

Fair Credit Reporting Act (FCRA)	<ul style="list-style-type: none">• Regulates the collection, distribution, and use of consumer information, including credit reports• Requires employers to obtain written consent before conducting a background check.• Ensures that employers comply with credible CRAs and know FCRA regulations.
Equal Employment Opportunity Laws (EEO)	<ul style="list-style-type: none">• Prohibits workplace discrimination based on race, sex, religion, disability, and other protected grounds.• Ensures employers conduct background checks fairly and do not use the information for discriminatory purposes.
Title VII of the Civil Rights Act	<ul style="list-style-type: none">• Prohibits discrimination based on race, ethnicity, sex, or religion.• Covers public and private employees applying to workplaces with at least 15 employees.• Examines disparate impact and treatment in background checks.
Fair Chance to Compete for Jobs Act of 2019 (Fair Chance Act)	<ul style="list-style-type: none">• Prohibits federal agencies and employers with civilian or defense contracts from asking about criminal records before making conditional job offers.• Exceptions include jobs requiring security clearances, law enforcement duties, national security positions, and positions where employers are required to consider criminal history information by law.
Investigative Consumer Reporting Agencies Act (ICRAA)	<ul style="list-style-type: none">• Regulates background reports employers and landlords use to make employment and rental decisions.• Requires landlords to inform and obtain consent from applicants before conducting a background check.
Consumer Credit Reporting Agencies Act (CCRAA)	<ul style="list-style-type: none">• Similar to ICRAA but focuses more on credit reports.• Imposes specific requirements for employers when accessing credit information.
California Information Privacy Act (CIPA)	<ul style="list-style-type: none">• Requires employers to issue a "clear and conspicuous" notice explaining the scope of the background check.• Employees can choose to receive the results if their employers handle their checks.

<p>CA Labor Code 432.7</p>	<ul style="list-style-type: none"> • Prohibits employers from inquiring about certain aspects of a job applicant's criminal history, including dismissed or sealed convictions, pre-trial or post-trial diversion programs, and non-conviction criminal charges.
<p>Americans with Disabilities Act (ADA)</p>	<ul style="list-style-type: none"> • Safeguards individuals with disabilities by ensuring equal access to employment opportunities. • Prohibits employers from discriminating against job applicants based on their disability.
<p>National Child Protection Act of 1993</p>	<ul style="list-style-type: none"> • Requires criminal background checks for jobs involving child or elder care.
<p>Sarbanes-Oxley Act of 2002</p>	<ul style="list-style-type: none"> • Certain employees' backgrounds could be considered risk factors if the company gets into trouble. • Requires publicly traded companies to prepare an "internal control assessment" of their financial reporting compliance.
<p>Federal Trade Commission's Disposal Rule</p>	<ul style="list-style-type: none"> • Certain employees' backgrounds could be considered risk factors if the company gets into trouble. • Requires publicly traded companies to prepare an "internal control assessment" of their financial reporting compliance.

Sources:

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- <https://www.usemultiplier.com/united-states/background-checks>
- <https://www.veremark.com/blog/background-checks-done-in-the-united-states-what-you-need-to-know>
- <https://www.justia.com/consumer/consumer-protection-law/employment-background-checks/>
- <https://www.accurate.com/blog/5-important-laws-that-govern-employee-background-checks/>
- <https://societyinsurance.com/blog/legal-considerations-for-employee-background-checks/>
- <https://consumer.ftc.gov/articles/employer-background-checks-your-rights>
- <https://www.eeoc.gov/laws/guidance/background-checks-what-employers-need-know>

Rehabilitation of Offenders Act 1974 (ROA)	<ul style="list-style-type: none">• This act aims to help ex-offenders find employment by making certain convictions "spent" after a set period. Employers are only allowed to ask about unspent convictions for employment purposes unless the position is included in the "Exceptions Order" from the Police Act 1997.
Police Act 1997	<ul style="list-style-type: none">• This act includes the "Exceptions Order" that allows employers to ask about spent convictions for specific positions.
Data Protection Act 2018	<ul style="list-style-type: none">• This act lays out restrictions for handling personal data, ensuring it is used fairly, for specific purposes, and not kept longer than necessary.
General Data Protection Regulation (GDPR)	<ul style="list-style-type: none">• Although the UK withdrew from the EU, it still followed GDPR guidelines until the end of the transition period on December 31, 2020. The UK has since passed its own version of the law.
Employment Background Check Act 2008	<ul style="list-style-type: none">• This act requires employers to conduct background checks on staff before hiring them. These checks can include criminal records, credit checks, and employment references.
Corporate Manslaughter and Corporate Homicide Act 2007	<ul style="list-style-type: none">• This act requires employers to conduct DVLA checks for roles where employees will be driving on company time.
Police National Computer (PNC)	<ul style="list-style-type: none">• This computer houses records used for Basic Disclosure, which provides details of unspent convictions.

<p>Disclosure and Barring Service (DBS)</p>	<ul style="list-style-type: none"> • This service is used for Standard and Enhanced Disclosure checks, which report spent and unspent convictions, as well as other relevant information.
<p>Right to Work Act</p>	<ul style="list-style-type: none"> • This act ensures that employers verify an applicant's right to work in the UK, which is a legal requirement for all applicants.
<p>Data Protection and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019</p>	<ul style="list-style-type: none"> • This regulation ensures that data protection laws are maintained after the UK's withdrawal from the EU.

Sources:

- <https://infocubic.com/employment-screening/the-nitty-gritty-on-uk-background-checks.html>
- <https://www.rippling.com/blog/employment-background-check-in-united-kingdom>
- <https://factorialhr.co.uk/blog/employee-background-checks/>
- <https://www.veremark.com/blog/a-guide-to-the-different-types-of-employment-background-checks-in-uk>
- <https://www.usemultiplier.com/united-kingdom/background-checks>

<p>Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011</p>	<ul style="list-style-type: none">• Requires employers to obtain written consent from job applicants before conducting background checks.• Ensures that employers handle and process sensitive personal information in compliance with the rules.• Mandates that employers maintain the confidentiality and security of personal information obtained during background verifications.
<p>Sensitive Personal Data or Information (SPDI) Rules</p>	<ul style="list-style-type: none">• Mandates that any "sensitive personal data or information" collected with the consent of the information provider should only be retained for as long as necessary for the purposes for which the information may lawfully be used.• Ensures that employers remove or delete "sensitive personal data or information" of unsuccessful candidates from their databases after a reasonable retention period.
<p>Digital Personal Data Protection Bill, 2022</p>	<ul style="list-style-type: none">• Emphasizes the importance of obtaining clear and informed consent from the data principal (the individual whose data is being processed).• Mandates that data fiduciaries (the entity conducting the background verification) provide an itemized notice in clear and plain language to the data principal containing a description of the personal data collected and the purpose for which it is being processed.• Requires data fiduciaries and data processors to take reasonable security safeguards to prevent any personal data breach, irrespective of any agreement to the contrary or non-compliance by the data principal.

Personal Data Protection Bill, 2022

- Expected to make the process of background verification more transparent.
- Will likely provide more comprehensive guidelines for handling and processing personal data during background checks.

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- <https://www.rippling.com/blog/employment-background-check-in-india>
- <https://www.calibehr.com/blog/employee-background-verification>
- <https://www.deel.com/blog/employee-background-check-india>

<p>Data Privacy Act of 2012 (Republic Act No. 10173)</p>	<ul style="list-style-type: none">• Regulates the protection of personal data, including data gathered during background checks.• Requires employers to obtain informed consent from job applicants before collecting or processing personal information.• Ensures data security and fair practices in the collection, use, and disclosure of personal data.
<p>Philippine Labor Code</p>	<ul style="list-style-type: none">• Allows employers to request information relevant to the job position, including criminal record checks, education verification, and employment history checks.• Requires employers to obtain informed consent from job applicants before conducting background checks that reveal personal information.
<p>Philippine Constitution</p>	<ul style="list-style-type: none">• Prohibits discriminatory background checks based on protected characteristics like race, color, sex, age, religion, political opinion, national or ethnic origin, marital status, or physical disability.
<p>National Privacy Commission</p>	<ul style="list-style-type: none">• Implements the Data Privacy Act and investigates complaints and monitors compliance.• Ensures that personal information collected by organizations and individuals is protected and fair practices are established with regard to notification, consent, access, and correction of personal data.

<p>Philippine Civil Code</p>	<ul style="list-style-type: none"> • Regulates the processing of personal information and ensures that it is used only for legitimate purposes. • Requires employers to handle personal information securely and maintain confidentiality.
<p>Philippine Criminal Code</p>	<ul style="list-style-type: none"> • Regulates the collection and use of criminal records. • Ensures that criminal records are only used for legitimate purposes and that they are not used to discriminate against job applicants.
<p>Philippine Education Act</p>	<ul style="list-style-type: none"> • Regulates the verification of educational qualifications. • Ensures that educational institutions verify the authenticity of degrees and certifications earned.
<p>Philippine Employment Act</p>	<ul style="list-style-type: none"> • Regulates the verification of employment history. • Ensures that employers verify the employment history of job applicants and that they are not used to discriminate against them.
<p>Philippine Labor Standards Act</p>	<ul style="list-style-type: none"> • Regulates the working conditions and employment standards in the Philippines. • Ensures that employers comply with labor standards and that they do not discriminate against job applicants based on their employment history.

Sources:

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- <https://www.deel.com/blog/employee-background-check-philippines>
- <https://www.veremark.com/blog/everything-you-need-to-know-about-background-checks-in-the-philippines>
- <https://www.veremark.com/blog/how-to-perform-background-checks-in-the-philippines-for-key-application-documents>
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- <https://www.namria.gov.ph/Kiosk/7290094.html>

<p>Personal Data Protection Act 2012 (PDPA)</p>	<ul style="list-style-type: none">• Consent - Collect, use, or disclose personal data only with the applicant's informed consent.• Purpose limitation - Collect, use, or disclose personal data only for reasonably appropriate uses or circumstances.• Notification - Inform the applicant why and how personal data is collected, used, or disclosed.• Access and correction - Allow the applicant to access and correct their personal data.• Accuracy - Ensure personal data is accurate and complete if used as the basis for a decision.• Protection - Prevent unauthorized access, collection, use, disclosure, etc., of personal data.• Retention limitation - Retain personal data only as long as necessary for legal or business purposes.• Transfer limitation - Do not transfer personal data outside of Singapore unless certain conditions are met.• Openness - Develop and implement policies and practices that meet PDPA requirements, and make the details of such policies available.
<p>Registration of Criminal Act, Chapter 268</p>	<ul style="list-style-type: none">• Ensure access to criminal records is controlled by the Singapore Police Force.
<p>Monetary Authority of Singapore (MAS)</p>	<ul style="list-style-type: none">• Ensure that applicants for regulated activities are fit and proper.

Ministry of Manpower (MOM)	<ul style="list-style-type: none">• Require verification proofs for work pass applications to be obtained from accredited platforms.
Singapore Police Force (SPF)	<ul style="list-style-type: none">• Issue a Certificate of Clearance (COC) for criminal background checks.

Sources:

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- <https://zincwork.com/global-background-checks/singapore>

<p>Working with Children Check (WWCC)</p>	<ul style="list-style-type: none">• Mandatory for employees in education, childcare, healthcare, and other fields where workers regularly interact with minors.• Compulsory under the Child Protection (Working with Children) Act 2012 <p>Other Details</p> <p>All Australian states and territories have a 'crime-free period' that prohibits the disclosure of criminal history after 10 years (provided there have been no other offences since).</p>
<p>National Police Checks</p>	<ul style="list-style-type: none">• Conducted by the Australian Federal Police (AFP) or accredited providers.• Reveals potential employees' past criminal history.• Used for employment or licensing purposes. <p>Other Details</p> <p>Background checks need to comply with Australian anti-discrimination laws, which means not screening for protected attributes like race, religion, and disability.</p>
<p>Nationally Coordinated Criminal History Check</p>	<ul style="list-style-type: none">• Conducted by the Australian Criminal Intelligence Commission (ACIC). <p>Other Details</p> <p>Employers also need to ensure they're complying with the Australian Privacy Act. This means background checks should only collect information relevant to assess an employee's suitability for a job (and not gather any sensitive personal information). Additionally, you have to ensure you don't share the information with third parties uninvolved in your company's hiring process.</p>

Employment History Checks	<ul style="list-style-type: none"> Reveals disclosable charges and convictions.
Reference Checks	<ul style="list-style-type: none"> Contact references provided by the candidate to verify job performance in previous employment.
Work Authorization Checks	<ul style="list-style-type: none"> Use Visa Entitlement Verification Online (VEVO) checks to verify whether a new hire is legally allowed to work in the country.
Education History Checks	<ul style="list-style-type: none"> Only applicable for foreign employees, not Australian citizens.
Credit Reports	<ul style="list-style-type: none"> Mandatory for employees working in finance to verify credit history and outstanding debts.
Social Media Checks	<ul style="list-style-type: none"> Less common in other fields but can be used to confirm a new hire's identity.
Medical Records	<ul style="list-style-type: none"> Employers cannot discriminate or deny anyone a job based on medical information.
Civil Checks	<ul style="list-style-type: none"> However, if a new hire requests adjustments or accommodations based on a disability or medical condition, employers can request a doctor's note.
Privacy Laws	<ul style="list-style-type: none"> Australia's Privacy Act outlaws the excessive collection, use, and disclosure of sensitive personal information.
Anti-Discrimination Laws	<ul style="list-style-type: none"> Employers must only collect necessary information, obtain informed consent, protect personal information, and maintain confidentiality.
Crime-Free Period	<ul style="list-style-type: none"> All Australian states and territories have a "crime-free period" that prohibits employers from asking about or considering criminal convictions more than 10 years old

Sources:

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