



Background screening is growing in popularity in Costa Rica. However, there are diverse legal and cultural considerations that companies should be aware of before implementing a background screening program in this particular country. This whitepaper will highlight the legal landscape and outline checks available.

Legal Landscape

Composed of seven provinces (Alajuela, Cartago, Guanacaste, Heredia, Limon, Puntarenas and San Jose), Costa Rica employs a civil law system modeled after the Spanish civil code. Costa Rica's official language is Spanish, although English is also well understood and used.

Data Privacy

Costa Rica is considered to have one of the more robust data privacy laws in Central America.

Passed in 2011, the Ley de Protección de la Persona Frente al Tratamiento de sus Datos Personales (the Law for Protection of the Person with Regards to the Processing of His or Her Personal Data) affords many protections to individuals over the collection, processing and use of personal data.

Under the law, personal data is defined as "data concerning an identified or identifiable physical person" and sensitive personal data includes information relating to an individual's racial origin, political opinions, religious or spiritual convictions, socioeconomic condition, biomedical or genetic information and sexual life and orientation (among others). Unless an exception is met, individuals cannot be obligated to provide sensitive data.

Capital	San José
Currency	Costa Rican colón
Population	4,586,353
Area	51,100 km ²
Language	Spanish
Time Zone	UTC -6
Calling Code	+506

Express and informed consent (which must be in writing in either a physical or electronic document) is required before personal data may be collected and processed. Data transfers may also only occur when the individual has expressly authorized such activity.

The law also created the Agency for the Protection of the Data of the Inhabitants (Prodhab) which is an independent body responsible for enforcement. However, to date the Agency has been fairly inactive as it remains understaffed.

Finally, individuals covered by the law have several rights, including the right to access, rectify and delete personal information. According to FAQs published by the Prodhab, businesses have 5 working days to respond and make any requested corrections.

Employee Protections

Costa Rica's Labor Code was recently overhauled marking the most significant changes since the law's introduction in 1943. Under the Labor Code, there are several protected classes including age,



ethnicity, gender, religion, race sexual orientation, marital status, social origin, disability, union affiliation, economic status or political opinion. Additionally, employees that perform equal work are entitled to the same rights, working hours and pay regardless of age, ethnicity, gender or religion.

In addition to the Labor Code, the Constitution includes many protections for individuals such as Article 56 which protects the right to have employment. There are several other laws that protect individuals from discrimination and harassment including: Law that Promotes Equal Opportunity for Women (No. 7142), the Equal Opportunity Act for Persons with Disabilities (No. 7600), the Law for HIV/AIDS (No. 7771) and the Law Against Sexual Harassment (No. 7476).

Background Screening - Available Checks

Civil Records

Criminal

Directorship

Education

Employment

Global Search

Motor Vehicle Records

Passport Check

Professional License Verification

References

In general, the most commonly conducted checks in Costa Rica include reviewing an individual's past education and employment history, and conducting a criminal records search. Background checks conducted should be narrowly tailored keeping in mind the position's responsibilities and functions.

Education

In Costa Rica it is common to verify the highest degree obtained by a candidate. Educational institutions will be contacted to verify dates of attendance, graduation date and degree information.

Employment

It is common to verify the last seven years of employment for candidates. Employers will be contacted to verify the individual's title, dates of employment and if the candidate is eligible for rehire. Current employers will only be contacted with express consent from the applicant.

Criminal

Criminal records checks in Costa Rica are available. The search is conducted at the national level.



Miscellaneous

Other searches in Costa Rica include: Civil Records, Directorship Search, Motor Vehicle Records (validation of the individual's driver's license), Passport Check, Global Search (sanctions and watch lists), Professional License Verification and Professional References.

The preceding is offered as general educational information and is not intended to constitute legal advice. Given the intricacies of the pertinent laws and regulations, consultation with qualified legal counsel is recommended.