

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: Public Record Researcher Agreement: International Data Providers

This is a supplement to Opinion Letters issued in August 2018 and November 2018 about the same issue.

Issue: 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 CRAs required to obtain such an agreement from their data providers who provide only non-US data?

Response:

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.