



# New York employers must send applicants a copy of Article 23-A when receiving criminal conviction information

Employers operating in New York should ensure that they are complying with [Sec. 380-g\(d\)](#) of the New York Fair Credit Reporting Act (N.Y. Gen. Bus. Law § 380-g(d)), which requires employers to provide applicants and employees with a copy of [Article 23-A](#) when a consumer report is received that includes conviction information.

Specifically, [§ 380-g\(d\)](#) states:

When a consumer reporting agency provides a consumer report that contains criminal conviction information, permitted by paragraph one of subdivision (a) of section three hundred eighty-j of this article, to a user, the person, firm, corporation or other entity requesting such report shall provide the subject of such report a printed or electronic copy of article twenty-three-A of the correction law governing the licensure and employment of persons previously convicted of one or more criminal offenses.

In light of recent cases filed against New York employers alleging violations of the aforementioned requirement (see *Brooks v. Brooklyn Events Center LLC*, 1:17-cv-04186-AMD-PK; *Keels v. The GEO Group, Inc.*, 1:15-cv-06261), employers operating in New York would be well-advised to review their practices to ensure full compliance.