

New Year's Watch: CFPB's Model FCRA Forms Take Effect

January 3, 2013

The Consumer Financial Protection Bureau (CFPB), which has taken over the responsibility of interpreting and enforcing the Fair Credit Report Act (FCRA) from the Federal Trade Commission (FTC), recently issued revised model FCRA forms to correct "several typographical or other technical errors" found in the forms it had issued previously. For the revised forms, see [the Summary of Consumer Identity Theft Rights \(Appendix I\); Summary of Consumer Rights \(Appendix K\); Notice of Furnisher Responsibilities \(Appendix M\); Notice of User Responsibilities \(Appendix N\)](#).

The Summary of Consumer Rights and Notice of User Responsibilities are of particular interest to employers who solicit third-party consumer credit reporting agencies to run background check on their applicants and employees. The FCRA requires employers to provide individuals with the Summary of Consumer Rights before taking an adverse action based on the results of a consumer report/investigative consumer report obtained from a third-party consumer credit reporting agency. And the Notice of User Responsibilities sets forth the duties of employers as users of consumer reports/investigative consumer reports under the FCRA.

Beginning with the New Year, employers must stop using the FTC's model forms and start using the CFPB's model forms. Although the CFPB has advised that employers may use the prior (uncorrected) CFPB forms until further notice, it would be best practice to adopt the revised CFPB forms immediately. If you have any questions or concerns regarding the new model CFPB forms or related developments, please contact your Proskauer lawyer or any co-chair of the Employment Law Counseling Practice Group.

For our client alert on the CFPB's prior (uncorrected) model forms, see [New FCRA Forms Take Effect January 1, 2013](#).

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