



FCRA Section 605C

Step-by-Step Process For Survivors

Introduction

As a Survivor of human trafficking or sex trafficking, you have RIGHTS.

Under the Fair Credit Reporting Act (FCRA) Section 605C, negative information on your Background Check attributable to trafficking may be BLOCKED from Background Check reports ordered by future employers, volunteer organizations and landlords. You may complete this process yourself, or have an Advocate do so while acting on your behalf.

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

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

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 your Background Check.

1. Obtain a deep-dive Background Check on yourself. ([Click here to learn more.](#))
2. Obtain your Credit Report.
3. Fill out these forms:
 - FCRA Section 605C Consumer Submission
 - FCRA Section 605C Self-Attestation
 - FCRA Section 605C NGO Task Force Affiliation
4. Submit the forms to the three credit bureaus: Equifax, TransUnion, and Experian.
5. Submit these forms to Background Check providers *in the future*.

Step One – Obtain a Deep-Dive Background Check on Yourself

You will need to know what information could possibly show up on your Background Check.

Conducting a **thorough** deep-dive Background Check will help you to 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 your Advocate to make informed decisions concerning the blocking of adverse information within Background Checks *in the future*, given your status as a Survivor of trafficking.

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 you to order a Background Check on yourself. If you 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 you receive ALL the information you need. This is crucial because, as a Survivor of trafficking, you 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 Your Credit Report

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

Step Three - Fill Out Forms

In order to submit a 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 you request the removal of negative criminal and financial records.

Utilizing the information provided by the Comprehensive Background Check and credit check, 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 your letter. Include the date, your full name, and your address. Your date of birth and social security number are not required, however, providing them will help Background Check providers accurately identify you and block the negative information requested.

Step 2. Fill out the Financial section using your credit report. If you have a bankruptcy, list it under 'Public Record.' Be sure to enter the date of the bankruptcy. If you do not have a bankruptcy, remove this item. The remaining fields are for negative information revealed on your Credit report. List the Creditor (as listed on your Credit Report), Date Reported, and Current Status. *Note: When you pull all three Credit Reports, you 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 your deep-dive Background Check. List the following details: County, State, Case Numbers, Crime, Offense Level, and Date of Offense. If you are not sure about any of these details, you may leave those sections blank. If you do not have the exact date of the offense, you 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) you want to be blocked from your Background Check. If you have multiple cases, breaking them down will help speed up the process with Background Check providers.

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

Step 5. Check the box designating your preferred method of contact. *Be sure to remove the yellow prompt stating 'select your preferred method.'* You have the right to request that Background Check providers contact you through your preferred method of communication, which may include you, or your representative.

Step 6. Fill out your advocate or representative's contact information, if applicable. If you are completing these forms by yourself, remove this section.

Step 7. Select which proof of identity you 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*. You 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. For the second section, provide the contact information and signature for the Non-Governmental Organization (NGO) or task force confirming that you are a trafficking Survivor. For more information on documentation, contact your local trafficking Task Force, District Attorney's office, or NGO.

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

Purpose: The purpose of this document is to legitimize the NGO signing your Self-Attestation Form. Your NGO must be endorsed by a law enforcement or government Task Force at the local, state or federal level.

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

Have your NGO complete the first section of the form with relevant information. In the second section, the NGO must provide contact information and signature for the local, state, or federal law enforcement or government entity Task Force. For the final section, the NGO must enter a description of or bio for the Task Force.

With these forms completed, you are ready to submit your request.

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

You should submit your 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. You are not required to complete these sample letters. You 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.*