



# CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

## INTAKE FORM

### USE OF CRIMINAL HISTORY INFORMATION IN EMPLOYMENT

Use this Intake Form if you would like to file a complaint against an employer for unlawfully asking you about or using your criminal history information in making an employment decision. The Intake Form is not a filed complaint. After you complete and submit this form, a DFEH representative will interview you to determine if a complaint can be accepted for investigation. Your submission of this document acknowledges that you have read and agree to the DFEH's Privacy Policy.

#### COMPLAINANT:

NAME:

TELEPHONE NUMBER:

ADDRESS:

EMAIL ADDRESS:

CITY/STATE/ZIP:

Do you need an interpreter during the complaint process?      Yes      No

If yes, indicate language \_\_\_\_\_

Are you currently out on bail or released on your own recognizance pending trial?      Yes      No

Were you applying for a job at a health care facility?      Yes      No

Were you applying for a farm labor job?      Yes      No

Were you applying for a law enforcement position or a position with a state criminal justice agency?      Yes      No

#### RESPONDENT:

NAME:

TELEPHONE NUMBER:

ADDRESS:

CITY/STATE/ZIP:

NUMBER OF EMPLOYEES: \_\_\_\_\_

TYPE OF EMPLOYER: \_\_\_\_\_

**ADD CO-RESPONDENT:**

NAME/TITLE

\_\_\_\_\_

ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBER:

\_\_\_\_\_

FIRST DATE OF HARM (Month/Day/Year): \_\_\_\_\_

LAST DATE OF HARM (Month/Day/Year): \_\_\_\_\_

## COMPLAINT

Please describe your complaint about the employer's use of criminal history information during the employment process.

[Check boxes]

Application included a question about conviction history before a conditional job offer was made.

Employer asked about or considered my conviction history before a conditional job offer was made.

Employer considered, distributed, or disseminated information about:

An arrest not followed by conviction

My referral to or participation in a pretrial or posttrial diversion program

Convictions that had been sealed, dismissed, expunged, or statutorily eradicated

Employer did not make an individualized assessment considering the nature and gravity of the conduct, the time passed, and the nature of the job held or sought.

Employer did not notify me in writing of the preliminary decision that my conviction history disqualified me from employment.

Employer did not provide me a notice of the conviction(s) that disqualified me from employment.

Employer did not provide me with a copy of my conviction history report.

Employer did not explain my right to respond to the preliminary disqualification decision or the deadline by which I had to respond.

Employer did not explain my right to submit evidence challenging the conviction history report, mitigating circumstances, or circumstances regarding my rehabilitation.

Employer did not consider my response to the preliminary disqualification decision.

Employer did not notify me in writing of the final decision to disqualify me because of my conviction history.

Employer did not notify me in writing of:

Employer's existing procedure for challenging their decision. Describe procedure:

\_\_\_\_\_

My right to file a complaint with DFEH

Other \_\_\_\_\_

1. Do you have an attorney who agreed to represent you in this matter?      Yes      No

If yes, please provide the attorney's contact information.

**COMPLAINANT'S REPRESENTATIVE INFORMATION**

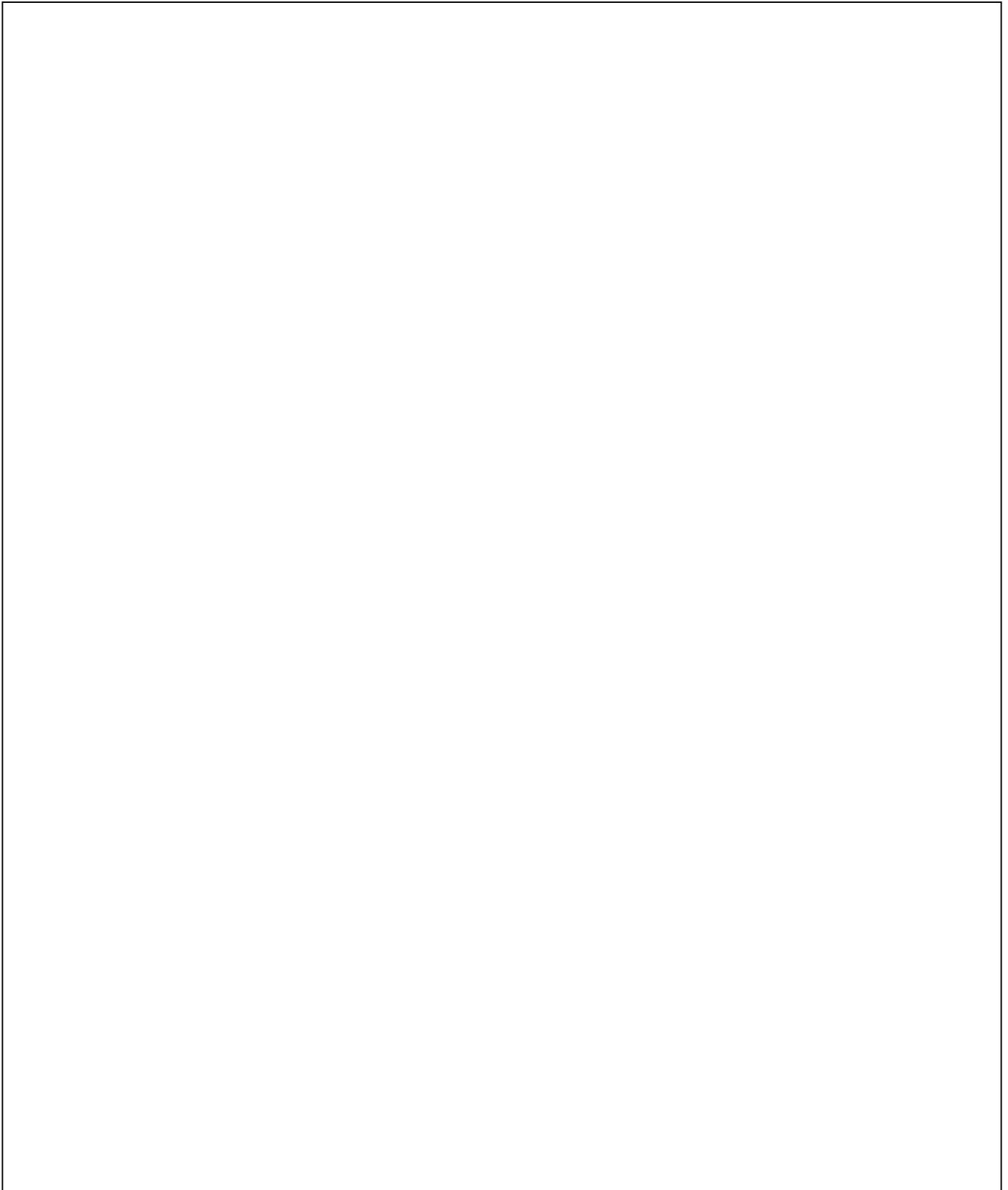
Attorney Name: \_\_\_\_\_

Attorney Firm Name: \_\_\_\_\_

Attorney Address: \_\_\_\_\_

Attorney City, State, and Zip: \_\_\_\_\_

2. Briefly describe the employer's use of your criminal history information. (Optional)

A large, empty rectangular box with a thin black border, intended for the user to provide a response to the question above. The box is currently blank.

## DEMOGRAPHIC INFORMATION

THIS INFORMATION IS OPTIONAL AND IS ONLY USED FOR STATISTICAL PURPOSES.

Primary Language: \_\_\_\_\_

DOB: \_\_\_\_\_

### GENDER / GENDER IDENTITY:

Male          Female          Non-Binary          Other

### MARITAL STATUS:

Single          Married          Cohabitation          Divorced

### RACE:

American Indian, Native American or  
Alaskan Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

Other

### ETHNICITY:

Hispanic or Latino

Non-Hispanic or Latino

### NATIONAL ORIGIN:

Afghani

American [U.S.A]

Asian Indian

Bangladeshi

Cambodian

Canadian

Chinese

Cuban

Dominican

Egyptian

English

Ethiopian

Fijian

Filipino

German

Ghanaian

Guamanian

Haitian

Hawaiian

Hmong

Indonesian

Iranian

Iraqi

Irish

Israeli

Italian

Jamaican

Japanese

Korean

Laotian

Lebanese

Malaysian

Mexican

Nigerian

Other

Other African

Other Asian

Other Caribbean

Other European

Other Hispanic/Latino

Other Middle Eastern

Pakistani

Puerto Rican

Salvadoran

Samoan

Sri Lankan

Syrian

Taiwanese

Thai

Tongan

Vietnamese

## DEMOGRAPHIC INFORMATION

THIS INFORMATION IS OPTIONAL AND IS ONLY USED FOR STATISTICAL PURPOSES.

### DISABILITY:

AIDS or HIV	Limbs [Arms / Legs]
Blood / Circulation	Mental
Brain / Nerves / Muscles	Sight
Digestive / Urinary / Reproduction	Speech / Respiration
Hearing	Spinal / Back / Respiration
Heart	Other Disability

### RELIGION:

Agnostic	Nonreligious
Atheist	Protestantism
Bahai	Primal-indigenous
Buddhism	Quakers
Catholicism	Rastafarianism
Christianity	Spiritism
Confucianism	Shinto
Hinduism	Sikhism
Islam	Taoism
Jehovah's Witness	Unitarian-Universalism
Judaism	Zoroastrianism
Neo-Paganism	Other

### SEXUAL ORIENTATION:

Straight or Heterosexual	Gay or Lesbian	Bisexual	Other
--------------------------	----------------	----------	-------

## CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT & HOUSING PRIVACY POLICY

---

The California Department of Fair Employment & Housing (DFEH) has adopted this Privacy Policy, effective January 1, 2017. DFEH values the security and privacy of your personal information and is committed to protecting your privacy rights. The DFEH seeks only to collect relevant personal information that enables us to assist you in investigating and resolving complaints of discrimination as prescribed by California Government Code sections 11135 et seq., 12900 et seq., and California Civil Code sections 51, 51.7, 52.5, and 54 et seq.

All personal information we collect is governed by the State of California Information Practices Act of 1977 (Civ. Code, §§ 1798-1798.78), Government Code sections 11015.5 and 11019.9, and the California Public Records Act (Gov. Code § 6250 et seq.).

Outlined below is our online Privacy Policy and Notice:

- [Legal Authority for Collection and Use of Information](#)
- [Disclosure and Sharing](#)
- [What happens to information you submit to us?](#)
- [Cookies](#)
- [Links](#)
- [Public Disclosure](#)
- [Minors](#)
- [Security](#)
- [Access and Corrections to your Personal Information](#)
- [How to contact us if you have any questions regarding this policy](#)
- [Changes to our Privacy Policy](#)
- [Effective date](#)

### **Legal Authority for Collection and Use of Information**

We collect information that may be directly associated with a specific person. We call this "Personal Information," and it includes, names, addresses, telephone numbers and email addresses. We collect this Personal Information through lawful means from individuals who seek to file a complaint with the DFEH, and we use this information to establish jurisdiction and to conduct an investigation of any allegations of Civil Rights violations. If you seek to file a complaint, you are required to provide us with sufficient information in accordance with California Government Code sections 11135 et seq., 12900 et seq., and California Civil Code sections 51, 51.7, 52.5, and 54 et seq.

### **Disclosure and Sharing**

We do not sell your personal information. Government Code section 11015.5, subdivision (6), prohibits DFEH and all state agencies from distributing or selling any electronically collected personal information about users to any third party without the permission of the user. Any distribution of electronically collected personal information will be solely for the purposes for which it was provided to us, as described below.

We also may share your personal information under the following circumstances:

1. You give us permission.
2. We receive a request from a party with legal authority to obtain the information, such as a subpoena.
3. As authorized by law, it is transferred to / shared with the U.S. Equal Employment Opportunity Commission, the National Labor Relations Board, the U.S. Department of Labor, the U.S. Department of Housing and Urban Development, the U.S. Department of Health and Human Services, the U.S. Department of Education, the U.S. Department of Justice, or any branch of the California State Government, or any other local or Federal agency with similar jurisdiction.
4. Non personal information, including the allegations in the complaint document itself, may be disclosed to the public under the California Public Records Act.

### **What happens to information you submit to us?**

The Personal Information we obtain from you will be used for the purposes for which it was provided: to further the DFEH's efforts to investigate and attempt to resolve the allegations of unlawful discrimination, harassment and/or retaliation that you filed. Electronically collected Personal Information we gather about visits to our website is used to help us improve the user experience and for basic web metrics of our website.

### **Links**

Our website may contain links to other websites on the Internet that are owned and operated by third parties. DFEH does not control the privacy policies or practices of these websites. You are advised to review the privacy policies of the third party offering the website before providing any personal information to these websites. DFEH is not responsible for the content or practices of any linked third party website and such third party websites are provided solely for the convenience and information to our visitors.

### **Cookies**

We do not collect information such as names, addresses, and emails from individuals browsing DFEH's website. However, when you visit our website, a "cookie" may be saved on your computer. A cookie is a tiny piece of data stored by your browser that helps us recognize your unique computer and your preferences when using our website. The information DFEH automatically collects may include the type of browser used, date and time you visited the site, and web pages you visited. This information is collected to improve the user experience and for basic web metrics. The information is deleted after 30 days. This type of electronic information collection is permitted by law and is exempt from requests made under the Public Records Act.

You can refuse the cookie or delete the cookie file from your computer after you visit our website. You can find instructions for managing cookie controls on websites for particular browsers. For example:

- [Microsoft Internet Explorer browsers](#)
- [Macintosh Safari browsers](#)
- [Mozilla Firefox browsers](#)

## **Public Disclosure**

In the State of California, laws exist to ensure that government is open and that the public has a right to access appropriate records and information possessed by state government. At the same time, there are exceptions to the public's right to access public records.

These exceptions serve various needs including maintaining the privacy of individuals. Both state and federal laws provide exceptions. All information collected at this site becomes a public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and the Public Records Act, the Information Practices Act and/or other law governing the disclosure of records, the Public Records Act, the Information Practices Act and/or other applicable law will control.

## **Minors**

We recognize the importance of protecting privacy where minors (a person under 18 years of age) are involved. We are committed to protecting the privacy of minors and do not knowingly collect personal information from minors or create profiles of minors through our website. Users are cautioned, however, that the collection of personal information submitted online or in an e-mail will be treated as though it was submitted by an adult. DFEH strongly encourages parents, guardians and adults to be involved in the internet activities of their children or other minors they are responsible for and to provide guidance whenever minors are asked to provide personal information online. If you believe a minor has provided us with personal information, we ask that a parent or guardian contact us at 1-800-884-1684.

## **Security**

DFEH has put security measures in place to safeguard and protect your information from unauthorized access, disclosure, and loss. Our policy limits access to personal information to employees who have an established business need for the Personal Information including those directly involved in the filing, investigation, resolution and/or litigation of your complaint. Information that is physically located within the DFEH is protected by various security measures, which may include the use of encryption software to protect the security of an individuals' personal information during transmission and storage. Personal Information is destroyed according to the DFEH's records retention policy, and we only retain these records for as long as necessary to fulfill our business need. We train our employees on procedures and management of personal information we collect as well as on taking precautions and complying with limitations on the release of personal information.

## **Access and Corrections to your Personal Information**

You have the right to review any Personal Information we collect about you. If you request all or a portion of the Personal Information collected about you by the DFEH, we will provide you with the Personal Information requested and explain how we use the information. You may request changes to your Personal Information you believe is incorrect by submitting a written request that credibly shows the error. If you believe that your Personal Information is being used for a purpose other than what you intended when you submitted it, you may contact us so we can rectify the misuse. In all cases, we will take reasonable steps to verify your identity before granting access or making corrections.

## **How to contact us if you have any questions regarding this policy**

If you have any questions or concerns about the information presented in this Privacy Notice, you may contact:

DFEH Privacy Officer  
2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758  
1-800-884-1684

## **Changes to our Privacy Policy**

We may update and revise our Privacy Policy. We will post any privacy policy changes on this page and, if the changes are significant, we will provide a more prominent notice.

## **Effective date**

January 1, 2017