

The Background Screening Credentialing Council

The Background Screening Credentialing Council volunteer members drafted the following response to a request for clarification on the Background Screening Agency Accreditation Program Clauses 4.1 and Clause 4.3, version 2.0, effective April 6, 2018. This letter is an informal discussion of the noted issue and does not constitute a legal opinion of the BSCC.

TITLE: Clause 4.1 and Clause 4.3 Clarification

Issue: The BSCC was asked, “We have a vendor called XXX. They are not a typical vendor. They do all the online free database searches, compile the results, and return to us. This makes clause 4.1 and clause 4.3 confusing. Can you advise?”

Response: Thank you for contacting the Background Screening Credentialing Council with your questions regarding Clauses 4.1 and 4.3 of the Accreditation Standards. Consistent with the BSCC's interest in creating programs that help consumer reporting agencies prepare for and maintain their accreditation, we are committed to responding to questions like yours in a manner that allows all accredited agencies and agencies seeking accreditation to view the questions and our responses. While we attempt to provide responses that offer guidance and insight to agencies, we cannot and do not issue legally binding opinions on questions which are hypothetical in nature. Notwithstanding, we have provided below some information which may be of assistance to you as you prepare for accreditation.

Your question posed relates to the requirements to comply with 4.1 and 4.3 for vendors who perform free online criminal database searches. It is our opinion that regardless of the manner of search (online or live, free or paid, courthouse pull digitally or in paper), you have hired a third party individual or company to provide a research or data service to you. As a result the requirements for public record research agreements and certification apply as written. This means that executing and maintaining an agreement that is in compliance with Clauses 4.1 and 4.3 will be necessary.

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