

# Amerisearch Background Alliance Privacy Policy

**EFFECTIVE DATE: 03/28/2019**

Amerisearch Background Alliance hereafter known as “Amerisearch” respects individual privacy and values the confidence of its customers, employees, consumers, business partners and others. Not only does Amerisearch collect, use and disclose personal information in a manner consistent with the laws of the countries in which it does business, but it also has a tradition of upholding the highest ethical standards in its business practices governed under the rules of the FCRA and upheld by the Consumer reporting agency (C.R.A). This Privacy Shield Policy (the “Policy”) sets forth the privacy principles Amerisearch follows with respect to transfers of personal information from the European Economic Area (EEA) (which includes the twenty-seven member states of the European Union (EU) plus Iceland, Liechtenstein and Norway) and from Switzerland to the United States.

The United States Federal Trade Commission (FTC) is the enforcement authority with jurisdiction over this compliance with the Privacy Shield

## **EU-US/SWISS-US Privacy Shield Frameworks**

Amerisearch Background Alliance complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States, respectively. Amerisearch Background Alliance has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>

In compliance with the EU-US and Swiss-US Privacy Shield Principles, Amerisearch Background Alliance commits to resolve complaints about your privacy and our collection or use of your personal information. European Union & or Swiss individuals with inquiries or complaints regarding this privacy policy should first contact Amerisearch at:

[www.amerisearchbga.com](http://www.amerisearchbga.com)

Att. Michael Brown VP Compliance

E-mail :[mikeb@amerisearchga.com](mailto:mikeb@amerisearchga.com)

Ph: 800-569-6133

Mail to: Amerisearch Background Alliance

Att: Michael K Brown VP Compliance

2529 South Ridge Rd E

Ashtabula Ohio 44004

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Amerisearch Background Alliance has further committed to refer unresolved privacy complaints under the EU-US and Swiss-US Privacy Shield Principles to an independent dispute resolution mechanism, the JAMS- EU/Swiss PRIVACY SHIELD, operated by the JAMS. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit:

<https://www.jamsadr.com/file-an-eu-us-privacy-shield-claim> for more information and to file a complaint.

## SCOPE

This Privacy Shield Policy (the “Policy”) applies to all personal information received by Amerisearch in the United States from the (EU) and from Switzerland, in any format, including electronic, paper or verbal.

## DEFINITIONS

For purposes of this Policy, the following definitions shall apply:

“**Agent**” means any third party that collects or uses personal information, under the instructions of, and solely for, Amerisearch and its clients to which Amerisearch discloses personal information for use of its clients for employment purposes only.

“**Amerisearch**” means Amerisearch Background Alliance, its predecessors, successors, subsidiaries, divisions and groups in the United States.

“**Personal information**” means any information or set of information that identifies or could be used by Amerisearch on behalf of its clients to identify an individual including but not limited to name, mail or email address, biometric data, or any other relevant information. Personal information does not include information that is encoded or anonymized, or publicly available information that has not been combined with non-public personal information.

**“Sensitive personal information”** means personal information that reveals race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, views or activities, that concerns health or sex life, information about social security benefits, or information on criminal or administrative proceedings and sanctions other than in the context of pending proceedings. In addition, Amerisearch will treat as sensitive personal information any information received from a third party where that third party treats and identifies the information as sensitive.

## **PRIVACY PRINCIPLES**

**Commitment:** Amerisearch background Alliance commits to cooperate with EU data protection authorities (DPAs) and the Swiss Federal Data Protection and Information Commissioner (FDPIC) and comply with the advice given by such authorities with regard to human resources data transferred from the EU and Switzerland in the context of the employment relationship.

**NOTICE:** Where Amerisearch collects personal information directly from individuals in the (EU) and or Switzerland, it will inform them about the purposes for which it collects and uses personal information about them, the types of non-agent third parties to which Amerisearch discloses that information, the choices and means, if any, Amerisearch offers individuals for limiting the use and disclosure of personal information about them, and how to contact Amerisearch. A sign release will be provided in clear and conspicuous language when individuals are first asked to provide personal information to Amerisearch, or as soon as practicable thereafter, and in any event before Amerisearch uses. Amerisearch will never use collected information for purposes other what is disclosed in the release

Where Amerisearch receives personal information from its subsidiaries, affiliates or other entities in the (EU) or Switzerland , it will use and disclose such information in accordance with the notices provided by such entities and the choices made by the individuals to whom such” personal information relates”.

**CHOICE:** Amerisearch will offer individuals the opportunity to choose (opt-out) whether their personal information is to be disclosed to our clients for employment purposes only. The applicant will be notified immediately upon this decision that this may jeopardize their opportunity for employment with an Amerisearch client. However, Amerisearch Background Alliance and or its affiliates do not recommend or make any determination in regards to its client’s decision. Should the client’s decision be adverse, thereby negatively affect the applicant’s opportunity for employment with an Amerisearch client, Amerisearch will in accordance with FCRA rules; provide individuals with Pre-adverse and Adverse action letters along with copies of their report. These documents will provide precise instructions to allow the applicant exercise the process of disputing any information they believe to be incorrect.

At the time data is collected, the applicant must affirmatively opt in to allow Amerisearch to disclose or use sensitive information, including data related to health, racial or ethnic origin, political and religious opinions, trade union membership, or information revealing an individual’s sex life.

**ACCOUNTABILITY FOR ONWARD TRANSFER AND TRANSFERS TO AGENTS:**

Amerisearch will obtain legally adequate assurances from its agents that they will safeguard personal information consistent with this Policy. Examples of appropriate assurances that may be provided by agents include: a contract obligating the agent to provide at least the same level of protection as is required by the relevant Privacy Shield Principles, being subject to EU Directive 95/46/EC (the EU Data Protection Directive), being subject to Swiss Federal Act on Data Protection, Privacy Shield certification by the agent, or being subject to another European Commission or Swiss FDPIC adequacy finding (e.g., companies located in Canada). Where Amerisearch has knowledge that an agent is using or disclosing personal information in a manner contrary to this Policy, Amerisearch will take reasonable and appropriate steps to prevent or stop the use or disclosure. All Agents, partners, colleges and employees are required to read, adopt and comply with all principals' outlines in the Privacy Shield Documents. Amerisearch may be liable, if it knowingly transfers appropriate onward personal data to third parties or agents, who Amerisearch is aware of, or has been made aware of, failing to follow any of these 13 required principals

**SECURITY:** Amerisearch will take reasonable and appropriate precautions to protect personal information in its possession from loss, misuse and unauthorized access, disclosure, alteration and destruction.

**DATA INTEGRITY AND PURPOSE LIMITATION:** Amerisearch will collect and use personal information only in ways that are relevant and compatible with the FCRA purposes for which it was collected or subsequently authorized by the individual. Amerisearch will take reasonable steps to ensure that personal information is reliable and relevant to its intended use, accurate, complete, and current.

Adherence by Amerisearch to these Privacy Shield Principles may be limited (a) to the extent required to respond to a legal or ethical obligation; (b) to the extent necessary to meet national security, public interest or law enforcement obligations; and (c) to the extent expressly permitted by an applicable law, rule or regulation. Please be aware that Amerisearch may be required to disclose an individual's personal information in response to a lawful request by Government / public authorities, including meeting national security or law enforcement requirements.

**ACCESS AND CORRECTION:** Amerisearch recognizes that individuals have the right to access personal information about them that Amerisearch holds for the purpose of correcting, reviewing or deleting it. In order to do so, individuals may contact Michael Brown VP Compliance by mail at:

Amerisearch Background Alliance  
2529 South Ridge Rd  
E Ashtabula Ohio  
44004

or

E-mail to: [mikeb@americanbga.com](mailto:mikeb@americanbga.com)

**RECOURSE, ENFORCEMENT AND LIABILITY:** Amerisearch will conduct compliance audits of its relevant privacy practices to verify adherence to this Policy. Any employee, partner, agent, colleague that Amerisearch determines is in violation of this policy will be subject to disciplinary action up to and including termination of employment, agreements or contracts between that party and Amerisearch. Amerisearch may be liable, if it knowingly transfers appropriate onward personal data to third parties or agents, employee, colleague or partner who Amerisearch is aware of, or has been made aware of, failing to follow any of these 13 required principals.

**DISPUTE RESOLUTION:** Any questions or concerns regarding the use or disclosure of personal information should be directed to the Amerisearch Office at the address given below. Amerisearch will investigate and attempt to resolve complaints and disputes regarding use and disclosure of personal information by reference to the principles contained in this Policy. For complaints that cannot be resolved between Amerisearch and the complainant, Amerisearch has agreed to participate in the following dispute resolution procedures in the investigation and resolution of complaints to resolve disputes pursuant to the Privacy Shield Principles:

1. For disputes involving employment-related personal information received by Amerisearch from the EU and or Switzerland, Amerisearch has agreed to cooperate with the data protection authorities in the EU and or Switzerland and to participate in the dispute resolution procedures of the panel established by the European or Swiss data protection authorities;
2. For disputes involving all other personal information received by Amerisearch from the EU, Amerisearch has agreed to JAMS dispute resolution. Individuals who submit a question or concern to Amerisearch and who do not receive acknowledgment from Amerisearch of the inquiry or who think their question or concern has not been satisfactorily addressed should then contact the JAMS Privacy Shield Dispute Resolution Program on the Internet or by mail. Inquiries by mail should identify Amerisearch as the company to which a concern or question has been submitted, and include a description of the privacy concern, the name of the individual submitting the inquiry, and whether JAMS may share the details of the inquiry with Amerisearch. JAMS will act as a liaison to Amerisearch to resolve these disputes;
3. For all disputes involving personal information received by Amerisearch from Switzerland, Amerisearch has agreed to JAMS dispute resolution.
4. For information about JAMS or the operation of JAMS dispute resolution process, contact [PrivacyShield@jamsadr.com](mailto:PrivacyShield@jamsadr.com) or request this information from JAMS, by mail using the contact information listed below. The JAMS dispute resolution process shall be conducted in

English@ <https://www.jamsadr.com/file-an-eu-us-privacy-shield-claim>

- b. Mail: JAMS.  
3800 Howard Hughes Parkway 11<sup>th</sup> Floor.  
Las Vegas NV  
891695.

Alternatively under certain conditions the possibility exists for the individual to invoke a request for binding arbitration complaints regarding Privacy Shield compliance not resolved by any of the other Privacy Shield mechanisms. (See “Binding Arbitration Conditions”)

## **BINDING ARBITRATIONS CONDITIONS**

An individual who decides to invoke this arbitration option must take the following steps prior to initiating an arbitration claim: (1) raise the claimed violation directly with the organization and afford the organization an opportunity to resolve the issue within the timeframe set forth in Section III.11(d)(i) of the Principles; (2) make use of the independent recourse mechanism under the Principles, which is at no cost to the individual; and (3) raise the issue through their Data Protection Authority to the Department of Commerce and afford the Department of Commerce an opportunity to use best efforts to resolve the issue within the timeframes set forth in the Letter from the International Trade Administration of the Department of Commerce, at no cost to the individual. This arbitration option may not be invoked if the individual’s same claimed violation of the Principles (1) has previously been subject to binding arbitration; (2) was the subject of a final judgment entered in a court action to which the individual was a party; or (3) was previously settled by the parties. For more information go to the following link:

<https://www.privacyshield.gov/article?id=ANNEX-I-introduction>

## **INTERNET PRIVACY**

Amerisearch sees the Internet and the use of other technology as valuable tools to communicate and interact with consumers, employees, healthcare professionals, business partners, and others. Amerisearch recognizes the importance of maintaining the privacy of information collected online and has created a specific Internet Privacy Policy (the "IPP") governing the treatment of personal information collected through web sites that it operates. With respect to personal information that is transferred from the European Economic Area or Switzerland to the U.S., the IPP is subordinate to this Policy. However, the IPP also reflects additional legal requirements and evolving standards with respect to Internet privacy. Amerisearch Internet Privacy Policy can be found at <http://www.Amerisearchbga.com>

## **DATA PRIVACY NOTICE**

With respect to your perspective employer outlined it the background request and hereafter referred to as the (“Company”). The “Company”, may obtain information about you to verify and investigate your background for pre-employment or employment purposes from third parties, including Amerisearch Background Alliance Ashtabula Ohio 800-569-6133 (“Reporting Agency”) and Owens OnLine LLC, 3802 Ehrlich Road, Suite 307, Tampa, FL 33624, USA or their representative Owens Europe GmbH, Medipark 1, D-83088 Kiefersfelden, Germany (collectively “Owens”).

Information you have or will supply, may be disclosed to third parties including agents or vendors of the above named entities, law enforcement agencies, state or federal agencies, courts, institutions, schools or universities (public or private), information service bureaus, employers, employees or insurance companies to verify and investigate your background. In accordance with the host nation's laws and the laws applicable to you depending on your location regarding the release of information, you understand that information may be transmitted from any country to the above listed parties located in any country, including

countries outside the EU that have a different level of data protection or inadequate data protection laws as defined by the European Commission than your country of residence.

Reporting Agency and/or by contacting Owens in writing or by e-mail at the addresses listed on [www.owens.com/contact-us](http://www.owens.com/contact-us). If choosing to withdraw your consent your background check, if still in progress, will not be completed. This may affect Company's decision related to the purpose in which the background check was requested

## **CONTACT INFORMATION**

Questions or comments regarding this Policy should be submitted to the Amerisearch Background Alliance by mail to:

Amerisearch Background Alliance  
2529 South Ridge Rd  
E Ashtabula Ohio  
44004

or

e-mail to [mikeb@americanbga.com](mailto:mikeb@americanbga.com)

## **CHANGES TO THIS PRIVACY SHIELD POLICY**

This Policy may be amended from time to time, consistent with the requirements of the Privacy Shield Principles. A notice will be posted on the Amerisearch web page ([www.Amerisearchbga.com](http://www.Amerisearchbga.com)) for 60 days whenever this Privacy Shield Policy is changed in a material way.