that:

“(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act [May 22, 2009], the Federal Trade Commission shall issue a final rule to carry out this section.

“(2) CONTENT.—The rule required by this subsection—

“(A) shall include specific wording to be used in advertisements in accordance with this section; and

“(B) for advertisements on the Internet, shall include whether the disclosure required under section 612(g)(1) of the Fair Credit Reporting Act [15 U.S.C. 1681j(g)(1)] (as added by this section) shall appear on the advertisement or the website on which the free credit report is made available.

“(3) INTERIM DISCLOSURES.—If an advertisement subject to section 612(g) of the Fair Credit Reporting Act [15 U.S.C. 1681j(g)], as added by this section, is made public after the 9-month deadline specified in paragraph (1), but before the rule required by paragraph (1) is finalized, such advertisement shall include the disclosure: ‘Free credit reports are available under Federal law at: “AnnualCreditReport.com”.’”

Pub. L. 108-159, title II, §211(d), Dec. 4, 2003, 117 Stat. 1972, as amended by Pub. L. 111-203, §1088(b)(2), July 21, 2010, 124 Stat. 2092, provided that:

“(1) IN GENERAL.—The Bureau [probably means the Bureau of Consumer Financial Protection] shall prescribe regulations applicable to consumer reporting agencies described in section 603(p) of the Fair Credit Reporting Act [15 U.S.C. 1681a(p)], to require the establishment of—

“(A) a centralized source through which consumers may obtain a consumer report from each such consumer reporting agency, using a single request, and without charge to the consumer, as provided in section 612(a) of the Fair Credit Reporting Act [15 U.S.C. 1681j(a)] (as amended by this section); and

“(B) a standardized form for a consumer to make such a request for a consumer report by mail or through an Internet website.

“(2) CONSIDERATIONS.—In prescribing regulations under paragraph (1), the Bureau shall consider—

“(A) the significant demands that may be placed on consumer reporting agencies in providing such consumer reports;

“(B) appropriate means to ensure that consumer reporting agencies can satisfactorily meet those demands, including the efficacy of a system of staggering the availability to consumers of such consumer reports; and

“(C) the ease by which consumers should be able to contact consumer reporting agencies with respect to access to such consumer reports.

“(3) CENTRALIZED SOURCE.—The centralized source for a request for a consumer report from a consumer required by this subsection shall provide for—

“(A) a toll-free telephone number for such purpose;

“(B) use of an Internet website for such purpose; and

“(C) a process for requests by mail for such purpose.

“(4) TRANSITION.—The regulations of the Bureau under paragraph (1) shall provide for an orderly transition by consumer reporting agencies described in section 603(p) of the Fair Credit Reporting Act [15 U.S.C. 1681a(p)] to the centralized source for consumer report

distribution required by section 612(a)(1)(B) [15 U.S.C. 1681j(a)(1)(B)], as amended by this section, in a manner that—

“(A) does not temporarily overwhelm such consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

“(B) does not deny creditors, other users, and consumers access to consumer reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

“(5) TIMING.—Regulations required by this subsection shall—

“(A) be issued in final form not later than 6 months after the date of enactment of this Act [Dec. 4, 2003]; and

“(B) become effective not later than 6 months after the date on which they are issued in final form.

“(6) SCOPE OF REGULATIONS.—

“(A) IN GENERAL.—The Bureau shall, by rule, determine whether to require a consumer reporting agency that compiles and maintains files on consumers on substantially a nationwide basis, other than one described in section 603(p) of the Fair Credit Reporting Act [15 U.S.C. 1681a(p)], to make free consumer reports available upon consumer request, and if so, whether such consumer reporting agencies should make such free reports available through the centralized source described in paragraph (1)(A).

“(B) CONSIDERATIONS.—Before making any determination under subparagraph (A), the Bureau shall consider—

“(i) the number of requests for consumer reports to, and the number of consumer reports generated by, the consumer reporting agency, in comparison with consumer reporting agencies described in subsections (p) and (w) [now (x)] of section 603 of the Fair Credit Reporting Act [15 U.S.C. 1681a(p), (w) [x]];

“(ii) the overall scope of the operations of the consumer reporting agency;

“(iii) the needs of consumers for access to consumer reports provided by consumer reporting agencies free of charge;

“(iv) the costs of providing access to consumer reports by consumer reporting agencies free of charge; and

“(v) the effects on the ongoing competitive viability of such consumer reporting agencies if such free access is required.”

[For definitions of terms used in section 211(d) of Pub. L. 108-159, set out above, see section 2 of Pub. L. 108-159, set out as a Definitions note under section 1681 of this title.]

### § 1681k. Public record information for employment purposes

#### (a) In general

A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect

on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

**(b) Exemption for national security investigations**

Subsection (a) does not apply in the case of an agency or department of the United States Government that seeks to obtain and use a consumer report for employment purposes, if the head of the agency or department makes a written finding as prescribed under section 1681b(4)(A) of this title.

(Pub. L. 90-321, title VI, §613, as added Pub. L. 91-508, title VI, §601, Oct. 26, 1970, 84 Stat. 1133; amended Pub. L. 105-347, §4(b), Nov. 2, 1998, 112 Stat. 3210.)

**Editorial Notes**

AMENDMENTS

1998—Pub. L. 105-347 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-347 deemed to have same effective date as amendments made by section 2403 of Pub. L. 104-208, see section 7 of Pub. L. 105-347, set out as a note under section 1681a of this title.

EFFECTIVE DATE

Section effective upon the expiration of one hundred and eighty days following Oct. 26, 1970, see section 504(d) of Pub. L. 90-321, as added by Pub. L. 91-508, set out as a note under section 1681 of this title.

**§ 1681l. Restrictions on investigative consumer reports**

Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished.

(Pub. L. 90-321, title VI, §614, as added Pub. L. 91-508, title VI, §601, Oct. 26, 1970, 84 Stat. 1133.)

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

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**§ 1681m. Requirements on users of consumer reports**

**(a) Duties of users taking adverse actions on basis of information contained in consumer reports**

If any person takes any adverse action with respect to any consumer that is based in whole

or in part on any information contained in a consumer report, the person shall—

(1) provide oral, written, or electronic notice of the adverse action to the consumer;

(2) provide to the consumer written or electronic disclosure—

(A) of a numerical credit score as defined in section 1681g(f)(2)(A) of this title used by such person in taking any adverse action based in whole or in part on any information in a consumer report; and

(B) of the information set forth in subparagraphs (B) through (E) of section 1681g(f)(1) of this title;

(3) provide to the consumer orally, in writing, or electronically—

(A) the name, address, and telephone number of the consumer reporting agency (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis) that furnished the report to the person; and

(B) a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer the specific reasons why the adverse action was taken; and

(4) provide to the consumer an oral, written, or electronic notice of the consumer's right—

(A) to obtain, under section 1681j of this title, a free copy of a consumer report on the consumer from the consumer reporting agency referred to in paragraph (3), which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and

(B) to dispute, under section 1681i of this title, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.

**(b) Adverse action based on information obtained from third parties other than consumer reporting agencies**

**(1) In general**

Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.