

The Background Screening Credentialing Council (BSCC) has drafted the following response to a question we have received for the US Employment Screening BSOAP Standard versions 2.0 and 3.0 and the General Background Screening Standard 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: BSOAP Eligibility for non-CRA organization

Question: The BSCC was asked whether a first-party process provider, who provides a means for consumer/candidates to verify their past or present employment and provide it directly to a potential or existing employer, can be eligible for PBSA Accreditation. (Provider of service claims they are not a CRA per legal guidance and review.)

BSOAP Eligibility Question

Hi – I have a question on PBSA accreditation of background screening companies. We do screening for pre- and post-employment, but our workflow is a first-party process directly with the consumer/candidate, who verifies the results and shares it with the employer themselves. So, it is not a third-party consumer report, and we are not a CRA (have had formal legal guidance on this approach and have recently received a patent for it).

Can we get PBSA accreditation if we are not a CRA?

Answer

Thank you for your inquiry regarding the ability of an entity to apply for the United States Employment Screening Accreditation if the entity provides first-party verification directly to employers, verified by the consumer and provided by the consumer via the provider technology, may they be eligible for Accreditation.

The Background Screening Organization Accreditation Program Policies and Procedures (BSOAP), Section IV(2)(b)&(c) states, (2)“The applicant organization may apply for accreditation under a Standard where it meets eligibility requirements as follows:”, “(b)The applicant organization must currently and regularly be engaged in the business of providing background, employment or employment-related screening services. (c) The applicant organization must comply with applicable BSOAP Standards, BSOAP Policies and Procedures, and all other relevant policies adopted by the Council, including without limitation, policies regarding the use of the Council’s accreditation logos.”

As long as the applicant organization can demonstrate compliance with the applicable standards and meet all other requirements there is no reason to prohibit the applicant organization from submitting an application for accreditation.