

The Background Screening Credentialing Council volunteer members drafted the following response to a question about Information Security in Clauses 2.18 and 2.14 of 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: Clauses 2.18 and 2.14 – Automated Reporting Systems

Question: *What is meant by Automated Reporting Systems in Clause 2.18 in Version 2.0? There is a clause already for Database Criminal Records but is this clause related to that?*

Response: The Background Screening Credentialing Council is in receipt of your inquiry relating to Clauses 2.18 and 2.14 of the Background Screener Agency Accreditation Program’s Accreditation Standard with Audit Criteria, v. 2.0 (effective as of April 6, 2018 to the present). Specifically, you inquired as follows:

*What is meant by Automated Reporting Systems [in] Clause 2.18 in Version 2.0?
There is a clause already for Database Criminal Records [Clause 2.14] but is this
clause related to that?*

Thank you for submitting your inquiry. You are correct that both clauses relate to automated databases. However, Clause 2.14 is limited in scope to the use of databased criminal records and compliance with FCRA provisions, including specifically 604b and 613.

Clause 2.14 (eff. April 6, 2018) requires the following, specifically:

When reporting public record information which is likely to have an adverse effect on a consumer’s ability to obtain employment, pursuant to the federal FCRA the CRA shall either: A) maintain strict procedures designed to insure the reported information is complete and up to date; or B) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the CRA, together with the name and address of the person to whom such information is being reported.

Clause 2.18 (eff. April 6, 2018) requires the following, specifically:

If CRA uses automated reporting systems, CRA must have and follow reasonable procedures to ensure results as reported on consumer report accurately reflect source information received into the automated reporting system.

Clause 2.18 is broader in scope than Clause 2.14. Clause 2.18 relates to the use of any form of automated reporting systems, not just criminal record databases. Examples of automated reporting systems that may be in use and subject to Clause 2.18 would include, for example, an automated motor vehicle record reporting system, an automated civil record reporting system, an automated credit reporting system, or any other automated integration with any vendor or source.

Your question has identified an opportunity for the BSCC to define the term “automated reporting system” in the Standard. “Automated reporting system” shall mean a system into which the CRA submits

certain PII (name, DOB, SSN, DL, etc.) and in return receives certain types of records associated with the same. The automated reporting system then determines, either via a standard set of rules or customized client rules, what items received will be in the consumer report.

We trust this letter clarifying the difference in the scope between Clause 2.14 and 2.18, as well as providing a definition around the term “automated reporting system” will be of help not only to you but to others seeking accreditation or re-accreditation under the new Standard 2.0.

We hope this additional insight assists you in your preparation for the accreditation audit process, and that by making this available through our published opinion letter process, we are able to provide clarity to other organizations as well.

We believe we have responded fully to your inquiry. Please let us know if you have any further questions.