



SUPPORT [S.J.Res. 127](#) to Preserve Consumers' Rights to Obtain a Copy of their Credit and Background Reports

In 2024, the Consumer Financial Protection Bureau (CFPB) made it easier for consumers to obtain a copy of their own credit and background reports. But in a rule submitted to Congress, the Trump CFPB rescinded that guidance, clearing the way for companies to put up roadblocks when consumers try to access their own personal data.

Senator Kim's joint resolution of congressional disapproval would undo the Trump CFPB decision and restore the earlier rule: "Fair Credit Reporting; File Disclosure."

Endorsers: National Consumer Law Center (on behalf of its low-income clients), Consumer Federation of America, Center for Responsible Lending, Protect Borrowers, Americans for Financial Reform, National Community Reinvestment Coalition

Key Points

- **Consumers have a right to obtain information in their credit and background reports.** A key protection in the Fair Credit Reporting Act (FCRA) is a consumer's right to obtain a copy of the information in their file. Consumers are entitled to one free credit report per year from credit reporting companies and can also receive free annual reports from "specialty" reporting companies, such as tenant screeners or background check companies.
- **Not all companies follow the law and adequately accommodate this right.** Credit reporting companies, tenant screeners, and background check companies have thrown up roadblocks to consumers' abilities to obtain their own reports, such as requiring consumers to use specific phrases or "magic words." Some tenant or background screeners claim they don't keep a "file" on a consumer and will not provide the consumer with a report—but of course they will sell a report to a landlord or employer who orders one.
- **The Biden CFPB issued guidance to crack down on these illegal roadblocks to consumers accessing their own personal data.** In January 2024, the Biden CFPB issued an [advisory opinion](#) to protect consumers by reminding consumer reporting companies (like credit reporting and background check companies) that consumers are not required to use any specific terms such as "file" or "complete file" to obtain a copy of their credit or specialty report. The guidance also highlighted that the FCRA requires companies to provide consumers with the same information that they would provide to a landlord or an employer.
- **The Trump Administration withdrew this rule, and this JRD seeks to restore it.** Although underlying statutes like the FCRA continue to protect a consumer's right to access their own personal data, the Trump Administration's rescission of guidance meant to clarify companies' specific obligations signals to bad actors that they may have more leeway to deny consumers their right to see their own personal data without fear of facing any real consequences from the current CFPB. It is critical for Congress to restore the earlier guidance.