



## Common Terms & Definitions

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

**CRA: Consumer Reporting Agency.** An organization that 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 individual that he/she will be the subject of a background report.

**EEOC:** Equal Employment Opportunity Commission is a federal agency that administers and enforces civil rights laws against workplace discrimination.

**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.

**FCRA:** The **Fair Credit Reporting Act (FCRA)** is the **act** that regulates the collection of **credit** information and access to your **credit report**. It was passed in 1970 to ensure fairness, accuracy and privacy of the personal information contained in the files of the **credit reporting** agencies

**FTC: Federal Trade Commission.** The government agency responsible for the administration of the FCRA.

**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, etc.

**NAPBS:** National Association of Professional Background Screeners. A nonprofit trade association founded in 2003 to represent the interest of companies offering 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.

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

**PII: 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.

**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.  
[https://s3.amazonaws.com/files.consumerfinance.gov/f/201410\\_cfpb\\_summary\\_remedying-the-effects-of-id-theft-fcra.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/201410_cfpb_summary_remedying-the-effects-of-id-theft-fcra.pdf)

**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.  
<https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf>

**Acquittal:** The person is not guilty of the crime with which the person has been charged.

**Arraignment:** A criminal proceeding at which the defendant is officially called before a court of competent jurisdiction, informed of the offense charged in the complaint, information, indictment, or other charging document, and asked to enter a plea of guilty, not guilty, or as otherwise permitted by law.

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

**Defendant:** An individual, company or institution sued or accused in a court of law.

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

**Dismissal Without Prejudice:** Dismissal without prejudice to the right of the plaintiff to sue again on the same cause of action.

**Dismissal With Prejudice:** Dismissal of a case on merits after adjudication. The plaintiff is barred from bringing an action on the same claim.

**Disposition** – The court’s final determination or adjudication of a criminal charge.

**Disposition Date** – The date of final adjudication – either the date of conviction or the date of dismissal or acquittal.

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

**Felony:** A crime, typically one involving violence, regarded as more serious than a misdemeanor, and usually punishable by imprisonment for more than one year.

**Guilty in Absentia** – Defendant did not appear in court however; the jury has found the defendant guilty.

**Indictment:** A formal charge or accusation of a serious crime.

**Magistrate:** A civil officer or lay judge who administers the law, especially one who conducts a court that deals with minor offenses and holds preliminary hearings for more serious ones.

**Misdemeanor:** Offenses lower than felonies and generally those punishable with monetary fines instead of jail time.

**Nolle Prose:** Non-conviction. Latin for “Not Prosecuted”. This means there was not enough evidence to convicted the defendant so the case was dropped.

**Nolo Contendere:** Conviction. Latin for “No Contest”. The defendant does not accept or deny responsibility to the charges but agrees to accept punishment. The plea differs from a guilty plea because it cannot be used against the defendant in another cause of action.

**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 a case against another in a court of law.

**Prayer for Judgement** – State did not prosecute. Usually seen with worthless checks to give the defendant a chance to pay the check before being charged.

**Prosecute:** To proceed against a person criminally.