

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 2.0 and 3.0. 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: Clause 4.1 Public Record Researcher Agreement and Clause 4.3 Public Record Researchers Certification

Question: 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 your inquiry.

Your question relates to the requirements to comply with 4.1 and 4.3 for vendors who perform free online criminal database searches. Regardless of the method 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 service. 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.

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.