
The Background Screening Credentialing Council (BSCC) has drafted the following accreditation tip for the US Employment Screening / General Background Screening BSOAP Standard, this tip 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 Tip, 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

Clause: Organization / 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.

A **Non-Conformity** for Clause 4.1 may look something like the following:

The absence of language addressing “search methodology and depth of search.” CRAs seeking accreditation should carefully review each element of the clause to ensure each item is addressed in processes and procedures.

In the case of this clause, it is not adequate to simply have a Public Record Researcher Agreement. Rather, the agreement must exist and include all items specified in the Standard.

The Audit Criteria for Clause 4.1 provides:

The agreement should include, but is not limited to: 1) the requirement to conduct all searches in full compliance with applicable law and regulation, 2) jurisdictions covered, 3) search methodology, 4) depth of search, 5) disclosure of findings, 6) methodology and time frame for communication and completion of requests, 7) methodology for confirming identity of subject of record(s), 8) confidentiality requirements, 9) reinvestigation requirements, and 10) the requirement for public record researcher to obtain a similar agreement from subcontractors, if subcontractors are used. In particular, the agreement should emphasize confidentiality requirements including: A) the legal requirement to treat all consumer information as confidential, B) secure data transmission, and C) secure and timely disposal of confidential

information. (Note: This agreement may incorporate the Certification requirement of Clause 4.3)

We hope the above provides further information and clarification on the information provided in the Standard and may be used to improve your accreditation submission.