
The Background Screening Credentialing Council has drafted the following response to a question we have received regarding the US Employment Screening / General Background Screening BSOAP Standard, this letter applies to US Versions 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 Letter, and to ensure our response applies to both Standards, the terms Organization and CRA may both be used.

TITLE: Clauses 2.14 – Database Criminal Records / Database Records and 2.18 and – Automated Reporting Systems / Fulfillment

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

Response: Thank you for 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 604(b) and 613.

Clause 2.14 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 Organization /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 Organization/CRA, together with the name and address of the person to whom such information is being reported.

Clause 2.18 requires the following, specifically:

If the Organization/CRA uses automated reporting systems, the Organization/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 Organization/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.

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.