

Background Checks Fact Sheet

Introduction

Background checks can be done by employers and landlords. Background checks can show both your criminal and financial history. It is important to know your rights when a background check is performed, especially if you have had your criminal records sealed (also called an expungement).

What Should I Do Before a Background Check?

You should always be aware of what your background check will show. You must be informed so that you can correct any information. If the information is not true or incorrect, it may prevent you from getting a job or housing.

Get a Copy of Your Criminal Record

You can ask for a copy of your official criminal record from the State of Arkansas. Find the request form online at acic.org.

Get a Copy of Your Credit Report

You can ask for a copy of your credit report online at annualcreditreport.com.

Keep a Copy of Your Order to Seal

If you have had your record sealed, always keep a copy to show to an employer or a company that does background checks.

What Employers Must Do When Performing a Background Check?

- let you know that they are planning to do a background check and get your permission to do so
- let you know if they choose not to hire you based on your background check
- give you a copy of your rights under the Fair Credit Reporting Act
- show you the background check they received and the contact information of the company that did the background check

An employer cannot have a policy that states that they will deny everyone who has a criminal record.

Local housing authorities must also have procedures for dealing with criminal backgrounds.

What Do I Do . . .

. . . If an Incorrect Background Check Has Been Done?

Tell your employer that the background check contains inaccurate information. You should then contact the company that did the background check and tell them that the background check they did was incorrect. If needed, you should send the company a copy of your official background check or Order to Seal. The company will then have to send the employer a corrected background check.

. . . If I Had a Petition to Seal (Expungement)?

In Arkansas, you may legally state on a job application that you have never been convicted of the crime that you had sealed (or expunged). Certain jobs may still be able to see the record of your conviction even if it has been sealed. Some of these jobs include positions in law enforcement, nursing homes, schools and daycares.

You should always keep a copy of your Order to Seal.

. . . If an Employer or Landlord Has Acted Improperly?

If an employer does not follow proper procedures, you can report them to the Equal Employment Opportunity Commission by calling 1-800-669-4000.

You can file a complaint against a Public Housing Authority with HUD by calling 1-888-560-8913.

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit arlegalservices.org. For information specific to Legal Aid of Arkansas, Inc., visit arlegalaid.org. Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

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