
The Background Screening Credentialing Council has drafted the following response to a question we have received regarding the US Employment Screening / General Background Screening BSOAP Standard, this letter applies to US Version 2.0, 3.0 and General Version 1.0. This response is provided for *educational purposes only* and does not constitute legal advice, express or implied, of the BSCC, or the Professional Background Screening Association. Consultation with legal counsel is recommended in all matters of employment law.

For the purposes of this Letter, and to ensure our response applies to both Standards, the terms Organization and CRA may both be used.

TITLE: Clause 2.8 – Agreement from Client RE: Client Contracts Held by Other Business Units

Question: The BSCC was asked if an Organization / CRA seeking accreditation, which is a business unit within a larger company or corporate group offering other, non-accreditation services, is required to provide copies of client agreements for clients belonging to other business units as part of an audit.

Response: Thank you for your inquiry.

An Organization / CRA seeking accreditation must meet the requirements of clause 2.8 of the Standard regardless of whether it concluded the agreement with the client itself, or the agreement was concluded by another business unit under the same company or corporate group. Agreements for the provision of services covered by the Accreditation which are concluded by other business units may be requested as part of the audit.

If consumer reports are not provided to the end user directly, but are provided to a reseller (which may be an affiliate of the Organization / CRA seeking accreditation, provided the reseller is not part of the application for accreditation and is a separate legal entity operating separately from the Organization / CRA seeking accreditation), then the reseller is the 'client' as that term is used in clause 2.8 and the requirements of that clause can be met by providing the agreement with the reseller. Any such reselling arrangement—even with an affiliate—must comply with vendor restrictions and other legal and contractual requirements applicable to reseller arrangements.

Thank you for submitting your inquiry and giving the BSCC an opportunity to review. We believe we have responded fully to your inquiry. Please let us know if you have any further questions.