

The Background Screening Credentialing Council has drafted the following response to a question we have received regarding the US Employee Screening BSOAP Standard, this letter applies to US Version 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: Remote Workforce

This letter replaces a letter issued in March 2019, and supplemented in October 2021, about the same issue.

Question: We are a small background screening company considering moving our entire workforce to a remote work model. Assuming we had the proper security protocols in place, would this impact our ability to become accredited or is there anything we need to consider/put in place that's unique based on this business model?

Response:

Thank you for your inquiry.

The accreditation standards do not speak directly to remote work. As a practical matter, and for compliance with law, applicants for accreditation must have appropriately secure space for at least the following reasons:

- The BSOAP Policies and Procedures state that an audit must be conducted "at the applicant organization's primary operating center".
- The BSOAP standards require applicants to maintain appropriate physical security policies, regardless of location, which protect information from unauthorized access.
- US consumer reporting laws and some laws applicable to background screening in other countries require the provision of a mailing address. Furthermore, a screening company may be required to send copies of reports or other personal information by mail from time to time. Because personal information may be exchanged by mail, background screening companies must have a secure location at which to prepare, send, receive, process and store paper communications.
- US consumer reporting laws and some laws applicable to background screening in other countries allow consumers the option to inspect a consumer report in person at the place of business of a screening company. [see FCRA 610(b)(2)(a)].

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In principle, an applicant for accreditation could determine that it can carry out these activities in a residence with enhanced physical security; through an outsourcing arrangement with a third party that maintains physical office space; in a secure, dedicated area within a shared office space; or using a combination of the above. Provided it can demonstrate that it meets the requirements of the BSOAP standard in all respects, an otherwise fully remote work model would not be a barrier to achieving PBSA accreditation.

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.

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