



FCRA Section 605C

Step-by-Step Process For

Non-Governmental Organizations

Introduction

The process for blocking adverse information related to human trafficking under the Fair Credit Reporting Act (FCRA) Section 605C became effective July 2022. However, few trafficking Survivors have benefited from the new rule due to practical challenges and a lack of guidance.

This Step-by-Step Process provides a practical pathway through the process, addressing challenges faced by Survivors and those attempting to assist them.

If information on a Survivor's Background Check is related to trafficking, it may be blocked.

Examples of information a Survivor may wish to block from a Background Check include:

- Prior evictions
- Late rental payments
- Credit card or loan defaults
- Unpaid bills that went to a collection agency
- Criminal charges incurred as a result of trafficking
- Bankruptcy filings

Your role as a representative or advocate is to help the Survivor identify information on his or her Background Check stemming from trafficking. Beyond self-attestation, additional evidence proving the connection is not required. The information to be blocked may include adverse events that took place *during or after* trafficking, if directly related to or resulting from the trafficking.

This guide outlines five steps to block negative Background Check information from appearing on the Survivor's Background Check.

1. Obtain a deep-dive Background Check related to the Survivor. ([Click here to learn more.](#))
2. Obtain a copy of the Survivor's Credit Report.
3. Help the Survivor fill out the following forms:
 - FCRA Section 605C Consumer Submission
 - FCRA Section 605C Self-Attestation
 - FCRA Section 605C NGO Task Force Affiliation
4. Submit these forms to the three credit bureaus: Equifax, TransUnion, and Experian.
5. Help the Survivor submit these forms to Background Check providers *in the future*.

Step One – Obtain A Deep-Dive Background Check Related To The Survivor

The Survivor will need to know *what* information could possibly show up on his or her Background Check. Conducting a **thorough** deep-dive Background Check will help identify 'adverse information' that may appear, including information related to financial, criminal and driving records. Obtaining a deep-dive Background Check will allow you or the Survivor to make informed decisions concerning the blocking of adverse information within Background Checks *in the future*, related to future employment, housing or other needs.

The purpose of Step One is to provide the necessary information in order to request the block to which Survivors are entitled.

Potential Roadblock: *It can be difficult to obtain a thorough Background Check, as many Background Check providers offer them for employment, volunteering or rental purposes only, and may not allow the Survivor to order a Background Check on themselves. If you or the Survivor find a provider that offers this service, they may report limited information due to state and local law, or a contractually limited scope of search. Therefore, it's important to ask about the scope of the Background Check to ensure the Survivor receives ALL the information he or she needs. This is crucial because you and the Survivor need to know what information may be returned in order to submit a successful request to block it.*

Any Non-Governmental Organization (NGO) sponsoring, supporting or representing Survivors may contact Abuse Prevention Systems and request a 'Comprehensive Background Check' for trafficking Survivors. See an example of an in-depth Background Check for Jane Smith (fictitious trafficking Survivor) titled 'Background Check Report [Sample].'

Step Two – Obtain A Copy Of The Survivor's Credit Report

To identify negative information that could appear on the Survivor's Credit Report, he or she must request a Credit Check. He or she should obtain Credit Reports from all three bureaus: Equifax, TransUnion, and Experian. He or she may request these individually, or get a free copy of all three reports simultaneously at [AnnualCreditReport.com](https://www.annualcreditreport.com).

Step Three - Help The Survivor Fill Out The Forms

In order to submit the Survivor's request for a block, three forms must be submitted:

1. FCRA Section 605C Consumer Submission
2. FCRA Section 605C Self-Attestation
3. FCRA Section 605C NGO Task Force Affiliation

Form #1. FCRA Section 605C Consumer Submission

Purpose: This is a letter addressed to Background Check providers, in which the Survivor requests the removal of negative criminal and financial records.

Utilizing the information provided by the Comprehensive Background Check and Credit Check, help the Survivor complete this form. Be sure to list ALL information attributable to trafficking (during AND after trafficking), including negative items of credit, criminal and driving records, requesting that these be blocked from appearing on *future* Background Checks.

How to Fill Out the FCRA Section 605C Consumer Submission Form

Step 1. Create the heading of the letter. Include the date, the Survivor's full name, and the Survivor's address. The Survivor's date of birth and social security number are not required, however, providing them will help Background Check providers accurately identify the Survivor and block the negative information requested.

Step 2. Fill out the Financial section using the Survivor's Credit Report. If the Survivor has a bankruptcy, list it under 'Public Record.' Be sure to enter the date of the bankruptcy. If they do not have a bankruptcy, remove this item. The remaining fields are for negative information revealed on the Survivor's Credit Report. List the Creditor (as listed on the Credit Report), Date Reported, and Current Status. *Note: When the Survivor pulls all three Credit Reports, they may have hundreds of pages of information. For easier reading, list the information in three sections, instead of all under one heading.*

Step 3. Fill out the Criminal section using the deep-dive Background Check. List the following details: County, State, Case Numbers, Crime, Offense Level, and Date of Offense. If the Survivor is not sure about any of these details, they may leave those sections blank. If the Survivor does not have the exact date of the offense, they can replace it with the filing date, conviction date, or date of dismissal. The purpose in providing these details is to identify specific case(s) the Survivor wants to be blocked from their Background Check. If they have multiple cases, breaking them down will help speed up the process with Background Check providers.

Step 4. Fill out the Driving Records section. The Survivor's deep-dive Background Check should have their driving record. List any negative items under this section. Examples include: driving suspensions, tickets, etc.

Step 5. Check the box designating the Survivor's preferred method of contact. *Be sure to remove the yellow prompt stating 'select your preferred method.'* The Survivor has the right to request that Background Check providers contact them through a preferred method of communication, which may include you, as his or her representative.

Step 6. Fill out your contact information, as the representative or advocate.

Step 7. Select which proof of identity the Survivor will provide.

Step 8. List trafficking documentation.

Step 9. Update the page numbers if applicable.

Form #2. FCRA Section 605C Self-Attestation

Purpose: The purpose of this document is *Victim Determination*. Survivors are required to provide Background Check providers with trafficking documentation. These may include:

- Documents from a federal, state, local, or tribal governmental entity;
- Documents from a Non-Governmental Organization (NGO) or human trafficking task force, including affiliated Survivor service providers authorized by a federal, state, local, or tribal government entity to identify Survivors of trafficking;
- Court documents with a determination of Survivor status; and/or
- A Self-Attestation Form (SAF) which is completed, signed or certified, and dated by the Survivor and a representative from a governmental entity, court, authorized Non-Governmental Organization or licensed personnel, or human trafficking task force.

Note: If submitting a Self-Attestation form with a NGO signature, a representative of the NGO should fill out the NGO Task Force Affiliation Letter.

How to Fill Out the FCRA Section 605C Self-Attestation Form

Complete the first section of the form with the Survivor's information. For the second section, provide contact information and signature for the Non-Governmental Organization (NGO) or task force confirming that the Survivor is a victim of trafficking. For more information on documentation, contact your local trafficking Task Force or District Attorney's office.

Form #3. FCRA Section 605C NGO Task Force Affiliation

Purpose: The purpose of this document is to legitimize your NGO, which must be authenticated by a local, state, or federal law enforcement or governmental entity.

How to Fill Out the FCRA Section 605C NGO Task Force Affiliation

Complete the first section of the form with the information related to your NGO. In the second section, provide contact information and signature for the local, state, or federal law enforcement or government entity Task Force authenticating your NGO. For the final section, enter a description and/or bio for the Task Force.

With these forms completed, you are ready to submit the Survivor's request.

Step Four - Submit These Forms To The Three Credit Bureaus: Equifax, TransUnion, and Experian

The Survivor should submit his or her documentation to the three Credit Bureaus as *quickly as possible*. This process should be required only ONCE.

NOTE: The Bureaus have 'Sample Letters' on their websites. The Survivor is not required to complete these sample letters; he or she may upload the 'FCRA Section 605C Consumer Submission' completed in Step Three.

For instructions concerning submission of Section 605C documentation to each Credit Bureau, visit their respective websites:

Equifax: <https://www.equifax.com/personal/education/credit/report/articles/-/learn/credit-reporting-human-trafficking>

TransUnion: <https://transunion.com/client-support/factortrust-human-traffic-Survivor-resources>

Experian: <https://www.experian.com/help/assistance-for-Survivors-of-human-trafficking.html>

Under 605C, Background Check providers must comply with the following timeframes:

- **4 business days** - They must **block** adverse information from appearing on the Survivor's Background Check within 4 business days.
- **5 business days** - They must notify the Survivor (or his or her representative) of actions taken and/or attempt to resolve any deficiencies if they are unable to verify proof of identity, Survivor determination, or identify adverse information.

- **25 business days** - Providers have 25 business days after receiving the submission to make a final determination related to the request, or decline to block.
- **5 business days** - After a final determination of the submission, providers have 5 business days to notify the Survivor (or his or her representative) of such a determination.

Step Five - Help The Survivor Submit These Forms To Background Check

Providers *In the Future*

Credit Checks

Each time the Survivor applies for housing, the housing entity will likely run a Credit Check. If Step Four has been accomplished, the Credit Check will not report adverse information; no further action is needed.

Background Checks

Any time the Survivor is required to undergo a Background Check, ask for the **name** and **contact information** for the Background Check provider in order to submit a 'FCRA Section 605C Consumer Submission' and 'Section 605C Self-Attestation Form' *before* the Survivor provides consent for the Background Check. It's crucial to provide Survivor Documentation to the Background Check provider *before* the Background Check is completed, thereby ensuring that the housing entity or potential employer does not gain access to negative information attributable to trafficking. Although the Survivor *may* submit the documentation *after* the Background Check is completed, the negative information may have been viewed by the housing entity or employer.

This process must be completed each time the Survivor consents to a Background Check, so keep this Survivor Documentation easily available.

Once the Background Check provider is identified, search online for the provider's name along with the term 'trafficking.' Alternatively, call them and request information concerning the submission of a Section 605C Request. ***Keep in mind, the Background Check representative may not fully understand the request***, as many providers may not have the process clearly defined. ***Remember, trafficking Survivors have this right under federal law.*** If the provider cannot provide clear guidance, inform them that you are a representative of a Survivor of trafficking and desire to submit trafficking documentation under FCRA section 605C.

After submitting the forms and the Survivor's selected identification to the Background Check provider, complete the application process for housing and/or employment. When the Background Check is completed, all adverse information related to trafficking (as outlined in the 'FCRA Section 605C Consumer Submission') should be blocked from the Survivor's Background Check report.

If for any reason the adverse information is NOT blocked, contact the Consumer Financial Protection Bureau (CFPB) at <https://www.consumerfinance.gov/complaint>. *Section 605C is a section of the Fair Credit Reporting Act (FCRA), a federal law with significant penalties for compliance failures.*