



The Background Screening Credentialing Council (BSCC) volunteer members drafted the accreditation tip for Clause 4.1 of the BSAAP Standard, version 2.0, effective April 6, 2018. This tip does not constitute a legal opinion of the BSCC.

TITLE: Clause 4.1 – Public Record Researcher Agreement

Clause: CRA must have and follow a procedure requiring a signed agreement, which may include amendments and/or addenda, from all non-employee public record researchers. The agreement must clearly define the scope of services to be provided, including jurisdictions covered, search methodology, depth of search, disclosure of findings, methodology and time frame for communication and completion of requests, methodology for confirming identity of subject of record(s), confidentiality requirements, reinvestigation requirements, and other obligations as furnishers of information under the federal FCRA.

A somewhat common **Non-Conformity** for this clause is the absence of language addressing “search methodology and depth of search.” CRAs seeking accreditation should carefully review each element of the clause to ensure each item is addressed in processes and procedures.

Each clause of the Standard includes three supporting items: *Measure & Documentation Typically Subject to Desk Audit, Potential Verification for Onsite Audit, and Attributes of and Suggestions for Onsite Audit; what auditor should look for in policy, procedure, activity.* CRAs policies and procedures should address each element identified in these supporting sections. Under “Attributes of and Suggestions for Onsite Audit; what auditor should look for in policy, procedure, activity,” Clause 4.1 provides:

The agreement should include, but is not limited to: 1) the requirement to conduct all searches in full compliance with applicable law and regulation, 2) jurisdictions covered, 3) search methodology, 4) depth of search, 5) disclosure of findings, 6) methodology and time frame for communication and completion of requests, 7) methodology for confirming identity of subject of record(s), 8) confidentiality requirements, 9) reinvestigation requirements, and 10) the requirement for public record researcher to obtain a similar agreement from subcontractors, if subcontractors are used. In particular, the agreement should emphasize confidentiality requirements including: A) the legal requirement to treat all consumer information as confidential, B) secure data transmission, and C) secure and timely disposal of confidential information. (Note: This agreement may incorporate the Certification requirement of Clause 4.3)

In the case of this clause, it is not adequate to simply have a Public Record Researcher Agreement. Rather, the agreement must exist and include all items specified in the Standard.