Guidance on the applicability of the Fair Credit Reporting Act (FCRA) to the Clearinghouse

## Q&A

Is the Federal Motor Carrier Safety Administration (FMCSA) subject to the obligations under the Fair Credit Reporting Act (FCRA) for the Clearinghouse?

## Guidance:

Yes. The Clearinghouse is subject to certain provisions of the FCRA. However, the Agency does not fall within FCRA’s definition of “consumer reporting agency.” Therefore, provisions of the FCRA that impose obligations on “consumer reporting agencies” do not apply to the Agency’s administration of the Clearinghouse regulations. If an employer or consortium/third-party administrator (C/TPA) is subject to the FCRA, they should comply with their individual requirements.

Employers should consult with their own experts for more information on how to comply with FCRA.