

Pre-adverse action notice email template

The cover email that goes with the FCRA pre-adverse action notice, report copy, and summary of rights.

Updated October 15, 2026. Written and reviewed by the HRTally Research Team.

When to use this template

Use this when something in a background check report might lead you to withdraw an offer or not hire someone. The Fair Credit Reporting Act requires a two-step process. First, before you decide, send a pre-adverse action notice with a copy of the report and the CFPB's Summary of Your Rights Under the Fair Credit Reporting Act. Then wait a reasonable period so the candidate can dispute errors or explain. Only then can you send a final adverse action notice.

This email accompanies the first step. It should be calm, factual, and clear that no final decision has been made. Background reports contain errors more often than people expect, from mixed-up identities to dismissed charges, and this step exists to catch them. Keep the tone neutral. The person reading it is likely anxious.

Version 1: Pre-adverse action cover email

SUBJECT Information about your background check

Hi [Candidate first name],

We received the results of your background check from [Consumer reporting agency]. Some information in the report may affect our decision on your offer for the [Job title] position. No final decision has been made.

Attached you will find:

- Our pre-adverse action notice
- A copy of your background check report
- A Summary of Your Rights Under the Fair Credit Reporting Act

Please review the report. If any information is inaccurate or incomplete, you have the right to dispute it directly with [Consumer reporting agency] at [Agency phone and address]. You are also welcome to share any information you would like us to consider, such as context about the item, evidence of rehabilitation, or anything else relevant.

We will wait at least [five business days, or longer if required by your state or city] before making a decision. Please reply to this email or call me at [Phone] by [Date].

[HR contact name]
[Title], [Company]

Version 2: Fair chance jurisdiction version

SUBJECT Your background check: please review and respond by [Date]

Hi [Candidate first name],

We have reviewed your background check report and made a preliminary decision that it may affect your offer for the [Job title] role. This is not a final decision.

Attached are our notice, which explains the specific information we are concerned about and why, a copy of the report, the federal Summary of Rights, and [any notice of rights required by your state or city].

You have [the number of business days required by your state or city law] to respond. You may send evidence that the record is inaccurate, and evidence of rehabilitation or mitigating circumstances. We will consider everything you send before deciding.

You can reach me at [Phone or email].

[HR contact name]
[Title], [Company]

Subject lines to try

- Information about your background check
- Your background check: please review and respond by [Date]
- Important: background check results for your review
- Action requested: background check report
- Your [Company] background check

How to personalize it

- Send everything in one email so the candidate has the full picture.
- State the response deadline as a specific date.
- Name the reporting agency and how to reach them.
- Have one HR person handle the whole process so the candidate deals with one contact.

Mistakes to avoid

- Making the final decision before the waiting period ends.
- Sending the notice without the report copy and Summary of Rights.
- Discussing the report details with the hiring manager beyond what's needed.
- Using language that sounds final, such as we are unable to proceed.

Legal and compliance notes

The FCRA doesn't set an exact waiting period, but five business days is a widely used minimum. Several jurisdictions set longer or more detailed rules. California's Fair Chance Act requires an individualized assessment, a written preliminary decision, and at least five business days to respond, with more time if the candidate disputes the record. New York City requires an individualized analysis under its Fair Chance Act. The EEOC's 2012 guidance on arrest and conviction records recommends weighing the nature of the offense, the time elapsed, and the nature of the job. Get legal advice before a final decision in these cases.

When to send it

As soon as you identify a concern, and before telling anyone the offer is withdrawn. If the candidate responds, document what they sent and how you considered it, then decide and, if adverse, send the final notice with the information the FCRA requires.

Before you hit send

- The job title, pay range, and dates match what is in your applicant tracking system.
- Every placeholder in brackets has been replaced or deleted.
- Candidates who will be interviewed or assessed are told how to request an accommodation.
- Nothing in the message comments on age, family, health, or other protected characteristics.
- A real person is named as the contact, with a reply address someone checks.

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