

Consent required to run background checks on internal applicants?

Q. We are considering applicants for a management position, including several internal applicants. Our policy is to obtain background checks on all candidates from a consumer reporting agency. If the internal applicants signed consent forms when we originally hired them, do we need to get new consent forms from them? — J.P.

A. It depends. If the original consent forms the internal applicants signed when they initially applied for employment specifically state that you may obtain consumer reports on them *for employment purposes other than the original hiring decision*, then they are likely sufficient to permit you to obtain new reports without the need to get new consent forms.

If you have any concerns about the sufficiency of the original consents, however, you should go ahead and obtain new ones. The employees are motivated to cooperate, since the reports are necessary for you to consider their applications for the promotion. You can stipulate that internal candidates who decline consent will be disqualified from further consideration for the position.