

---

*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 3.2 – Legal Counsel**

*Clause: Organization / CRA must have and follow a procedure to inform client that Organization / CRA is not acting as legal counsel and cannot provide legal advice. Organization / CRA must inform client of the importance of working with counsel to develop an employment screening program specific to their needs and to ensure that client’s policies and procedures related to the use of CRA-provided information are in compliance with all applicable legal and regulatory requirements.*

A **Non-Conformity** for section 3.2 may look something like the following:

*“Testing of the control activity disclosed that at least one or more agreements sampled did not inform clients that they are not acting as legal counsel and cannot provide legal advice, nor did the contracts inform clients of the importance of consulting with counsel to develop an employment screening program specific to the agency’s needs, or to emphasize the necessity of working with counsel to ensure that the client’s policies and procedures related to the use of consumer reports are in compliance with applicable laws.”*

The Audit Criteria for Clause 3.2 provides:

*Organization / CRA must inform clients that Organization / CRA does not function as legal counsel. Methods include, but are not limited to, inclusion in Client agreement, User agreement or through some other document which is signed by the client and includes client acknowledgement. Such acknowledgment must include, but is not limited to: 1) Organization / CRA is not legal counsel and does not provide legal advice, 2) advising client of importance of working with their legal counsel to ensure overall screening program compliance, and 3) advising clients that consumer reports provided by Organization / CRA must be used in compliance with all applicable legal and regulatory requirements. 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.