



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Social Media: Fair Credit Reporting Act

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Social Media: Fair Credit Reporting Act

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An applicant may claim to have legal causes of action if he or she has been turned down for a job as a result of online information. Pursuant to certain provisions of the Fair Credit Reporting Act (hereinafter "FCRA"), an invasion of privacy lawsuit could be established and some experts suggest social networking sites themselves may be vulnerable to lawsuits under the FCRA. Employers should provide a written notice that explains your city may obtain a consumer report for employment purposes. Employers are also required by the FCRA to obtain the applicant's signature before performing a background check and releasing the information. This signature should be on a stand-alone FCRA notice and acknowledgement. A job application is not considered sufficient notice under the FCRA. If an adverse employment decision is made based on information discovered through a background check, the applicant should be notified as described in FCRA regulations.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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