

The Background Screening Credentialing Council volunteer members drafted the following response to a question about Background Checks in Clause 6.1 of the BSAAP Standard, version 2.0, effective April 6, 2018. This letter is an informal discussion of the noted issue and does not constitute a legal opinion of the BSCC.

TITLE: Clause 6.1 and Clause 6.2 – Background Checks

Issue: As you know we are preparing for submission of our accreditation packet and I have a question. In relation to the reference clause our company have several services lines in addition to background screening would "**all CRA owners, officers, principals and CRA workers charged with enforcement of company policy,**" be our entire executive team comprised of the following or just those specifically assigned to or handles background screening?

Example 1:

CEO and all VPs of every business unit (Sales, Operations, Client Relations, IT, etc.)

Example 2:

CEO, VPs of Compliance and Operations only along with Directors, managers and works.

Response:

Thank you for your inquiry submitted on August 6, 2018 which read as follows:

6.1 - Background Checks for CRA Personnel Charged with Enforcement of Policy

*As you know we are preparing for submission of our accreditation packet and I have a question. In relation to the reference clause our company have several services lines in addition to background screening would "**all CRA owners, officers, principals and CRA workers charged with enforcement of company policy,**" be our entire executive team comprised of the following or just those specifically assigned to or handles background screening?*

Example 1:

CEO and all VPs of every business unit (Sales, Operations, Client Relations, IT, etc.)

Example 2:

CEO, VPs of Compliance and Operations only along with Directors, managers and works.

We believe that responding in the form of an opinion letter, rather than a private response to your inquiry, would be appropriate given that your inquiry requires us to issue our interpretation of an existing Accreditation Standard with Audit Criteria, Version 2.0. Sections 6.1 and 6.2 of that Standard apply and read in full as follows:

6.1:

*CRA must have and follow a policy requiring criminal background checks and government sponsored sanction list checks be **conducted on all CRA owners, officers, principals and CRA workers charged with enforcement of company policy**. Checks must be conducted at official, appropriate government repositories to cover 7 years of residential history and such records must be retained unless otherwise prohibited by applicable law. Record checks must be conducted at least once every two years covering the time period since the last check was completed and records retained for the duration of enforcement responsibility. Any criminal conviction(s) or sanctions listing(s) must be evaluated to determine if the individual may remain in an enforcement capacity based on: 1) nature and gravity of offense or conduct, 2) time passed since offense, conduct, or completion of sentence and 3) nature of current enforcement role (commonly referred to as “Green Factors”).*

(bold added for emphasis). The Attributes of and Suggestions for Onsite Audit (what the auditor will look for in policy, procedure, activity) specify for clarity:

This clause refers only to the entity being accredited and not any parent company. It covers owners, managers, and CRA workers charged with enforcement of company policy.

6.2:

*CRA must have and follow a policy requiring criminal background checks and government sponsored sanction list checks **be conducted on all CRA workers**. Checks must be conducted at official, appropriate government repositories to cover 7 years of residential history and such records must be retained unless otherwise prohibited by applicable law. Such record checks must be conducted at least once every two years and records retained as long as CRA worker provides services to CRA. Any criminal conviction(s) or sanctions listing(s) must be evaluated to determine if the individual may remain his/her current position or any other position with CRA based on: 1) nature and gravity of offense or conduct, 2) time passed since offense, conduct, or completion of sentence and 3) nature of current or desired role (commonly referred to as “Green Factors”).*

(bold added for emphasis)

Your inquiry seems to raise the question of whether the managers/VPs of sales, operations, client relations, technology for the consumer reporting agency are included in the scope of this background check requirement. The simple answer is yes. As indicated in the standard including the attributes of and suggestions for onsite audit, the owners, managers and CRA workers “charged with enforcement of company policy are required to be screened.”

In example 1: “CEO and all VPs of every business unit (Sales, Operations, Client Relations, IT, etc.)”, if every CEO and VP of the business units oversees consumer reporting products/services, then, yes, 6.1 applies.

In example 2: “CEO, VPs of Compliance and Operations only along with Directors, managers and works.”, CEO, VPs of Compliance and operations along with directors and managers who are “charged with enforcement of company policy” would fall under 6.1. Assuming the last word was intended to be “workers”, Clause 6.2 which covers all other CRA workers would likely apply (unless such workers are responsible for enforcement of company policy).

We hope this answers your inquiry and helps you to appropriately prepare for your accreditation submission.

We believe we have responded fully to your inquiry. Please let us know if you have any further questions.