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*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.*

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**TITLE: Clause 2.9 – Client Legal Responsibilities**

*Clause: Organization / CRA must have and follow procedures to inform client that client has legal responsibilities when procuring and using subject / consumer reports for background screening / employment purposes. Organization / CRA must recommend to client that client work with legal counsel to ensure compliance with their specific legal responsibilities.*

A **Non-Conformity** sometimes identified for this clause is the absence of specific language in a client agreement or other document signed by the client that recommends the client seek legal counsel.

In accordance with the US Employee Screening Accreditation Standard this notification also includes, at a minimum, the six FCRA legal responsibilities of clients (as identified in the Audit Criteria) when using consumer reports for employment purposes. These criteria remain, in concept, for the General Accreditation Standard as well.

The Audit Criteria for Clause 2.9 provides:

*Organization / CRA must: 1) inform clients that client has legal responsibilities, and 2) advise client to consult with legal counsel. Methods include but are not limited to Client agreement, User agreement or some other document which is signed by the client and includes, but is not limited to, client acknowledgement of legal responsibilities.*

*[US Standard] Per the FCRA, current legal responsibilities include: 1) having permissible purpose, 2) disclosing to consumer, 3) obtaining consumer authorization, 4) following prescribed adverse action procedures, 5) complying with all applicable legal and regulatory requirements, and 6) obtaining, retaining, using, and destroying data in a confidential manner. Auditor will seek evidence of adherence to policies and procedures.*

*[General Standard] Current legal responsibilities include: 1) having permissible purpose, 2) disclosing to subject, 3) obtaining subject authorization, 4) following prescribed adverse action procedures, 5)*

*complying with all applicable legal and regulatory requirements, and 6) obtaining, retaining, using, and destroying data in a confidential manner. Auditor will seek evidence of adherence to policies and procedures.*

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.