

The Background Screening Credentialing Council volunteer members drafted the following response to questions about the BSAAP Standard, version 2.0, effective April 6, 2018. This letter is an informal discussion of the question posed and does not constitute a legal opinion of the BSCC.

TITLE: Background Checks on Affiliate Workers

Question: The BSCC was asked if a CRA using its affiliates' workers to support its operations would be expected to background check those workers as if they were its own workers as set out in clauses 6.1 and 6.2 of the Standard, or as if they were outsourced workers, as set out in clauses 4.2 or 5.8.

Response: Thank you for your inquiry regarding the applicable clauses of the Standard governing background checks for individuals working for an affiliate of an CRA seeking accreditation.

The answer to this question will depend on the nature of the relationship between the affiliates and the way workers are managed within the corporate group.

If the corporate group governs background screening centrally, then that central governance must be designed to comply with clauses 6.1 and 6.2. The CRA seeking accreditation must be able to obtain evidence from its parent company or from the affiliate to meet the requirements of those clauses.

If the CRA seeking accreditation and the affiliate manage their own independent background screening programs and those programs are not subject to centralized oversight by a parent company, then the CRA seeking accreditation can treat the support provided by the affiliate as an outsourcing arrangement and meet the background screening requirements of clauses 4.2 or 5.8 instead, as applicable. Any such outsourcing arrangement—even with an affiliate—must comply with all other clauses of the Standard that govern outsourcing arrangements.

There may be circumstances where the affiliate providing support is in fact a subsidiary, meaning it is under the control of the CRA seeking accreditation. In such situations, the BSCC expects the CRA seeking accreditation to ensure that the subsidiary's workers are screened as set out in clauses 6.1 and 6.2 as if they were the CRA's own workers and to demonstrate compliance with those clauses.

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.