



May 20th, 2016

DCJIS
Office of the General Counsel

Ladies & Gentlemen,

Thank you for allowing us the opportunity to submit comments about DCJIS iCORI regulation, and its potential revision. Strategic Information Resources has had a long standing relationship with DCJIS (formerly CHSB) as a consumer reporting agency (CRA) that provides CORI reports to employers and landlords. We typically offer this service in conjunction with numerous other screening services including out of state criminal checks, verification of application information, driving records, and drug testing.

We applaud the department's efforts to explore practical ways to revise its regulation to be less burdensome and complex for businesses in the state. In our view, there are three key areas where CORI should be improved to accomplish this goal.

1. Authorization Forms

DCJIS regulation requires an authorization form to be signed by the subject of the report. Getting advance approval for conducting the check is very important, but the process should be more flexible when the employer is conducting CORI as part of a larger background screen which is regulated by the Fair Credit Reporting Act (FCRA). A primary tenet of the FCRA is that a clear authorization must be signed by the applicant prior to conducting the check. Since the MA CORI authorization so specifically refers to permission for the CORI check, employers and landlords conducting a larger background check must also obtain a signed FCRA authorization form in addition to the MA form.

The CORI regulation would present less of an unnecessary burden and complexity for businesses if a clause was added to section 2.9 waiving the requirement for the CORI authorization to be signed by the applicant, if a substantially similar authorization was signed by the applicant authorizing a criminal check in compliance with the FCRA.

2. Electronic Submission / Identity Verification

The requirements to verify applicant identity using a government issued photo identification present an obstacle for businesses. This requirement also makes it impractical to collect the information electronically from an applicant. DCJIS may not be aware, but many employers and landlords in the Commonwealth rely on technology systems to collect and organize applications and manage the collection of any required paperwork. Through a secure connection, applicants can complete a form electronically, and apply an E-Sign compliant electronic signature.

The proposed new regulation doesn't adequately address this issue because it specifies that if the CORI authorization is completed electronically, the authorization form must also be notarized. It is counter-intuitive to allow the efficient electronic process, but then force the

employer/landlord to complete an onerous notarization process. The notarization requirement undermines any efficiency gained.

DCJIS might want to expand and modernize their view of how identity verification can be accomplished through electronic means. A typical background check performed by a CRA will likely include a verification component that compares the applicant information provided against public record data to confirm identity matching. The regulation should allow for this alternative method in the case of electronic submission because it accomplishes the confirmation, and allows true efficiency for the employer/landlord.

In addition, consider that in lieu of having a CORI registered employer/landlord inspect a government issued photo identification card at the time the authorization form is signed, the regulation could require that approved client to perform the identity validation at some point between the signing of the form, to within 3 days of hiring the employee or renting an apartment. This eliminates complexity and reduces burdens on employers in the Commonwealth when you consider that within three days of hire the Immigration Reform and Control Act of 1986 requires the employer to complete a government issued document inspection in conjunction with the Form i9. It would benefit the landlords as well if they accepted and approved the applicant through an electronic method, and could now conduct an identity verification at lease signing.

3. CRA Record Retention

Currently the regulation only allows a CRA to retain a copy of the CORI information **IF** we are a "decision maker" in the hiring process as defined in the regulation. This is problematic because the statute of limitation for a CRA to legally defend what they have reported to a client extends many years. The regulation is at odds with this section of the FCRA, and should be revised to allow a CRA to securely retain copies of reports in conjunction with these requirements. Maybe 11.8 (4) of the CRA regulation could be revised as follows:

- Each CRA who ~~acts as a decision maker~~ has been authorized by a client to request CORI on its behalf may retain such CORI for a period of not longer than seven years from the date it was obtained.

On behalf of Strategic Information Resources, and our clients, we would like to thank DCJIS for allowing us an opportunity to share feedback and recommendations that would improve the iCORI process, while reducing the burden and complexity of regulation within the Commonwealth.

Sincerely,



John McTighe
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