



PRRN Code of Public Record Retriever Standards

The Public Record Retriever Network (PRRN) has set as part of its mission a goal of establishing industry standards for public record retrieval. These standards will apply to all members within the part of the industry they serve.

1. Definitions

In order to establish standards, it is first necessary to make certain that all retrievers are using a common language. The industry segments for the purpose of this Code of Standards are defined as follows:

Public Record Retriever (PRR)—PRRs search specific requested categories of public records, usually in order to obtain documentation for legal compliance, lending, hiring, screening, or litigation support. The retriever or his/her personnel goes directly to the agency to look up the information. A retriever may be relied upon for strong knowledge in a local area, whereas a search generalist has a breadth of knowledge and experience in a wider geographic range.

PRRs do not review or interpret the results or issue reports in the sense that investigators or CRA's do. Instead PRRs return copies of documents if requested, and/or report the findings of their searches. A search will usually involve some form of manual intervention, which may include on-site access to a courthouse or other government agency, but which may be automated to some extent, such as access to PACER or another agency with direct access web-based indexes.

Beyond the local coverage of most PRRs, **Retriever Companies** are a type of PRR that offers record retrieval services on a state, regional or a national basis. **Retriever Companies** use a network of retrievers and/or correspondents. When the term PRR is used in this document, the term is also meant to include Retriever Companies. When a local PRR is hired by another PRR or Retriever Company, the PRR may also be known as an **Independent Contractor**.

Retail Screening Companies—Companies that provide background checks use public records and other information to prepare an overall report about a subject for an end-user (e.g. employer or property owner). When a Screening Company performs services for employers or property owners, the Screening Company must comply with the **Federal Fair Credit Reporting Act (FCRA)**, under which the Screening Company is considered to be a **Consumer Reporting Agency (CRA)**.

There are several types of Screening Companies. The two with which we are primarily concerned are:

Employment Screener—Provides applicant and employee background screening services to employers.

Tenant Screener—Provides tenant background screening services to property owners.

It is the responsibility of the Retail Screening Company to Review the Results of public record research to determine what is Reportable to the End-User.

Retail Search Firms—These Search Firms furnish public records to a variety of clients as an intermediary, or to end-users. Search firms obtain public records from numerous sources including Wholesale Distributors and Gateways (see below), government sources, PRRs, and other search firms.

Wholesale Distributors—Are automated public record firms who combine public sources of bulk data and/or provide online access to supply information to retail Screening Companies. Examples include:

Primary Distributors collect or buy public record information from its original source and reformat the information in some useful way, usually to create a proprietary database of information.

Gateways provide their customers with seamless, automated access to other Distributors' data or to government sources. Gateways thus provide "one-stop shopping" for multiple geographic areas and/or categories of information.

Companies can be both Primary Distributors and Gateways.

Private Investigators—PIs use public records as tools (rather than as ends in themselves) in order to create an overall, comprehensive "picture" of an individual or company for a particular purpose. PIs interpret the information they have gathered in order to identify further investigation tracks. PIs summarize their results in a report compiled from all the sources used. Many Private Investigators also provide FCRA-compliant employment and tenant screening services as well as public record retrieval. In addition, an investigator may be licensed and may perform the types of services traditionally thought of as detective work, such as surveillance.

More Industry Terms:

FCRA—The federal Fair Credit Reporting Act and related FTC rules.

Subject—The applicant or employee about whom background information is being gathered.

Customer—Direct customer or client of a PRR or a Retriever Company, but not an End-User.

End-User—The entity that ultimately ends up with the search results (e.g. the customer of the attorney, title company, or the employer or property owner customer of a Screening Company).

Result—An item of information obtained that may pertain to a Subject.

Negative or Derogatory Information—Information unearthed during the performance of public record retrieval that could later be classified as adverse to the Subject under FCRA or other law.

Review—To look at Results obtained from other sources for the purpose of determining whether the information is Reportable to an end-user. PRRs do not perform a review; their clients do.

Reportable—This term refers to which Results can be reported to an end-user, after a Review. The standard for what is “Reportable” is whether the information complies with applicable law, such as the FCRA. PRRs do not determine what is Reportable.

Identifiers—Facts about the Subject used to analyze a public record for the purpose of determining if the record is about the Subject. Examples are full name, DOB, SSN, sex, address, and hair color.

Matching Logic—Using the Identifiers given with a search request in order to determine if the record found does, in fact, belong to the Subject. Retail Screening Companies are always responsible to determine the level of matching logic that will meet FCRA rules before reporting a Result. Stricter matching logic should be applied to Negative or Derogatory Information.

Three levels of matching logic are: **Partial Name Match Logic**—Matching Logic that requires only a partial match of the Subject’s name to a Result; **Name Match Only**—Results of a search that uses the full Subject name as a match; **Strict Match Logic**—Match logic that requires a minimum of two and when possible three Subject Identifiers before reporting.

Match—A Result that the Matching Logic of the Retail Screening Company determines is about the Subject.

2. General Standard

A Public Record Retriever (PRR) shall work diligently and use reasonable care in the performance of this work in order to provide the highest possible level of service

and accuracy. All searches will be conducted directly by the PRR or by researchers that are under the PRR’s direct and immediate supervision and control. Order taking follows standard, written procedures that assure the Customer has provided complete and accurate Identifiers to the PRR. **Report preparation is standardized to include all the information taken on the order as well as a clear explanation of the Results and the procedures, as outlined in Section 7. Reporting the Logistics of the Search**, used in obtaining them. **Report preparation does not include a determination of what is Reportable to a Customer’s client or end-user.** Disclaimers are used appropriately to put the Customer on notice about the extent of any guaranties and the constraints on obtaining information from government agencies. Pricing and invoicing methods are understandable and ethical.

3. Legal Compliance

The PRR agrees to perform public record searches in a manner consistent with that prescribed by the local, state, or federal offices and courts in which it searches. A PRR also agrees the searches will be performed legally in the manner prescribed by said offices and courts. At no time will the PRR obtain or convey to a Customer any information that was obtained through illegal or unethical means. A PRR agrees to obtain any business license that is required under applicable local city or county laws or regulations.

4. Timeliness

A PRR agrees that public record search services provided for the Customer are to be completed in an agreed upon time frame from receipt of each individual search requested by the Customer. Unless otherwise agreed with the Customer, the PRR begins the search as soon as possible after the receipt of the order, and immediately transmits any Results obtained to the Customer. In the event that there is a delay caused by the need of a court clerk to obtain files, the PRR will track the progress daily, make all necessary effort to obtain the information as soon as possible, and keep the Customer informed.

5. Performing the Search

The PRR uses only the most current, official, due-diligence-compliant source from the government agency when conducting a search. If not, the PRR will disclose the fact up front to the Customer. The PRR will fully divulge the source of information (i.e., court clerk, online service, correspondent, etc.), and the manner in which the search was conducted, (i.e. microfiche, court computer, submission to the clerk, etc.).

The following pertains to performing a search of an individual Subject name:

- A. In searching a common name on an index with no DOBs or other comparable ID, the PRR should²

use reasonable care to investigate any name matches or near name matches listed on the index with no middle initial. If such cannot be eliminated as a match by a clerk check or other valid means, the PRR should pull and examine the files in question to search for more Identifiers. If this further examination is not reasonable to do, then the PRR must inform the Customer.

- B. The Customer determines the minimum scope of each search, and the PRR should never assume a default depth of the search. If the timeframe to be researched has not been transmitted with the request, or if it is not mutually agreed upon in writing, the PRR should seek clarification from the Customer prior to performing the research.
- C. For every Subject name to search in each court requested – and unless instructions are given otherwise – the PRR is expected to search at least 7 years, but not less than the depth of records readily available at that court or per specific request, and do so without spending additional access fees unless specifically authorized to spend those fees. **In all cases, all history possibly relating to the Subject, regardless of the age of the record, disposition or offense, must be reported, unless otherwise agreed with the Customer.** Thus, if a default 7-year search is requested, and 12 years are available at no additional court cost in the same index, a 12-year history is expected, unless prior instruction given. In that same court, if an additional 20 years is available by searching through ledger books, that search is not performed unless the Customer separately authorizes such a search. In a different court, if only 5 years are available on a public index and the remaining years are in ledger books or only through the court staff, the PRR is expected to search whatever source and record material is required to deliver the depth of search, unless otherwise specified by the Customer, up to the default minimum of 7 years.
- D. The PRR recognizes a “Name Match Only” record report constitutes a problem for the Customer in that it presents an uncertainty. As such, the PRR must give best efforts in searching for any type of ID on the record. If none can be found, the name should not be cleared; rather the PRR will submit to the Customer a “Name Match Only” report including an express statement that no Identifiers of any kind could be found in the file or agency database. In addition, if the PRR determines in its judgment that a record with only a partial name match may in fact be about the Subject, the PRR is encouraged to report the record as a “Name Match Only” record. In other words, the basic reporting rule for a PRR to follow is: **let the Customer decide what is reportable to the End-User.**

6. Reporting the Search

The PRR will report the search results in a clear, concise, legible manner that can be easily understood by the Customer. This includes refraining from the use of locally acceptable abbreviations that may not be understood outside the area.

The PRR will refrain from passing on any record information they themselves do not understand until the PRR gets any such data clarified and understood before including that data in a report.

The PRR will report only verifiable facts that can be substantiated by available court records. The researcher should refrain from guessing or “dubbing in” key case information.

The PRR will report the existence of any additional records found in the course of research that may match to the Subject, unless instructions otherwise given. This holds true regardless of the record’s location, and regardless of whether it is listed under an alias.

The PRR will report the existence of any AKA’s or other ID variations found in the course of research on any given Subject.

In reporting on a record where the name or ID given to search differs in any way from that which was found in the court or government office, the PRR should include a statement acknowledging this discrepancy so there is no question as to whether it was intentional or accidental.

Reporting Results to a CRA—It is not the responsibility of the PRR or the Retriever Company to Review the Results of a search to determine what information is Reportable per the FCRA to a CRA. The PRR reports the results of a search to the CRA; the CRA determines what is Reportable to the End-User.

7. Reporting the Logistics of the Search

The PRR agrees to supply as part of each public record search the following information:

- A. Full name of subject, property address checked, and other Identifiers as supplied by the Customer.
- B. Specific agency(s), name(s) and indices checked.
- C. Date the search was completed.
- D. The period the research covers, meaning how far back the records in the file, index or database go AND the through date (date through which records have been posted, that is, the currency of records) on the government office system.

Logistics of results in the event a criminal record is located at a court—If a criminal record is found and in addition to the information specified above, the PRR agrees to provide the following information, if known:

- E. Exact full name as listed in docket or index, and the docket or index number.

- F. All Identifiers listed in docket or index including address, date of birth, SSN, or any other relatable Identifier.
- G. The original charges and date of charge listed in docket or index.
- H. The final disposition as listed in docket or index, including conviction charge, level of charge (felony, misdemeanor, indictable, violation, petty misdemeanor, etc), all sentencing information listed and any subsequent and pertinent information pertaining to the docket or index.
- I. If requested in advance by the Customer and possible to obtain, the actual code sections that were charged as well as any relevant subsequent history (i.e. expunged, pardoned, dismissed, etc.).
- J. If requested in advance by the Customer and possible to obtain, the PRR will request and provide copies of the court records and/or documents that support the information reported above. The PRR and Customer will determine, in advance, a reasonable pricing scheme for those copies.

8. Correcting Information

In the event a PRR discovers that information was given to a Customer in error, it is the absolute professional obligation of the PRR to correct any mistake or error as soon as humanly possible despite any embarrassment or difficulty it may create. All parties should understand that mistakes and errors are always possible when it comes to factual and correct, but that the failure to correct the public records despite taking every reasonable effort to be errors if and when discovered is a gross violation of a researcher's ethical duties.

9. Audits

Retriever Companies and Search Firms will conduct various procedures to audit the PRRs they use and advise their Customers of the general nature of those procedures. Retriever Companies and PRRs acknowledge that Customers reserve the right to periodically send names that are known to have "hits," or to direct identical searches to multiple PRRs, in order to test the PRR and to establish that the Customer has exercised due diligence in the selection of a PRR. A Customer will not advise a Retriever Company or PRR ahead of time when a test is being conducted.

10. Confidentiality and Privacy Protection

The PRR agrees that all information provided by the Customer shall be maintained by the PRR in strict confidence and disclosed only to individuals whose duties reasonably relate to the legitimate business purposes for which the information is submitted.

The PRR agrees to take reasonable care to protect the confidential personal or consumer identification information provided by the Customer, including physical and network security systems.

The PRR agrees to use proper and timely destruction procedures for all materials and computer files that contain personal identification information provided by the Customer. The PRR will not sell or otherwise distribute to third parties any information received, except as otherwise required by law or agreed upon in writing between the PRR and the Customer.

PRRN Code of Professional Conduct

The Public Record Retriever Network (PRRN) Code consists of ten guidelines according to which each member of the Network conducts its business.

Competency Guidelines - Refer to each of the types of records a PRRN member is proficient in retrieving

1. We know where each type of local public record is maintained.
2. We access these agencies regularly.
3. We understand the contents of the documents we retrieve.
4. We search records ourselves in those agencies that do not conduct searches for the public.
5. We maintain good relationships with agency personnel.

Customer Service Guidelines - Refer to the way in which each member of PRRN is expected to serve its clients.

1. We return calls promptly.
2. We complete projects as promised.
3. We explain our charges in advance.
4. We will expedite results, on request.
5. We will explain how agencies maintain their records, on request.