

General Background Check Terms

Adverse Action: A negative employment action such as not hiring an applicant; not promoting or not retaining an employee.

Applicant: The subject of the inquiry, a job applicant or current employee who is the subject of an employment verification or reference.

Authorization: Obtaining written permission from the applicant/employee for the background investigation to be conducted.

Background Check: Usually refers to one item of information in a background report; i.e., one academic background check, one employment background check, one driving record check. However, sometimes this term is also used to describe the background report in its entirety.

Background Investigation: Another term for background report or background check

Consumer: The person who is the subject of the background report; the person who is seeking employment, retention, or promotion by an employer.

Consumer Report: Under the FCRA, one of two official names for a background report. The other name is "investigative consumer report." Most often the distinction between a "consumer report" and an "investigative consumer report" is that a "consumer report" contains only factual information while an "investigative consumer report" contains some opinions. Example: "Was s/he employed by your company?" This calls for a factual response. "How did s/he perform on the job?" This calls for an opinion.

CRA: Consumer Reporting Agency

Consumer Reporting Agency: Another name for a background screening company. Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

Disclosure: Refers to the document and the process of informing an applicant/employee that he/she will be the subject of a background report.

DLN: Driver's License Number

DOB: Date of Birth

EEOC: Equal Employment Opportunity Commission.

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.

Employment Purposes: The term "employment purposes," when used in connection with a Consumer Report, means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

FCRA: Fair Credit Reporting Act.

Fair Credit Reporting Act: The federal law that regulates entities who are 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 appropriately named the Fair Credit and Employment Reporting Act.)

FTC: Federal Trade Commission.

Federal Trade Commission: The government agency responsible for the administration of the FCRA. This agency has issued many non-binding opinions interpreting the FCRA.

Final Adverse Action: Referring to the document and the process when a negative employment decision is made, the applicant/employee receives notice of the decision.

First Notice: Another name given to pre-adverse or preliminary adverse action.

GLBA: Gramm-Leach Bliley Act.

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.

Investigative Consumer Report: Under the FCRA, one of two official names for a background report. The other name is "consumer report." Most often the distinction between a "consumer report" and an "investigative consumer report" is that a "consumer report" contains only factual information while an "investigative consumer report" contains some opinions. Example: "Was s/he employed by your company?" This calls for a factual response. "How did s/he perform on the job?" This calls for an opinion.

NAPBS: National Association of Professional Background Screeners.

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.

Notice to Users of Consumer Reports: Obligations of Users under the FCRA - Prepared by the Federal Trade Commission, this document must be given by the background screening company to employers before background screening information is provided to the employer. This most current version of this document was released on 11/19/04.

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.

Permissible Purpose: Under the FCRA, this is a legal purpose for obtaining a background report.

PII: Personal Identifiable Information.

Personal Identifiable Information: Information that potentially could be utilized to commit identity theft, including but not limited to name, address, Social Security Number and date of birth.

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.

Preliminary Adverse Action: Referring to a document and the process when a negative employment decision is being considered, the applicant/employee receives notice, a copy of his/her background report, and A Summary of Your Rights under the Fair Credit Reporting Act. This is also referred to as "Pre-Adverse Action" and "First Notice."

Remedying the Effects of Identity Theft: Prepared by the Federal Trade Commission, this document must be given to applicants/employees who believe they are the victim of identity theft

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).

Second Notice: Another name for "Final Adverse Action."

SSN: Social Security Number

Summary of Rights: A Summary of Your Rights under the Fair Credit Reporting Act.

Summary of Your Rights under the Fair Credit Reporting Act: Prepared by the Federal Trade Commission, this document must be attached to a background report being provided to an

applicant/employee. This most current version of this document was released on 11/19/04.

Unreportable: Not reportable. See Reportable.

User Certification: A document provided by the background screening company which must be signed by the employer before the screening company will provide background reports to the employer.

User of Consumer Reports: An employer who, as part of an employment decision, considers the information in a background report.

Database Search Terms

Credit Report: A search of the credit bureau files. Search may show consumer credit activity covering a seven year period detailing overdue or slow account, charge off, collections, suits, tax liens, public records, judgments and bankruptcies.

Excluded Parties List: GSA list of excluded and debarred parties

GSA: General Services Administration.

General Services Administration Excluded Parties List: Search of the U.S. General Services Administration list of excluded and debarred parties.

OFAC: Office of Foreign Asset Control:

Office of Foreign Asset Control Search: A search of the most recent, master list of "Specially Designated Nationals and Blocked Persons" that is made available by OFAC.

OIG: Office of Inspector General, Department of Health and Human Services

Office of Inspector General Sanction List: A search of the Department of Health and Human Services, Office of the Inspector General (OIG) list of sanctioned and excluded parties.

Social Security Number Trace: Search of credit bureau files or other aggregate database files to authenticate the subject's SSN and name. Search may show prior addresses and other names (including maiden/alias/ aka) associated with the subject. This search may also uncover evidence of identity theft and/or deceased numbers.

Social Security Number Validation: The Social Security Number Validation will validate the social security number by comparing the applicant's SSN to the Social Security Administration's formula for order of issuance.

Workers Compensation Search: Search of state bureau of worker's compensation records for current and past lost time injury or medical only worker compensation claims.

National Bankruptcy, Lien, and Judgment Database Search:

National database search of Bankruptcies including chapter 7, 11, and 13, state and federal tax liens, and judgments liens.

Criminal Record Search Terms

County Criminal Conviction Search: A search for criminal convictions at the appropriate state (county) court adjudicating crimes against a state's criminal code. This search will reveal all felony convictions as well as felony charges reduced to misdemeanor charges thus resulting in misdemeanor convictions. Courts are searched directly at the source via in person, the court's Internet web site, or direct connection into the court's index.

County Misdemeanor Criminal Conviction Search: A search conducted in a county repository (court) that combines misdemeanor records for all municipal courts located within a county. Courts are searched directly at the source via in person, the court's Internet web site, or direct connection into the court's index.

Federal Criminal Conviction Search: A search for criminal convictions at the appropriate federal district court adjudicating crimes against the United States Code. Courts are searched directly at the source via in person, the court's Internet web site, or direct connection into the court's index.

Municipal Criminal Conviction Search: A search conducted at the appropriate municipal court adjudicating crimes against a city code. Courts are searched directly at the source via in person, the court's Internet web site, or direct connection into the court's index.

National Criminal Database Search: A search of multi-geographical, aggregate criminal databases.

Sexual Offender Database Search: A search of any number of sexual offender databases or registries. Databases may be national, state or local in scope and provided by both private and public governmental entities.

State Criminal Database Search: A search of any number of criminal databases available in a particular state. Databases range from state department of corrections databases to proprietary criminal databases built by private entities.

State Repository Criminal History Search: A search of a state's official criminal repository managed by a State Agency. Not available in all states.

MVR (Motor Vehicle Report) Search Terms

DMV: Department of Motor Vehicle.

DPPA: Drivers Privacy Protection Act.

Drivers License Abstract: Search of the state Bureau of Motor Vehicle records for driver information including status, accidents, suspensions and violations.

MVR: Motor Vehicle Report

Motor Vehicle Report: A report procured from a State Agency that contains information pertaining to a consumer's driving status and driving record.

State Agency: The department within each state that maintains and provides access to the Motor Vehicle Reports (i.e. Secretary of State, Department of Motor Vehicles or Department of Transportation).

Verification & Reference Interview Services Terms

Education Verification: The process of verifying a person's scholastic history by contacting the educational institutions or any of the automated verification systems available.

Employment Verification: The process of verifying a person's past and/or present work history by contacting their past and/or present employers or any of the automated verification systems available.

Military Service Verification: The verification of prior military experience by contacting United States Military Records or by contacting the personnel office at the location where a candidate was stationed.

Professional Reference: Questioning of a candidate's professional reference via phone interview, in-person interview, or faxed, mailed or electronic questionnaire.

Professional Trade License / Certification Verification: the process of verifying a person's occupational certification or licensing by contacting the various state agencies that maintain and coordinate the licensure process.

Public Record Search Terms

Bankruptcy Record Search: We will conduct a search for criminal convictions at the appropriate federal Bankruptcy Court. Courts are searched directly at the source via in person, the court's Internet web site, or direct connection into the court's index.

County Civil Record Search: Search for civil lawsuits at the appropriate county court. Courts are searched directly at the source via

in person, the court's Internet web site, or direct connection into the court's index.

Federal Civil Record Search: Search for civil lawsuits at the appropriate federal district court. Courts are searched directly at the source via in person, the court's Internet web site, or direct connection into the court's index.

Federal Tax Lien Record Search: Search at the appropriate county court / county office. **State Tax Lien Record Search (county):** Search at the appropriate county recorder or like office.

Municipal Civil Record Search: Search for civil lawsuits at the appropriate municipal court. Courts are searched directly at the source via in person, the court's Internet web site, or direct connection into the court's index.

UCC Record Search (County): Search of the County Recorder or similar office for information on loans / purchases in which personal property is designated as collateral to that loan / purchase.

UCC Record Search (State): Search of the Secretary of State office records for information on loans / purchases in which personal property is designated as collateral to that loan / purchase.

Legal Terms

Acquittal: The legal and formal certification of the innocence of a person who has been charged with crime; a deliverance or setting free a person from a charge of guilt; finding of not guilty.

Arraignment: Procedure whereby the accused is brought before the court to plead to the criminal charge against him in the indictment of information.

Capias: The general name for several species of writs, common characteristic of which is that they require the officer to take a named defendant into custody.

Conviction: The result of a criminal trial which ends in a judgment or sentence that the accused is guilty as charged.

Criminal Complaint: In criminal law, a charge, preferred before a magistrate having jurisdiction, that a person named, has committed a specific offense, with an offer to prove the fact, to the end that a prosecution may be instituted.

Criminal Plea: The defendant's response to a criminal charge (guilty, not guilty, or nolo contendere).

Defendant: The party against whom relief or recovery is sought or the accused in a criminal case.

Discovery: The pre-trial devices that can be used by one party to obtain facts and information about the case from the other party in order to assist the party's preparation for trial.

Dismissal: An order of judgment finally disposing of an action, suit, motion, etc., without trial of the issues involved.

Dismissal Without Prejudice: Term meaning dismissal without prejudice to the right of the complainant to sue again on the same cause of action.

Dismissal With Prejudice: Term meaning an adjudication on the merits, and final disposition, barring the right to bring or maintain an action on the same claim or cause.

Evidence: Any species of proof, or probative matter, legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, for the purpose of inducing belief in the minds of the court or jury as to their contention.

Expungement of Record: Process by which record of criminal conviction is destroyed or sealed after expiration of time.

Felony: A crime of a graver or more serious nature than those designated as misdemeanors.

Grand Jury: Body of citizens, the number of whom varied from state to state, whose duties consist in determining whether probable cause exists that a crime has been committed and whether an indictment should be returned against one for such a crime.

Indictment: A formal written accusation originating with a prosecutor and issued by a grand jury against a party charged with a crime. An indictment is referred to as a "true bill", whereas failure to indict is called a "no bill".

Information: An accusation exhibited against a person for some criminal offense, without an indictment. A written accusation made by a public prosecutor, without the intervention of a grand jury.

Judgment of Conviction: A judgment conviction shall set forth the plea, the verdict or findings, and the adjudication and sentence.

Magistrate: An inferior judicial officer, such as a justice of the peace.

Misdemeanor: Offenses lower than felonies and generally those punishable by fine, penalty, forfeiture or imprisonment otherwise than in penitentiary.

Nolle Prosequi: A formal entry upon the record by the prosecuting attorney in a criminal action, by which he declares that he will no further prosecute the case, either as to some of the defendants or altogether.

Nolo Contendere: A plea in a criminal case which has similar legal effect as pleading guilty. Type of plea which may be entered with leave of court to a criminal complaint or indictment by which the defendant does not admit or deny the charges; *complaint may not be brought before a Civil court at a later date, should no criminal conviction result (section in italics not included in definition provided by below referenced source).*

Parole: Release from jail, prison, or other confinement after actually serving part of sentence. Conditional release from imprisonment which entitles parolee to serve remainder of term outside confines of an institution.

Plaintiff: A person who brings an action. A person who seeks remedial relief for an injury of rights; it designates a complainant.

Prosecute: To proceed against a person criminally.

Quash: To vacate or make void as in to quash an indictment.

Summons: In criminal law, a written order notifying an individual that he or she has been charged with an offense directing the person to appear in court to answer the charge.

Suspended Sentence: In criminal law, a suspended sentence means in effect that the defendant is not required at the time sentence is imposed to serve the sentence.

Warrant for Arrest: A written order of the court which is made on behalf of the state or United States and is based upon a complaint issued pursuant to statute and/or court rule and which commands law enforcement to arrest a person and bring them before court.

Sources For Glossary Terms

We wish to acknowledge the NAPBS as the source of the above terms: These terms were assembled from a variety of documents provided by NAPBS, The National Association of Professional Background Screeners. For the Legal Terminology section, NAPBS indicates they referenced Black's Law Dictionary, Sixth Edition. By: Henry Campbell Black, Published: St. Paul, MN, West Publishing Co, 1990. This information should not be used as a substitute for professional legal services. Legal counsel should be consulted concerning specific legal responsibilities, and to ensure that policies and procedures related to the use of this information are in compliance with applicable local, state and federal laws.