

# Privacy Policy, Terms/Conditions, & HireRight/DAC and PSP Release.

## Terms and Conditions

In order to use this website to locate job opportunities, you agree that your use is subject to the Terms and Conditions of this website (this "Policy").

## Privacy Statement

This Policy informs you of the information practices for this website, including the type of personal information we collect, how the information is used and with whom the information is shared. This Policy applies only to the information collected on this website. If you are not comfortable with using this website in accordance with this Policy, please exit the site immediately.

This Policy may change at any time. Your information on gathered by this website will be treated in accordance with the Policy in effect as of the date you provide information to us. If you do not agree with the privacy practices described in this Policy, you should not provide us with information. Because your use of this website after changes to this Policy have been posted indicates your agreement with any such changes, we encourage you to regularly visit this website and review this Policy. If you have questions about the privacy practices of this website, please contact administrator of this website.

This Policy is effective upon the launching of this website was last updated as of September 1st, 2012.

## Application Submission; Releases

By submitting an application you certify that you personally completed such application and that all of the information is true and correct. Your submission of an application constitutes:

- your request and authorization for each of the potential employers and their agents and contractors that receive your application (collectively, the "Carrier Companies") to cause to be conducted, at any time, an investigation of your background for employment purposes, which may include, but is not limited to, any information relating to your character, general reputation, personal characteristics, mode of living, criminal history, past work experience, educational background, alcohol or drug test results (including failure to submit to an alcohol or drug test) or any other information about you which may reflect upon your potential for employment, as gathered from any individual, organization, entity, agency, or other source which may have knowledge concerning any such items of information; and
- your representation that you have completed your application of your own free will and that you will hold harmless of all liability all companies, agents and associated parties for the use of your application.

As part of consideration of your application, the U.S. Department of Transportation requires the Carrier Companies to investigate your employment background. As part of this investigation, one or more Carrier Companies may obtain consumer reports about you from consumer reporting agencies HireRight/DAC, as well as obtaining information about your driving record from the Federal Motor Carrier Safety Administration (FMCSA) and/or the Pre-employment Screening Program (PSP). Any decision that a Carrier Company may make not to hire you based on information contained in your consumer reports will be such company's decision alone. HireRight/DAC does not make any decisions concerning your employment with any Carrier Company and will not know the specific reasons why they may decide not to hire you. In the event you are not hired based on information contained in your consumer reports, the companies themselves will tell you. We also advise you of your right to obtain a free copy of the consumer report from HireRight/DAC and your right to dispute the accuracy or completeness of your report. Your consent for any Carrier Company to obtain the report from HireRight/DAC is required. Although you have a right to withhold your consent, the Carrier Companies will not consider your application if you withhold your consent.

By submitting your application, you authorize each of the Carrier Companies and their agents or contractors to obtain one or more reports regarding your driving and safety inspection history from the FMCSA. Any decision that any Carrier Company may make not to hire you based on information contained in your FMCSA reports will be its decision alone. By submitting your application, you also:

- authorize each Carrier Company and their agents or contractors to access the FMCSA PSP system to seek information regarding your commercial driving safety record and information regarding your safety inspection history;

- acknowledge that you understand that you are consenting to the release of safety performance information including crash data from the previous five (5) years and inspection history from the previous three (3) years;
- acknowledge that you understand that this release of information may assist Carrier Companies in making a determination regarding your suitability as an employee; and
- acknowledge that you understand that neither the Carrier Companies nor the FMCSA contractor supplying the crash and safety information have the capability to correct any safety data that appears to be incorrect. You may challenge the accuracy of the data by submitting a request to <https://dataqs.fmcsa.dot.gov>. If you are challenging crash or inspection information reported by a State, FMCSA cannot change or correct this data and your request will be forwarded by the DataQs system to the appropriate State for adjudication.

## Collection of Your Information

We collect personal information that you voluntarily submit to us when you complete a job application or complete any other online form or survey. The personal information we request may include your name, social security number and contact information (including address, email address and telephone number) as well as information about your past employment, driving record, criminal history and other information relevant to potential recruiters and employers.

We also collect non-personally identifiable information and data from you as you navigate this website. This information may include certain information relating to you, such as your Internet address, Internet service provider, type of operating system, the time and date you accessed this site and the Internet address from which you arrived at this site. We may also collect information from you through the use of a "cookie". A cookie is a small file that a website can send to your internet browser and is stored on your computer. This type of technology is designed to tell us when you reenter this site, where you visit within our website, and the type of browser you used. You are not required to accept any cookie we might use, although some areas of this website may not be operational without the use of cookies. You can disable cookies on your computer by changing the settings in your browser. We also employ a software technology called "clear gifs" (also known as "web beacons" or "web bugs") that helps us better manage content on this website by providing us feedback as to what content is effective. Clear gifs are tiny graphics with a unique identifier, similar in function to cookies, and are used to track the online movements of users. In contrast to cookies, which are stored on your computer's hard drive, clear gifs are embedded invisibly on a website page, web-based document or email message and are about the size of the period at the end of this sentence. The information collected helps us identify data relating to usage and trends, personalize your online experience and provide you with targeted offers and advertising, gather demographic information about our user base as a whole, address any problems with website administration and to further improve this site.

## Use and Disclosure of Your Information

By submitting your application, you grant us consent to disclose the information to interested potential recruiters and employers and other industry-related organizations. We do not correct, verify, modify or supplement the information you provide to us. We are not responsible for the accuracy or completeness of the information you provide. We simply provide the information you submit on this website to a potential recruiter or employer or other industry-related organizations at their request. We are not an employment agency and are not your agent. Other than providing the information you submit on to this website to a potential recruiter or employer or other industry-related organization, we are not responsible in any way for assisting you in obtaining employment nor are we responsible for any employment conditions or employment relationship you may obtain as a result of using this website. We are not responsible for any use, disclosure, protection or security of the information you submit on this website after such information leaves our possession. We may also use the information you provide on this site to communicate with you through direct communications, emails, newsletters etc.

If, at any time after filling out an application, you decide not to maintain the information you provided or elect to discontinue delivery of your information to potential recruiters and employers or other industry-related organizations, you should contact the administrator of this website to request that we discontinue providing your employment application information to potential recruiters and employers or other industry-related organizations.

## Additional Disclosures of Your Information

As noted above, we will share the information you submit on this website to potential recruiters and employers and other industry-related organizations, at their request. Additionally, we may disclose your information when we believe it is necessary to comply with law or governmental authorities or in connection with litigation, dispute resolution, or the administration of this Policy. We may also disclose your information in connection with a possible sale, purchase, merger or other reorganization of our business.

We may employ independent contractors, vendors and suppliers (collectively, "Outside Contractors") to support our services and products and this website, hosting, monitoring and maintaining the website, analyzing trends and our visitors' preferences, compiling anonymous statistics about our visitors, developing applications for the website and providing general consulting services. These Outside Contractors may sometimes have limited access to information collected from you, including your personal information, in the course of providing products or services to us. Access to your personal information by these Outside Contractors is limited to the information we determine, in our sole discretion, to be reasonably necessary in order for these Outside Contractors to perform their function for us. While we will seek to require any Outside Contractors to protect the privacy of your personal information under a policy at least as restrictive as this Policy and will not authorize them to use this information except for the express purpose for which it is provided, we do not bear any responsibility for any actions or policies of Outside Contractors.

## **Retaining Your Information**

We will retain personal information collected through this website for as long as we determine it is needed to fulfill the purpose for which the information was provided or as required by applicable law.

## **Security of Your Information**

To protect the information we receive, we have put in place commercially reasonable physical, electronic, and managerial procedures designed to guard against the loss, misuse and alteration of that information. These measures include physical, technical and administrative controls including using a secure socket layer (SSL). It should be recognized, however, that we cannot guarantee that transmission of data over the Internet will be absolutely secure. Due to the open nature of the Internet, the information you provide may be in environments that do not have adequate security measures and may be accessed and used by persons other than those intended. As a result, while protection of your information is important to us, we are not able to ensure the security of information you transmit to us via the Internet and you assume the risk of any third party obtaining that information. Upon receipt of your information, we will strive to use commercially reasonable means to protect your information on our systems.

## **Online Behavioral Advertising**

As noted in the "Collection of Your Information" section of this Policy, we collect certain information through the use of navigational information and cookies in order to provide you a more customized experience on this website. This information may also be used our Outside Contractors to customize certain of the advertisements that you see on this website and other websites based on your online behaviors and interests and to predict your interest in future advertisements through an advertising practice called online behavioral advertising ("OBA"). We invite you to learn more about OBA at <http://www.aboutads.info/consumers/>.

At any time, you may visit <http://www.aboutads.info/choices> and elect to opt-out of the OBA provided by those of our Outside Contractors which participate in the Digital Advertising Alliance's (the "DAA") Self-Regulatory Program. If you choose to opt out of OBA, you will still see same number of advertisements on this website as before, but such advertisements may not be as relevant to you. Opting-out of OBA is cookie-based and will only affect the specific computer and browser on which the opt-out is applied. Deleting your browser cookies can remove your opt-out choices and may require you to opt-out again. Please note that we are not affiliated with the DAA and are not responsible for the failure by DAA or any of its participating companies to honor your OBA opt-out request.

## **Links to other Web Sites**

This website may contain links to other web sites. If you choose to access those sites, please review the privacy policy applicable to each site. The links to other sites are made available as a convenience to you and this site is not responsible for the privacy policies and information collection practices of those other sites.

## **Global Presence**

The management, operation and technical processes and systems used by this website may involve transfer of information across borders. For example, information you give may be sent to systems outside the country in which you initially provided the information and it may be processed and stored in a different country. Regardless of where you provide your information, we will take steps to handle it in a secure manner in accordance with this Policy and applicable law.

**THE BELOW DISCLOSURE AND AUTHORIZATION LANGUAGE IS FOR MANDATORY USE BY ALL ACCOUNT HOLDERS**

**IMPORTANT DISCLOSURE  
REGARDING BACKGROUND REPORTS FROM THE PSP Online Service**

In connection with your application for employment with \_\_\_\_\_ (“Prospective Employer”), Prospective Employer, its employees, agents or contractors may obtain one or more reports regarding your driving, and safety inspection history from the Federal Motor Carrier Safety Administration (FMCSA).

When the application for employment is submitted in person, if the Prospective Employer uses any information it obtains from FMCSA in a decision to not hire you or to make any other adverse employment decision regarding you, the Prospective Employer will provide you with a copy of the report upon which its decision was based and a written summary of your rights under the Fair Credit Reporting Act before taking any final adverse action. If any final adverse action is taken against you based upon your driving history or safety report, the Prospective Employer will notify you that the action has been taken and that the action was based in part or in whole on this report.

When the application for employment is submitted by mail, telephone, computer, or other similar means, if the Prospective Employer uses any information it obtains from FMCSA in a decision to not hire you or to make any other adverse employment decision regarding you, the Prospective Employer must provide you within three business days of taking adverse action oral, written or electronic notification: that adverse action has been taken based in whole or in part on information obtained from FMCSA; the name, address, and the toll free telephone number of FMCSA; that the FMCSA did not make the decision to take the adverse action and is unable to provide you the specific reasons why the adverse action was taken; and that you may, upon providing proper identification, request a free copy of the report and may dispute with the FMCSA the accuracy or completeness of any information or report. If you request a copy of a driver record from the Prospective Employer who procured the report, then, within 3 business days of receiving your request, together with proper identification, the Prospective Employer must send or provide to you a copy of your report and a summary of your rights under the Fair Credit Reporting Act.

Neither the Prospective Employer nor the FMCSA contractor supplying the crash and safety information has the capability to correct any safety data that appears to be incorrect. You may challenge the accuracy of the data by submitting a request to <https://dataqs.fmcsa.dot.gov>. If you challenge crash or inspection information reported by a State, FMCSA cannot change or correct this data. Your request will be forwarded by the DataQs system to the appropriate State for adjudication.

Any crash or inspection in which you were involved will display on your PSP report. Since the PSP report does not report, or assign, or imply fault, it will include all Commercial Motor Vehicle (CMV) crashes where you were a driver or co-driver and where those crashes were reported to FMCSA, regardless of fault. Similarly, all inspections, with or without violations, appear on the PSP report. State citations associated with Federal Motor Carrier Safety Regulations (FMCSR) violations that have been adjudicated by a court of law will also appear, and remain, on a PSP report.

The Prospective Employer cannot obtain background reports from FMCSA without your authorization.

**AUTHORIZATION**

If you agree that the Prospective Employer may obtain such background reports, please read the following and sign below:

I authorize \_\_\_\_\_ (“Prospective Employer”) to access the FMCSA Pre-Employment Screening Program (PSP) system to seek information regarding my commercial driving safety record and information regarding my safety inspection history. I understand that I am authorizing the release of safety performance information including crash data from the previous five (5) years and inspection history from the previous three (3) years. I understand and acknowledge that this release of information may assist the Prospective Employer to make a determination regarding my suitability as an employee.

I further understand that neither the Prospective Employer nor the FMCSA contractor supplying the crash and safety information has the capability to correct any safety data that appears to be incorrect. I understand I may challenge the accuracy of the data by submitting a request to <https://dataqs.fmcsa.dot.gov>. If I challenge crash or inspection information reported by a State, FMCSA cannot change or correct this data. I understand my request will be forwarded by the DataQs system to the appropriate State for adjudication.

I understand that any crash or inspection in which I was involved will display on my PSP report. Since the PSP report does not report, or assign, or imply fault, I acknowledge it will include all CMV crashes where I was a driver or co-driver and where those crashes were reported to FMCSA, regardless of fault. Similarly, I understand all inspections, with or without violations, will appear

on my PSP report, and State citations associated with FMCSR violations that have been adjudicated by a court of law will also appear, and remain, on my PSP report. I have read the above Disclosure Regarding Background Reports provided to me by Prospective Employer and I understand that if I sign this Disclosure and Authorization, Prospective Employer may obtain a report of my crash and inspection history. I hereby authorize Prospective Employer and its employees, authorized agents, and/or affiliates to obtain the information authorized above.

Date: \_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

Name (Please Print)

NOTICE: This form is made available to monthly account holders by NIC on behalf of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA). Account holders are required by federal law to obtain an Applicant's written or electronic consent prior to accessing the Applicant's PSP report. Further, account holders are required by FMCSA to use the language contained in this Disclosure and Authorization form to obtain an Applicant's consent. The language must be used in whole, exactly as provided. Further, the language on this form must exist as one stand-alone document. The language may NOT be included with other consent forms or any other language.

*LAST UPDATED 12/22/2015*