
The Background Screening Credentialing Council has drafted the following response to a question we have received regarding the US Employee Screening BSOAP Standard, this letter applies to US Version 2.0 and 3.0. 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 4.1: Public Record Researcher Agreement: International Data Providers

Question: My company provides only international screening data – that is data that has been sourced from outside of the United States.

For customers that only use our internationally sourced services (non-US or US Territory data), we are getting requests to complete a Public Record Researcher Agreement. This appears to be coming from Clause 4.1 of the Standard.

Does Clause 4.1 apply to non-US data? Are Accredited Organizations/CRA's required to obtain such an agreement from their data providers who provide only non-US data?

Response: Thank you for your inquiry. This is a supplement to Opinion Letters issued in August 2018 and November 2018 about the same issue.

Yes, Clause 4.1 should be applied to all public record researchers regardless of the country of origin of data. The clause does not differentiate between US-sourced and non-US-sourced data.

Clause 4.1 reads as follows:

CRA must have and follow a procedure requiring a signed agreement, which may include amendments and/or addenda, from all non-employee public record researchers. The agreement must clearly define the scope of services to be provided, including jurisdictions covered, search methodology, depth of search, disclosure of findings, methodology and time frame for communication and completion of requests, methodology for confirming identity of subject of record(s), confidentiality requirements, reinvestigation requirements, and other obligations as furnishers of information under the federal FCRA.

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.