

## UTAH TRANSIT AUTHORITY POLICY

### UTA.05.13

#### **APPLICANT, EMPLOYEE, AND CONTRACTOR BACKGROUND CHECKS AND CONSUMER REPORTS**

1) Purpose

This policy is intended to promote a safe and secure environment for Utah Transit Authority (UTA) Employees, visitors, and customers; to secure UTA assets; to conform to Utah law regarding eligibility for employment with public transit districts; and to conform with federal law regarding background checks and Consumer Reports. This policy affects all UTA Employees and Contractors who work under an agreement with UTA and Applicants for employment with UTA.

2) Definitions

“*Applicant*” means an individual who provides information to UTA for the purposes of obtaining employment as defined in Utah Code). UTA Employees applying for a new employment position with UTA and Contractors who work or seek to work under an agreement with UTA are also considered Applicants.

“*Applicant Information*” means information collected about an Applicant obtained from the Applicant and used by UTA to determine whether the Applicant will be considered for a second review for the position for which the Applicant is applying, including an Applicant’s Identification Number(s), Criminal Conviction information, Criminal History Record, and Consumer Report in alignment with Utah Code.

“*Arrest*” means physical detention in a jail or holding facility of an individual by the police or other person acting under the law in connection with a crime.

“*Bad Debt*” is defined as debt that has been referred for collection, has a balance past due more than 60 days or has been written or Charged off by the creditor. Bad Debt is not considered a risk if it is more than five years old, less than 10% of the salary position, the result of the candidate’s student loan obligations, or incurred through extensive medical care for the candidate or their immediate family or dependents.

“*Charge*” means an accusation of crime by complaint, indictment, or information by a police authority, attorney general, state or federal prosecutor, or grand jury.

“*Consumer Report*” means a report from a credit reporting agency that contains information about an Applicant, Employee, or Contractor’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the Applicant, Employee, or Contractor’s eligibility for employment purposes, to work under an agreement with UTA, or for any other purpose authorized under United States Code. A Consumer Report may include special Consumer Reporting, including reporting of an

Applicant, Employee, or Contractor's overdrafts and unpaid negative balances, unpaid bank fees, check fraud, returned checks, account abuse, or other suspicious financial activity.

"*Contractor*" must mean any individual who works under an agreement with UTA at a UTA facility such as consultants, vendors, and other persons in similar positions, and is not an Employee of UTA.

"*Contractor Information*" means information collected about a Contractor obtained from the Contractor and used by UTA to determine whether the Contractor will be considered for a second review for the position to which the Contractor seeks to work, including the Contractor's Identification Number(s), Criminal Conviction information, Criminal History Record, and Consumer Report, as relevant in alignment with Utah Code.

"*Criminal Conviction*" means a verdict or finding of guilt after a criminal trial or a plea of guilty or nolo contendere (no contest) to a criminal Charge in alignment with Utah Code. Criminal Conviction does not include an expunged Criminal Conviction in alignment with Utah Code.

"*Criminal History Record*" means information obtained from a Fingerprint Background Check, name check, warrant or Arrest information, or information from Utah's Criminal Investigations and Technical Services Division's files. Criminal History Record includes a UTA Court Investigation Report, Utah Courts Xchange search, and Utah Sex Offender Registry search.

"*Employee*" means a person employed by UTA on a full-time or part-time basis. Employee does not mean an independent Contractor, a person working for an agency that provides staffing resources to UTA, or a person hired by a Contractor performing work for UTA.

"*Financially Sensitive Position*" means any of the positions identified in Exhibit 1. Financially Sensitive Positions are a subset of Sensitive Positions.

"*Fingerprint Background Check*" means the submission of fingerprints to the Utah Bureau of Criminal Investigation and Federal Bureau of Investigation in alignment with Utah Code.

"*Identification Number*" means an individual's Social Security number, date of birth, or driver license number.

"*Juvenile Adjudication*" means (a) a finding by a court that the facts in a petition or criminal information alleging an individual committed an offense when the individual was younger than 18 years old have been proved; or (b) an admission or plea of no contest under Utah Code.

"*Management Review*" means a review of an Applicant, Employee, or Contractor's information necessary to assess the suitability of the Applicant, Employee, or Contractor for the position which the Applicant, Employee, or Contractor currently holds or seeks to hold. Management Review may include review of an Applicant, Employee, or Contractor's Arrest, Charge, Criminal Conviction, Criminal History Record, Consumer Report, and Public Financial Records. Management Review will be conducted by the hiring manager or manager, the UTA People

Office, the UTA Labor Relations program (as necessary), or the Office of the Utah Attorney General.

“*Public Financial Records*” means publicly available court documents involving delinquency and bankruptcy filings or lawsuits involving financial misconduct, fraud, breach of fiduciary duty, government sanctions, liens, judgments, or other issues related to the fiscal responsibility of an Applicant, Employee, or Contractor.

“*Sensitive Position*” means a position that (1) is safety-sensitive; (2) may affect the safety or well-being of UTA patrons; (3) may affect the safety or security of the transit buildings, stations, platforms, railways, bus systems, and transit vehicles; (4) handles personally identifiable information, financial information, or other sensitive information including personal health information; (5) works in security-sensitive areas; (6) handles security-sensitive information, including information system technologies; or (7) accesses designated security-sensitive areas as defined in Utah Code.. Financially Sensitive Positions are a subset of Sensitive Positions.

“*Sensitive Position Disqualifying Conviction*” means a Criminal Conviction of (1) a felony under federal or state law within the last 10 years; (2) a violation within the last 10 years of a federal law, state law, or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of an alcoholic beverage; (3) a crime involving moral turpitude; or (4) two or more convictions within the last 10 years for a violation of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug as defined in Utah Code.

### 3) Policy

All Employees or Contractors having regular access to UTA facilities for longer than one month must complete a satisfactory criminal background check to be eligible to work in UTA facilities.

#### A. Applicant, Employee, or Contractor’s Disclosure of Criminal Convictions and Juvenile Adjudications.

1. UTA may require an individual described in Subsection A.(2) below to:
  - a. submit a fingerprint card in a form acceptable to UTA; and
  - b. consent to a Fingerprint Background Check by:
    1. the Utah Bureau of Criminal Identification; and
    2. the Federal Bureau of Investigation.
2. A person must comply with the requirements of Subsection A.(1) if the person:
  - a. is applying for or continuing employment with UTA:
    1. working in a safety-Sensitive Position or other position that may affect:
      - a. the safety or wellbeing of patrons of the public transit district; or
      - b. the safety or security of the transit buildings, stations, platforms, railways, bus systems, and transit vehicles;
    2. handling personally identifiable information, financial information, or other sensitive information including personal health information;
    3. working in security-sensitive areas; or
    4. handling security-sensitive information, including information system technologies; or
    5. is seeking access to designated security-sensitive areas.

3. UTA may use the information obtained in accordance with this section only for one or more of the following purposes:
    - a. to determine whether or not an individual is convicted of:
      1. felony under federal or state law within the last 10 years;
      2. violation within the last 10 years of a federal law, state law, or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of an alcoholic beverage;
      3. crime involving moral turpitude; or
      4. two or more convictions within the last 10 years for a violation of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug;
    - b. to determine whether or not an individual has accurately disclosed the person's criminal history on an application or document filed with UTA;
    - c. to approve or deny an application for employment with UTA; or
    - d. to take disciplinary action against an Employee of the UTA, including possible termination of employment.
  4. A person is not eligible for employment with UTA in a capacity described in Subsection A.(2) if the person has been convicted of any of the offenses described in Subsection A.(3).
- B. UTA may ask an Applicant, Employee, or Contractor about the Applicant, Employee, or Contractor's Criminal Conviction or Juvenile Adjudication history during an initial interview or after an initial interview.
1. UTA may consider an Applicant, Employee, or Contractor Criminal Conviction or Juvenile Adjudication when making a hiring decision.
  2. Request for Employee, Contractor or Applicant Identification Number Per Utah Code  
Prior to extending a conditional job offer to an Applicant or Contractor, UTA may request an Applicant or Contractor's Identification Number(s) only if:
    - a. UTA makes the same request of each Applicant or Contractor applying to the position for which the Applicant is applying;
    - b. UTA requests the information at the time when UTA obtains a Criminal History Record or Consumer Report; and
    - c. UTA follows the below procedures for obtaining consent, as applicable to the type of information UTA requests:
      1. For a Consumer Report, UTA notifies the Applicant or Contractor in writing, separate from the employment application, that UTA will be seeking a Consumer Report from a Consumer Reporting agency, the information UTA intends to obtain, how often UTA intends to obtain such information, and the Applicant consents in writing to UTA's obtaining the Consumer Report as defined in United States code. Forms for such written notice and consent are attached as Exhibits 2 and 3.
      2. For a Criminal History Record, the Applicant, Employee, or Contractor signs a waiver in which UTA notifies the Applicant, Employee, or Contractor that a Criminal History Record (obtained through a Fingerprint Background Check) will be conducted, who will see the information in the Criminal History Record,

and how UTA will use the information in alignment with Utah Code. A form for such release is attached as Exhibit 4.

3. UTA may, at its discretion, require Applicants, Employees, or Contractors to consent to UTA's periodic review of Criminal History Records or Consumer Reports. UTA may use an Applicant, Employee, or Contractor Identification Number(s) only if:
    - a. UTA requests the information at the time when UTA obtains a Criminal History Record or Consumer Report; and
    - b. UTA follows the below procedures for obtaining consent, as applicable to the type of information UTA requests:
      1. For a Consumer Report, UTA notifies the Applicant, Employee, or Contractor in writing that UTA will be seeking a Consumer Report from a Consumer Reporting agency, the information UTA intends to obtain, how often UTA intends to obtain such information, and the Applicant, Employee, or Contractor consents in writing to UTA's obtaining the Consumer Report in alignment with United States Code.. Forms for such written notice and consent are attached as Exhibits 2 and 3.
      2. For a Criminal History Record, the Applicant, Employee, or Contractor signs a waiver in which UTA notifies the Applicant, Employee, or Contractor that a Criminal History Record (obtained through a Fingerprint Background Check) will be conducted, who will see the information in the Criminal History Record, and how UTA will use the information in alignment with Utah Code. A form for such release is attached as Exhibit 4.
  4. If UTA requests an Applicant, Employee, or Contractor Identification Number to obtain a Criminal History Record or a Consumer Report, UTA must request the Criminal History Record or Consumer Report for which the Applicant, Employee, or Contractor Identification Number(s) was sought.
  5. If an Applicant, Employee, or Contractor refuses to consent to UTA's obtaining the Applicant, Employee, or Contractor Criminal History Record or Consumer Report, UTA may refuse to hire the Applicant, Employee, or Contractor or take adverse action against the Applicant, Employee, or Contractor.
  6. Unless an exception exists under Utah or federal law, UTA may not use an Applicant, Employee, or Contractor's Criminal History Record, Consumer Report, or other information about an Applicant, Employee, or Contractor obtained prior to extending a conditional job offer for any purpose other than to determine whether or not UTA will hire the Applicant, Employee, or Contractor.
- C. Applicants, Contractors, and Employees Subject to Fingerprint Background Check
1. UTA may require an Applicant, Employee, or Contractor to:

Consent to a Fingerprint Background Check by:

    - a. Signing a waiver in which UTA notifies the Applicant, Employee, or Contractor that a Fingerprint Background Check will be conducted, who will see the information in the Criminal History Record, and how UTA will use the information in alignment with Utah Code; and

- b. Submitting their fingerprints in a form acceptable to conduct the Fingerprint Background Check.
  2. UTA may only use the information obtained through a Fingerprint Background Check to:
    - a. Determine whether the Applicant, Employee, or Contractor has a Sensitive Position Disqualifying Conviction;
    - b. Determine whether the Applicant, Employee, or Contractor has accurately disclosed their criminal history on an application or document filed with UTA;
    - c. Approve or deny an Applicant, Employee, or Contractor application for employment with UTA; or
    - d. Take disciplinary action against an Employee or Contractor of UTA.
  3. An Applicant, Contractor or Employee is not eligible for employment if the Applicant, Employee, or Contractor has a Sensitive Position Disqualifying Conviction.
- D. UTA Use of Criminal History Records Per Code Utah Code.
  1. If UTA acquires a Criminal History Record for an Applicant, Employee, or Contractor, the information contained in the Criminal History Record may only be:
    - a. Available to individuals involved in the hiring or background investigation of the Applicant, Employee, or Contractor, or as authorized under federal or state law;
    - b. Used for purposes of law, making an employment appointment, selection, or promotion decision; and
    - c. Used for the purposes disclosed in the waiver signed by the Applicant, Employee, or Contractor authorizing UTA's seeking such Criminal History Record
  2. If UTA acquires a Criminal History Record for an Applicant, Employee, or Contractor, UTA must provide the Applicant, Employee, or Contractor that is the subject of the Criminal History Record an opportunity to request a copy of the Criminal History Record, and to respond to and challenge the accuracy of any information received in the Criminal History Record. A form for such communication from UTA is attached as Exhibit 5.
  3. UTA Use of Consumer Reports Per United States Code If UTA receives a Consumer Report and intends to not hire an Applicant, Employee, or Contractor based in any way on the Consumer Report, UTA must notify the Applicant, Employee, or Contractor of this fact in advance of rejecting the Applicant or Contractor. In such notice, UTA must provide the Applicant, Employee, or Contractor:
    - a. A copy of the Consumer Report that UTA intends to rely upon;
    - b. A copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," as published by the Federal Trade Commission or Consumer Financial Protection Bureau and
    - c. An opportunity to explain the information in the Consumer Report.
  4. A form for UTA's disclosure of rejection based on Consumer Report information is attached as Exhibit 5.
  5. If, after such opportunity, UTA adheres to its decision to reject the Applicant, Employee, or Contractor based in any way on the Consumer Report, UTA must:

- a. Notify the Applicant, Employee, or Contractor of its decision in writing, provide the Applicant, Employee, or Contractor with contact information for the credit reporting agency that UTA used, and inform the Applicant, Employee, or Contractor that they have certain rights under the Fair Credit Reporting Act, including the right to dispute the accuracy of the information furnished by the credit reporting agency and to obtain an additional free report from the credit reporting agency within 60 days; and
  - b. Permanently destroy the information obtained via the Consumer Report, including the Consumer Report itself.
- E. UTA Retention, Disposition, Access, and Confidentiality of Applicant, Employee, or Contractor Information
1. In accordance with UTA policy on information security, UTA will classify as private, protected, and, in some cases, controlled, any Applicant, Employee, or Contractor Information, and any records generated as a result of such Applicant, Employee, or Contractor Information. Only UTA Employees who have a direct role in acting on the Applicant, Employee, or Contractor Information, will be permitted access to the Applicant, Employee, or Contractor Information.
  2. Notwithstanding such classification, records that may evidence or relate to a violation of law may be disclosed pursuant to a court-ordered subpoena and to local, state, and federal prosecutors and law enforcement officers upon request without notification to the subject of the record as required by law.
  3. If UTA does not hire the Applicant or Contractor within two years after the day on which Applicant or Contractor Information was provided to UTA, UTA will destroy the Applicant or Contractor Information within the two years.
  4. UTA will provide an Applicant, Employee, or Contractor with an opportunity to review this Retention, Disposition, Access, and Confidentiality of Applicant, Employee, or Contractor Information policy before requiring an Applicant or Contractor to provide their Identification Number(s), in accordance with Utah Code.
- F. UTA Use of Public Financial Records
1. UTA may review Applicant, Employee, or Contractor Public Financial Records as necessary to assess the financial responsibility of such Applicant, Employee, or Contractor.
  2. Management Review of Applicant, Employee, or Contractor Public Financial Records may result in a determination that an Applicant, Employee, or Contractor is not suitable for a Financially Sensitive Position.
- G. Ongoing Reporting
1. Employees or Contractors in Financially Sensitive Positions
    - a. For Employees or Contractors in Financially Sensitive Positions, UTA will obtain a Consumer Report or review Public Financial Records at least annually, or as circumstances may require.

- b. If UTA obtains a Consumer Report, UTA will follow the process outlined in Subpart E to ensure that UTA has authorization to obtain such Consumer Report. An Employee or Contractor in a Financially Sensitive Position may be subject to adverse action, at UTA's discretion, if they refuse to grant authorization for UTA to obtain a Consumer Report.
- c. Employees or Contractors in Financially Sensitive Positions must notify the Chief People Office, either directly or through the Employee's or Contractor's direct manager, within five calendar days of filing for bankruptcy. Upon receipt of such notification, the Chief People Officer will notify the Chief Financial Officer and legal counsel.
- d. An Employee or Contractor holding a Financially Sensitive Position who receives an adverse Consumer Report or whose Public Financial Records indicate Bad Debt or other adverse financial condition must be subject to Management Review. Based on the findings of such Management Review, UTA may take adverse employment actions or implement additional internal controls to mitigate risk to UTA.

#### H. Third Party Background Checks

A third party may perform a Contractor Fingerprint Background Check. The third party must certify that it has completed the Fingerprint Background Check as described in Paragraph 3)A above and must provide a summary of the findings to UTA before a photo ID badge is issued to the Contractor.

#### 4) Review

This policy must be reviewed annually in alignment with Utah Code.

#### 5) Cross-References

- UTA.01.20 Information Security
- Utah Code § 17B-2a-825; Criminal Background Checks Authorized – Employment Eligibility
- Utah Code § 17B-1-802 Review of Personnel Policies
- Utah Code Ann. §63G-2-101 et seq. Government Records Access and Management Act
- Utah Code § 34-46-101, *et seq.*; Employment Procedures Act
- Utah Code § 34-46-203, *et seq.*; Retention of Information Collected During an Initial Selection Process
- Utah Code § 32-52-101, *et seq.*;
- Utah Code § 32-52-102, *et seq.*;
- Utah Code § 53-10-108; Limited Use of Records for Employment Purposes
- 15 U.S.C. § 1681, *et seq.*; Credit Reporting Agencies - Fair Credit Reporting Act
- A Summary of Your Rights Under the Fair Credit Reporting Act,” as published by the Federal Trade Commission or Consumer Financial Protection Bureau
- 41 CFR § 60-1.12 Retention, Disposition, Access, and Confidentiality of Applicant, Employee, or Contractor Information Policy
- Any Active Collective Bargaining Agreement

This policy was reviewed by UTA’s Chief People Officer on 05/29/2026, and approved by the Executive Director on \_\_\_\_\_. This policy takes effect on the latter date.

\_\_\_\_\_  
Jay Fox  
Executive Director

Approved as to form and content:

DocuSigned by:  
*Mike Bell*  
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\_\_\_\_\_  
Counsel for the Authority

**History**

Date	Action	Owner
11/16/2010	Adopted as a corporate policy, superseding SOP HR-350, Contractor Badging and Background Check Process	
	Revised and Renumbered – UTA.05.13 Applicant, Employee, and Contractor Background Checks and Consumer Reports	Chief People Officer
	Board Reviewed – UTA.05.13 Applicant, Employee, and Contractor Background Checks and Consumer Reports	Chief People Officer

**Exhibit 1**  
**Financially Sensitive Positions**

Source: UTA Administration Compensation Structure

<b>Job Code</b>	<b>Job Title</b>
EX1011	Chief Financial Officer
EX1037	Chief People Officer
MG4014	Associate CFO
MG2163	Director of Supply Chain
MG2068	Comptroller
MG2134	Director Total Rewards
MG2145	Fares Director
MG1063	Deputy Comptroller
MG2189	Manager Fare Revenue Ops
PR3182	Assistant Treasurer
MG2190	Mgr of Fare Revenue Equipment
MG2197	Payroll Manager
SU3043	Payroll Supervisor
PR3028	Workers Compensation Admin
SU2019	Accounting Supervisor
SU2034	Cash Office Supervisor
PR2125	Payroll Analyst
TL2034	Revenue Equipment Maint Tech
CL3052	Sr Accounts Payable Coordinator
SP1005	Farebox Revenue Processor
CL2050	Accounts Payable Coordinator
SP1022	Farebox Revenue Receiver
MG1008	Manager of Customer Service

SU1003	Customer Service Supervisor
CS2010	Customer Svc Lead Specialist
CS2013	Sr Customer Focus Specialist
CS2009	Customer Focus Specialist
CS2003	Customer Relations Specialist

**Exhibit 2**  
**Consumer Report Disclosure**

In connection with the position for which you are applying, Utah Transit Authority (“UTA”) will obtain and review my consumer report from a consumer reporting agency.

Consumer reports may be obtained at any time after UTA receives authorization from you, including any time when I am employed by UTA or work as a Contractor with UTA.

Consumer reports include any written, oral, or other communication of information by a consumer reporting agency bearing on your credit standing, character, general reputation, and other personal characteristics that is expected to be used for employment purposes. Consumer reports may include credit reports, criminal records, and driving records, among other resources. A consumer report may also include reporting of overdrafts, unpaid negative balances, unpaid bank fees, check fraud, returned checks, account abuse, or other suspicious financial activity.

A consumer reporting agency will obtain the reports for UTA.

**Exhibit 3**  
**Authorization to Obtain Credit Report**

I understand that due to the job responsibilities associated with my current position or the position for which I am applying, Utah Transit Authority (“UTA”) will obtain and review my consumer report. (Please initial the appropriate release below to allow UTA to obtain your credit report.)

I understand that I have received and read the Consumer Report Disclosure and this Authorization. I certify that I understand the documents I have received. \_\_\_\_\_ (Initials)

I certify that the information provided on this form is true and correct. I understand that any information that I provide in any application for a position at UTA or to work as a Contractor for UTA or that I otherwise disclose to UTA during my employment or work as a Contractor for UTA may be used to obtain consumer reports. \_\_\_\_\_ (Initials)

I hereby authorize law enforcement agencies, public and private schools, federal, state and local agencies and courts, credit bureaus, information bureaus, current and former employers, financial institutions, licensing agencies, governmental agencies, the military, and other individuals and entities to provide any and all information that is requested by a consumer reporting agency or UTA.  
\_\_\_\_\_ (Initials)

**Applicant**

I am an applicant for a position at UTA or to work as a Contractor for UTA. By signing below, I authorize UTA or its authorized agent to obtain and review my consumer report for background investigation purposes as part of the application process. \_\_\_\_\_ (Initials)

In the event I am hired by UTA, or work as a Contractor for UTA, by signing below I authorize UTA or its authorized agent to obtain and review my consumer report for employment background investigation purposes. This release is ongoing and will be valid until I terminate my employment at UTA, move into a position that does not require an annual consumer report review, or revoke this authorization in writing. \_\_\_\_\_ (Initials)

**Current Employee or Contractor**

I am a current UTA Employee or Contractor. By signing below, I authorize UTA or its authorized agent to obtain and review my consumer report for background investigation purposes. This release is on-going and will be valid until I terminate my employment at UTA, terminate my work as a Contractor for UTA, move into a position that does not require periodic consumer report review, or revoke this authorization in writing. \_\_\_\_\_ (Initials)

For identification purposes the following information is required.

\_\_\_\_\_

Print Full Name (First, Middle Last)  
UTA Badge Number

Social Security Number

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Maiden Name(s)/ Other name(s) used for public records  
Month/Day of Birth

---

Street Address/City/Zipcode

---

Date

---

Signature



- I understand that I will be afforded a reasonable amount of time to challenge, update, or correct information on the background check report.

#### FBI Privacy Act Statement

*(Written copy must be provided to all applicants submitting fingerprints for an FBI background check. Also located on the back of the FBI Applicant fingerprint card FD-258)*

*Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.*

*Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.*

*Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.*

*Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.*

*Additional Information: The requesting agency and/or the agency conducting the application investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any system(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).*

**Exhibit 5**  
**Pre-Adverse Action Disclosure**

(Date)

(Applicant, 1, or Contractor Name)

(Address)

(City), (State) (Zip)

Dear (Applicant, employee, or Contractor Name):

A decision is currently pending concerning your application (for employment or to work as a Contractor) at UTA.

*[For consumer reports:* Enclosed for your information is a copy of the consumer report that you authorized in regard to your application for employment or to work as a Contractor at UTA, together with a “Summary of Your Rights Under the Fair Credit Reporting Act.”

If there is any information that is inaccurate or incomplete, you should contact this office as soon as possible so an employment decision on your application may be completed.]

*[For Criminal History Records:* UTA has received the Criminal History Record that you authorized in regard to your application for employment or to work as a Contractor at UTA. You may request a copy of the Criminal History Record and respond to and challenge the accuracy of any information received in the Criminal History Record. If you would like to do so, you should contact this office as soon as possible so a decision on your application may be complete.]

Cordially,

(UTA representative signature)

(UTA representative name)

(UTA representative position title)