



The Background Screening Credentialing Council (BSCC) volunteer members drafted the accreditation tip for Clause 3.4 of the BSAAP Standard, version 2.0, effective April 6, 2018. This tip does not constitute a legal opinion of the BSCC.

TITLE: Clause 3.4, Information Protection

Clause: CRA must have and follow a procedure to inform client of: (1) the sensitive nature of consumer reports, (2) the need to protect such information, and (3) the consumer report retention and destruction practices as outlined in the federal FCRA and the DPPA.

The Audit Criteria for Clause 3.4, of the BSAAP Standard with Audit Criteria, Version 2.0, Effective April 6, 2018, provides:

CRA must inform clients of client's legal requirements regarding protection of consumer data. Methods include, but are not limited to, inclusion in a Client agreement, User agreement or through some other document which is signed by the client and includes, but is not limited to, client acknowledgement of consumer data protection responsibilities. Per the FCRA, current requirements include: 1) limiting dissemination of consumer information to only those with legitimate need, permissible purpose, and authorized by consumer; 2) retaining consumer data in a confidential manner; and 3) destroying data in a secure manner as specified in current FTC document destruction rules. Per the DPPA, current requirements include: protecting the privacy of consumer information which is contained in motor vehicle records, and accessing DMV records only with written consent of consumer.

A **Non-Conformity** sometimes identified for this clause is the absence of specific language in a client agreement or other document *signed by the client* that includes information regarding the importance of and legal requirements to protect consumer data presented in consumer reports as per the FCRA and DPPA. Clause 1.11 of the Standard outlines requirements for proper data destruction. Further, the requirement must go beyond just notification to the client of these responsibilities but requires their signed acknowledgement of these requirements.