



CALIFORNIA

Restrictions On Employers' Ability To Obtain And/Or Use:

Consumer Reports:

The activities of consumer reporting agencies are governed by the California Consumer Credit Reporting Agencies Act (CCRAA), Cal. Civ. Code §§ 1785.1 *et seq.*, and the California Investigative Consumer Reporting Agencies Act (ICRAA), Cal. Civ. Code §§ 1786 *et seq.*, which are similar in many respects to the federal Fair Credit Reporting Act (FCRA).

Employers in California can obtain investigative consumer reports for employment purposes. Under California law, an "investigative consumer report" is a consumer report in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained *through any means*. Cal. Civ. Code § 1786.1. Please note that this broader definition differs from the definition of an "investigative consumer report" under the FCRA.

Subject to the exceptions discussed below, when an investigative consumer report is sought by an employer, prior to requesting the report, the person requesting the report must: (1) notify the consumer in writing in a separate document that an investigative consumer report may be made regarding the consumer's character, general reputation, personal characteristics, and mode of living; and (2) obtain the consumer's written authorization. The notice must include the name, address and telephone number of the investigative consumer reporting agency conducting the investigation, the nature and scope of the information requested, and a summary of the provisions of California Civ. Code § 1786.22 (an individual about whom an investigative consumer report is sought must be informed of his or her right to find out from the investigative CRA what is in the CRA's file regarding the individual). The disclosure or authorization form must have a box that the consumer may check if the consumer wants to be provided with a free copy of any report obtained by the employer whenever the consumer has a right to such a copy. Cal. Civ. Code § 1786.16.

Under California law, if the report is sought in connection with an investigation of suspicion of wrongdoing or misconduct by the consumer, then the employer does *not* need to comply with the ICRAA advance notice and consent requirements or provide a copy of the report to the consumer. Cal. Civ. Code § 1786.16(c). Under such circumstances, however, the employer still would be obligated to comply with the FCRA, including its authorization, notice, and adverse action requirements, which may include providing a copy of the report to the consumer. Cal. Civ. Code § 1786.16.

If a subsequent investigative consumer report is requested for reasons other than suspicion of wrongdoing or misconduct by the subject of the report (such as in connection with a promotion), then under California law, an additional California notice should be given to the consumer and another authorization obtained. If the nature and scope of the subsequent investigation is different than as specified in the original California notice or if a different investigative consumer reporting agency is used, then the notice should be modified accordingly and the new notice provided to the consumer and additional authorization obtained.



Similar to the FCRA, under California law, before obtaining an investigative consumer report, an employer must certify to the investigative consumer reporting agency that the employer has made, and will make, all required disclosures to the consumer, including providing a copy of the report to the consumer when required (as discussed below). The certification is not required under California law when the employer obtains the report in connection with an investigation of wrongdoing or misconduct by the consumer.

An employer obtaining an investigative consumer report about a consumer for reasons other than suspicion of wrongdoing or misconduct must provide the consumer with a copy of the report, and the name, address and telephone number of the reporting agency within three (3) business days of the employer's receipt of the report, unless the consumer did not check the box on the authorization form requesting a copy. The employer also may contract with the investigative consumer reporting agency or another entity to provide the copy of the report directly to the consumer. Cal. Civ. Code § 1786.16(b). If an employer contracts with the consumer reporting agency to provide the report, then the employer should ensure that its contract with the agency is clear with respect to the agency's obligation to provide the report to the consumer and the agency agrees to indemnify the employer for any liability arising from the agency's failure to provide the report. In addition, prior to taking adverse action based upon the report, the employer should confirm with the agency that it sent a copy of the report to the consumer. Alternatively, if adverse action is contemplated, an employer may decide to send an additional copy of the report to the consumer along with the pre-adverse action letter, even if the individual already was provided with a copy by the agency.

The report must be provided to the consumer *regardless* of whether the employer intends to take adverse action based upon the report. However, even if the consumer did not check the box requesting a copy of the report, under the FCRA, the employer would be obligated to provide a copy of the report to the consumer if adverse action is contemplated based on the report. For administrative ease, and given the short time period for providing the report, some employers may decide to provide the FCRA pre-adverse action letter to all consumers as a means of providing a copy of the report when required under California law, regardless of whether adverse action is contemplated.

If employment is denied after obtaining a report regarding the consumer from an investigative consumer reporting agency, the employer must inform the consumer of this fact and provide the consumer with the name and address of the investigative consumer reporting agency. Cal. Civ. Code § 1786.40.

In addition, even if the employer does not use an investigative consumer reporting agency to obtain information regarding a consumer's character, general reputation, personal characteristics, or mode of living, but rather uses other sources to obtain such information itself, the employer still must provide certain defined "public record" information to the consumer. The "public records" that must be provided are limited to records documenting an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment. Cal. Civ. Code § 1786.53.

If an employer intends to obtain "public record" information regarding a consumer's character, general reputation, personal characteristics, or mode of living for employment purposes directly *at any time* without using an investigative consumer reporting agency, then the employer must provide on an employment application or other form a box that the consumer may check to waive his or her right to



receive a copy of any such public record obtained by the employer. If the employer does not incorporate this provision into its application, then a separate form should be used. Cal. Civ. Code § 1786.53(b)(2).

If an employer obtains public records (as defined above) for an employment purpose itself, and if the consumer did not affirmatively waive his or her right to receive a copy of the record, then the employer must provide a copy of the public record to the consumer within seven (7) days after the employer's receipt of the information (whether written or oral), unless the information was obtained as part of an investigation into suspicion of wrongdoing or misconduct. Under those circumstances, the employer must provide a copy of the public record only upon completion of the investigation and only if the employee has not waived the right to receive a copy of the record. If, however, the employer takes any adverse action based on the public record information, then the employer must provide a copy of the public record to the consumer regardless of whether the individual waived his or her right to receive a copy of such record. There is no requirement to provide more than one copy of the information to the consumer. Cal. Civ. Code § 1786.53.

Under California law, an investigative consumer report cannot include: (1) bankruptcies that antedate the report by more than 10 years, (2) suits that, from the date of filing, and satisfied judgments that, from the date of entry, predate the report by more than 7 years, (3) information regarding unpardoned criminal convictions where the date of disposition, release or parole is more than 7 years old (records of arrest, indictment, information, or misdemeanor complaints may be reported pending pronouncement of judgment on the particular subject matter of those records), and (4) any other adverse information that antedates the report by more than 7 years. However, these limitations do not apply if the report is to be used by an employer who is explicitly required by a governmental regulatory agency to check for such records when reviewing a consumer's qualifications for employment. Cal. Civ. Code §§ 1786.13, 1786.18. An individual may request the names, addresses, and telephone numbers of the recipients of any investigative consumer reports regarding the individual for employment purposes within the past three (3) years. Cal. Civ. Code § 1786.10. Consumer credit reporting agencies may not furnish medical information for employment, insurance, or credit purposes in a consumer credit report without the consent of the consumer. Cal. Civ. Code § 1786.13.

The good faith acquisition of unencrypted personal information by an employer for a legitimate purpose is not a breach of security as long as the information is not used for a purpose unrelated to the employer or subject to further unauthorized disclosure. Any employer that owns or licenses computerized data that includes personal information must disclose any security breach to any resident of the state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. For purposes of this section, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following unencrypted data elements: social security number, drivers license or identification number, account number or credit/debit number (which in combination with any required security code that would permit access to an individual's financial account), medical information, or health insurance information. The notice requirements are described within this section. Cal. Civ. Code § 1798.29.



Credit Reports:

A consumer credit report is defined as “any written, oral, or other communication of any information by a consumer credit reporting agency bearing on a consumer’s creditworthiness, credit standing, or credit capacity, which is used, or expected to be used . . . in establishing the consumer’s eligibility for (1) credit to be used primarily for personal, family, or household purposes; (2) employment purposes; or (3) hiring of a dwelling unit.” Cal. Civ. Code § 1785.3. No consumer reporting agency which furnishes a consumer credit report for employment purposes may report information regarding the age, marital status, race, color, or creed of any consumer. Cal. Civ. Code § 1785.18.

Employers in California can obtain consumer credit reports to be used in making employment decisions. Employers must give written notice to employees or applicants *before* requesting a credit report. The notice must inform the individual of the source of the report and must contain a box that the person may check to receive a copy of the credit report. If the consumer elects to receive a copy of any consumer credit report contemporaneously with the employer, then the employer must request that a copy be provided to the employee or applicant when the employer requests its copy. The employer must pay for the report and cannot charge the consumer a fee for this service. The copy of the credit report must be sent directly to the consumer by the consumer credit reporting agency at the same time as the original is sent to the employer. Similar to the FCRA, if employment is denied or other adverse action is taken against the individual based on a consumer credit report, the employer must inform the consumer of this fact and of the consumer’s right to obtain a free copy of the consumer’s credit report within 60 days from the consumer credit reporting agency used by the employer and from any other consumer credit reporting agency which compiles and maintains files on consumers on a nationwide basis. Cal. Civ. Code §§ 1785.20, 1785.20.5.

Under California law, a consumer report cannot include the following information: bankruptcies that, from the date of adjudication, antedate the report by more than ten (10) years; suits and judgments which either antedate the report by more than seven (7) years or until the governing statute of limitations expires, whichever is longer; unlawful detainer actions, unless the lessor was the prevailing party; paid tax liens that antedate the report by more than seven (7) years; accounts placed for collection or charged to profit and loss that antedate the report by more than seven (7) years; records of arrest, indictment, information, misdemeanor complaint, or conviction of a crime that, from the date of disposition, antedate the report by more than seven (7) years; and any other adverse information that antedates the report by more than seven (7) years. Cal. Civ. Code § 1785.13. An individual may request the names, addresses, and telephone numbers of the recipients of any consumer reports regarding the individual for employment purposes within the past two (2) years. Cal. Civ. Code § 1785.10.

Employers will need written authorization from the consumer to access a consumer report that has been placed on a “security freeze”. Cal. Civ. Code § 1785.11.2 (statute declared unconstitutional only as applied to information culled from public records, including court documents).

Criminal Records:

Arrests: “State summary criminal history information” is defined as information compiled by the Attorney General pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, date of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. The Attorney General will furnish this



information to any of the myriad entities listed in section 11105 in fulfilling employment, certification, or licensing duties, such as peace officers, cities and counties and their agencies, the subject of the information, and any other person so authorized by statute. In limited circumstances, the Attorney General will also furnish federal level criminal history information. Cal. Penal Code § 11105; Cal. Lab. Code § 432.7.

However, and subject to the above-noted exceptions, employers generally cannot ask job applicants to disclose information about arrests or detentions that did not result in a conviction or that resulted in a referral to and participation in a pre- or post-trial diversion program (*e.g.*, a drug treatment program). Upon successful completion of a deferred entry of judgment program, the arrest upon which the judgment was deferred shall be deemed to have never occurred. Employers also are prohibited from seeking such information from any source. If an employer does obtain this information, it cannot use it as a factor in determining any condition of employment, including hiring, promotion, or termination. The statute does not prevent an employer from *asking* an employee or applicant about an arrest for which the individual is out on bail or on his or her own recognizance pending trial. The statutory provisions also do not prohibit an employer from *asking* persons seeking a job at certain health facilities (*i.e.*, those providing stays of 24-hours or longer, such as general acute care hospitals, acute psychiatric hospitals, skilled nursing facilities, intermediate care facilities, special hospitals, congregate living health facilities, and correctional treatment centers), involving regular access to patients or drugs/medication about arrests for certain enumerated crimes. Cal. Lab. Code § 432.7; Cal. Penal Code § 1000.4. The above statutory prohibitions do not apply to the arrest records of persons seeking or already holding jobs as peace officers or seeking positions in the California Department of Justice or other criminal justice agencies. Cal. Lab. Code § 432.7.

The statute is silent on how the employer can use such pending arrest information obtained, although California courts have held that the statute does not authorize an employer to utilize an arrest alone as a basis for disciplinary action. *See e.g., Pitman v. City of Oakland*, 197 Cal. App. 3d 1037 (1988). Under the California Fair Employment & Housing Commission's Regulations, unless otherwise provided by law, it is unlawful for an employer or other covered entity to inquire or seek information regarding any applicant concerning any arrest or detention which did not result in conviction, any convictions ordered sealed, expunged, or statutorily eradicated, misdemeanor convictions where probation was completed or otherwise discharged, or any arrest for which a pre-trial diversion program has been successfully completed. Cal. Code Regs., tit. 2, § 7287.4. California's Department of Fair Employment & Housing's Pre-employment Inquiry Guidelines also provide that pre-employment inquiries regarding arrests not resulting in convictions are unacceptable. California Pre-Employment Inquiry Guide, 453:3561.

Conviction: Employers can inquire about an applicant's prior criminal convictions if the inquiry is accompanied by a statement that such a conviction will not necessarily disqualify the applicant from employment. In addition, the California Pre-employment Inquiry Guidelines state that any inquiry on a basis enumerated in the Fair Employment and Housing Act that may have an adverse impact on an individual, even though neutral on its face, may be permissible only if it is sufficiently related to an essential job function to warrant its use. California Pre-Employment Inquiry Guide, 453:3561. Employers cannot ask applicants about convictions for certain marijuana-related convictions if the convictions are more than two years old. Employers also are prohibited from



seeking such information from any source. If an employer does obtain this information, it cannot use it as a factor in determining any condition of employment, including hiring, promotion, or termination. Cal. Lab. Code § 432.8. Employers also cannot ask about convictions that have been sealed, expunged, or statutorily eradicated or about any misdemeanor convictions for which probation has been successfully completed or otherwise discharged and the case has been judicially dismissed. Cal. Code Regs., tit. 2, § 7287.4; California Pre-employment Inquiry Guidelines, 453:3561. Employers cannot require an employee or applicant to obtain a copy of his or her own criminal record. Cal. Penal Code § 13326. See also, Consumer Reports above.

Generally, under California law, no person, or agent or officer thereof, can require, as a condition of obtaining or retaining employment, that an employee or applicant be fingerprinted by any person for the purpose of furnishing the fingerprints to any other employer or third person, where the fingerprints could be used to the detriment of the employee or applicant. Cal. Lab. Code § 1051. However, as discussed below, there are several statutes that require or permit employers to obtain fingerprints of applicants and employees. All criminal history information obtained under these statutes must be kept confidential.

Financial Institutions: A bank or its affiliate, a savings association or its subsidiary or affiliate (collectively "financial institutions") may request the criminal record (including convictions and any arrests pending adjudication of certain enumerated offenses) of an applicant or employee from the California Department of Justice, any local criminal justice agency, or any local, state, or federal law enforcement agency, by submitting the individual's fingerprints to the agency. The request must include the applicant's or employee's written consent. After an evaluation of the criminal history information, employment may be denied if the financial institution or affiliate determines that the individual would constitute an unreasonable risk to the bank or affiliate or its customers. An individual seeking employment with a financial institution in a management position must permit, as a condition of employment, the financial institution and its regulatory agency to have access to the individual's state summary criminal history information. Cal. Fin. Code §§ 261, 777.5, 4990, 6525.

Child Care: Human resource agencies and certain employers may request from the California Department of Justice the criminal records (including convictions and any arrests pending adjudication of certain enumerated offenses) of any person who applies for employment, a license, or a volunteer position in which the person would have supervisory or disciplinary power over or care for a minor. Cal. Penal Code § 11105.3. Such criminal record checks are required before a county, city, or special district hires a person for employment or as a volunteer to perform services at a county, city, or special district operated park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary power over a minor. Cal. Pub. Res. Code § 5164.

Before a day care facility can be licensed, criminal history information (including convictions and any arrests for certain enumerated offenses) must be obtained regarding the following individuals (subject to limited exceptions) by submitting their fingerprint images and related information to the California Department of Justice: license applicant, employees, staff persons, or volunteers who have contact with children, any person other than a child residing at the facility, any person who provides care and supervision to the children, and individuals responsible for administration or direct supervision of staff. Following licensure, any individual covered by one of the above-mentioned categories not exempted from the requirement must sign a declaration under penalty of



perjury regarding any prior criminal conviction and submit to a criminal history information check by the California Department of Justice. These individuals must obtain either a criminal record clearance or a criminal record exemption as a condition of employment, residence, or presence in the day care facility prior to employment, residence, or presence in the facility. Cal. Health & Safety Code § 1596.871.

Any county welfare department employee who has frequent, routine contact with children and who provides services to children who are alleged victims of abuse, neglect or exploitation, must submit a declaration under penalty of perjury regarding any prior criminal conviction and must submit a set of fingerprints for the purpose of obtaining criminal history information from the California Department of Justice, if the county so dictates. Cal. Welf. & Inst. Code §§ 16501, 16504.5.

Private Schools: Any entity or person offering or conducting private school instruction at the elementary or high school level must obtain, as a condition of employment, criminal history records (including convictions and any arrests pending adjudication) regarding each applicant being seriously considered for employment who has contact with minor pupils and who does not possess a valid credential issued by the California Commission on Teacher Credentialing or is not currently licensed by another state agency. This background check is conducted by submitting the individual's fingerprints to the California Department of Justice. Cal. Educ. Code § 44237.

Public Schools: Before employing an individual in a position not requiring certification (other than secondary school students who are to be employed in a temporary or part-time position), a school district must obtain criminal history information (including convictions and any arrests pending adjudication) about an individual by submitting the individual's fingerprints to the California Department of Justice. The Department of Justice also must process requests from a school district, an employer, or a human resource agency for criminal history information regarding a volunteer to be used in a school. Cal. Educ. Code § 45125. School districts and county offices of education may request an automated criminal record check from a local law enforcement agency regarding a prospective non-certificated employee, provided the school district intends to hire the applicant at the time the record check is requested. Cal. Educ. Code § 45125.5.

Employees of an entity providing school and classroom janitorial services, schoolsite administrative services, schoolsite grounds and landscape maintenance, pupil transportation, or schoolsite food-related services to a school district or private school must submit their fingerprints to the California Department of Justice for the purpose of conducting a criminal history check as a condition of providing such services. A school district or private school also can require an entity providing other types of school services to comply with this requirement. If the school district determines that the employees of the entity will have limited contact with students, then this requirement need not be met. Cal. Educ. Code §§ 45125.1, 33192.

A school district or county office of education may establish a registry of volunteer after school physical recreation instructors and other before and after school program volunteers. To be included in the registry, a prospective registrant must submit to a criminal background check pursuant to Section 45125. Cal. Educ. Code § 35021.3.



Security: A private security business and a proprietary security organization may request information similar to that available to financial institutions and employers employing individuals with authority over children and others in their care, as discussed above. A "proprietary security organization" is an organization within a business entity that has the primary responsibility for protecting the employees and property of its employer and which allocates a substantial part of its annual budget to providing such security and protective services for its employer, including providing qualifying and in-service training to members of the organization. Cal. Penal Code § 11105.4. No person may be a computer security auditor or be granted secure access to an electronic recording delivery system if he or she has been convicted of a felony, convicted of a misdemeanor related to theft, fraud, or a crime of moral turpitude, or if he or she has a pending criminal charge for any of these crimes. All individuals entrusted with such secure access must submit to a criminal records check according to regulations adopted pursuant to section 27393. Cal. Govt. Code § 27395. Private security officers must undergo criminal background checks as a condition of registration with the Department of Consumer Affairs. Cal. Bus. & Prof. Code §§ 7574.2, 7583.9. Applicants for licensure as private investigators must undergo criminal history record checks. Commencing July 1, 2009, copies of criminal history records provided to applicants who have been denied licensure due at least in part to their criminal record must not be made available to any employer. Cal. Bus. & Prof. Code § 7564.1.

Broker-Dealers: A broker-dealer or agent may request criminal history information (including convictions and arrests pending adjudication) regarding an applicant for employment from the California Department of Justice. Cal. Corp. Code § 25221.

Elder/Disabled/Residential Care: Before a community care facility or a residential care facility (either for terminally ill individuals or the elderly) can be licensed, criminal history information (including convictions and any arrests for certain enumerated offenses) must be obtained regarding the following individuals (subject to limited exceptions) by submitting their electronic fingerprint images and related information to the California Department of Justice: license applicant, employees, staff persons, or volunteers who have contact with clients, facility residents who are not clients, any person who provides client assistance in dressing, grooming, bathing, or personal hygiene; and individuals responsible for administration or direct supervision of staff. Following licensure, any individual covered by one of the above-mentioned categories not exempted from the requirement must sign a declaration under penalty of perjury regarding any prior criminal conviction and submit to a criminal history information check by the California Department of Justice. These individuals must obtain either a criminal record clearance or a criminal record exemption as a condition of employment, residence or presence in the community care or residential care facility prior to employment, residence or presence in the facility. Cal. Health & Safety Code §§ 1522, 1568.09, 1569.17. All individuals seeking employment with a self-directed services program who will provide direct care services to a participant must submit to criminal record background checks. Cal. Welf. & Inst. Code § 4685.7.

Health Care: The Department of Managed Health Care may run criminal history background checks on its prospective employees whose duties would include access to medical information or its contractor's employees, contractors, agents, or subcontractors who will have access to medical information as part of their contracts with the department. The Department may investigate the criminal history for crimes involving moral turpitude to determine an individual's fitness to perform



duties that would include access to confidential information. Cal. Govt. Code § 1041. Pharmacy technicians and nurses must undergo criminal background investigations as a condition of licensure. Commencing July 1, 2009, copies of criminal history records provided to applicants who have been denied licensure due at least in part to their criminal record must not be made available to any employer. Cal. Bus. & Prof. Code §§ 4202, 2879.

Driving Records:

California law generally allows public inspection of Department of Motor Vehicles registration records, certain non-confidential information in driver's license applications, abstracts of convictions, and most abstracts of accident reports (other than those where, in the opinion of the reporting officer, another individual was at fault). The Department of Motor Vehicles will make available or disclose abstracts of accidents and convictions if the date of the occurrence is not later than ten (10) years for a violation pursuant to section 23140, 23152, or 23153, seven years for a violation designated as two points pursuant to section 12810 (except where such violations fall under the 10 year limitation), and three years for accidents and all other violations. The Department of Motor Vehicles also will disclose most suspensions and revocations of the driving privilege while the suspension or revocation is in effect and for three years after the driving privilege is reinstated. Cal. Vehicle Code § 1808.

The Driver's Privacy Protection Act of 1994 prevents the Department of Motor Vehicles from disclosing certain personal information about any person without the person's express consent. "Personal information" includes: an individual's photograph, social security number, driver identification number, name, address (minus zip code), telephone number, and medical or disability information. However, this does not include information on vehicular accidents, driving violations, and driver's status. Cal. Vehicle Code § 1808; 18 U.S.C. §§ 2721, 2725.

Commercial Drivers: Prospective employers of drivers of vehicles requiring certain licenses or certificates are required to obtain the driver's current record from the Department of Motor Vehicles. The employer of such drivers must participate in a pull-notice system, which provides the employer with the current driving record and any subsequent convictions, failures to appear, suspensions, revocations, or any other actions taken against the driving privilege or certificate of the individual for the period the individual is employed by the employer. Cal. Vehicle Code § 1808.1. Individuals who apply for a certificate to drive a school bus, school pupil activity bus, youth bus, paratransit vehicle, or farm labor vehicle must submit to a criminal history background check. Cal. Vehicle Code § 12517.4.

Education/Employment History:

Education: Other than the statutes previously discussed, no California statutes have been located that restrict an employer's ability to verify and/or inquire about an individual's educational history.

Employment: Other than the statutes previously discussed, no California statutes have been located that restrict an employer's ability to verify and/or inquire about an individual's employment history. However, given California's strong privacy rights, it is advisable that employers obtain authorization from an individual before verifying or inquiring about the individual's employment history.



References: Truthful information about a job applicant's job performance or employment qualifications made without malice by a current or former employer of the applicant to, and upon the request of, one whom the employer reasonably believes is a prospective employer of the applicant generally is protected. This general protection includes responding to a question regarding whether or not the employer would rehire the individual. Cal. Civ. Code § 47(c). California law permits employers to provide a truthful statement of the reasons for an employee's discharge or voluntary separation *in response to a specific request* for such information from a prospective employer. Cal. Lab. Code § 1053. Providing such information without a specific request, however, is prima facie evidence of a violation of Labor Code § 1050-1053 (prohibiting any person from preventing or attempting to prevent a former employee from obtaining employment by any misrepresentation).

Financial Institutions: California law provides immunity from civil liability for banks, savings associations, credit unions and any other financial institutions for providing a written employment reference that advises of the applicant's involvement in a theft, embezzlement, misappropriation, or other defalcation which has been reported to state or federal authorities pursuant to the state or federal banking or financial institutions law, provided the following conditions are met: (1) it is in response to a request from another financial institution; and (2) a copy of the written employment reference is sent concurrently by the financial institution providing the reference to the last known address of the person who is the subject of the reference. However, there will be no immunity if the information provided is false and the financial institution providing the false information does so with knowledge and malice. Cal. Fin. Code § 4991.

Peace Officers: California law requires employers to disclose employment information relating to a current or former employee who has applied for a position as a peace officer upon request of a law enforcement agency if the following conditions are met: (1) the request is made in writing; (2) the request is accompanied by a notarized authorization by the applicant releasing the employer from liability; and (3) the request and authorization are presented to the employer by a sworn officer or other authorized representative of the employing law enforcement agency. The statute also provides for immunity from civil liability for providing such information unless there is fraud or malice by the employer. Cal. Govt Code § 1031.1.

Public Utilities: California law requires public utilities corporations to provide, upon the request of any employee leaving its service, the employee with a letter stating the period of service and the kind of service rendered to the public utility corporation by the employee. Cal. Lab. Code § 1055.