

The Background Screening Credentialing Council volunteer members drafted the following response to a question about Third Party Vendors. This opinion letter applies to 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: Third Party Vendors (Courthouse Researchers and/or Verification Companies)

Issue: When a CRA is preparing for their accreditation in connection with the audit criteria relating to ensuring compliance of their third party vendors (i.e. independently contracted courthouse researcher, independently contracted verifications company), is it the responsibility of the vendor or the CRA to write the policies and procedures relating to that research or verification process? Is it the responsibility of the CRA or third party vendor (courthouse researcher or Third Party Verification Company) to document and establish via evidence that their policies and procedures are being followed by that third party vendor?

Opinion: Many CRAs use independently contracted third party companies to handle their courthouse research and/or their verification processes. These third party companies may provide services to multiple CRAs and specialize their services to a particular product or service line

In order for the CRA to seek, obtain, and maintain accreditation the CRA must have in place written policies and procedures specifying their requirements for research or reporting research, making reference calls, verifying information, etc. The written policies and procedures are required whether the CRA completes these processes in house or via contracted third party. If using a contracted third party, the CRA must be able to establish that the policies and procedures applicable to the contracted service have been provided to the contracted third party and that the contracted third party is contractually required to follow those policies and procedures. The CRA must also establish proof (or evidence) that the contracted third party is in fact following the required policies and procedures. Some examples of the evidence the auditor may seek from the CRA include, but are not limited to:

1. Written procedure for what you do to verify diploma mills. Do you have an internal list you consult? Any additional research? What's your method?
2. How do you verify that the verification source is who they say they are (i.e. that you are not speaking to a friend/family member but are in fact speaking to an individual who previously worked with or supervised the person)? What are your methods for vetting the point of contact before you call?
3. How are your employees trained on professional conduct? Do employees follow a script when conducting verifications?
4. If an employer calls you a month later and says they mistakenly gave you the incorrect job title for someone, what's your procedure? What do you do, how do you get notified of that or how does your client get notified about that?
5. How do you document attempted calls? How many calls do you attempt to make? What happens if you never get a response/answer?
6. What are you doing to ensure accuracy? What is your quality control process?

Regardless of who is performing the work - the CRA or a contracted third party acting on behalf of the CRA - it is solely the responsibility of the CRA to establish compliance with the audit criteria. Therefore

the CRA must establish the written policies and procedures for all aspects of their verifications, courthouse research and other related areas required in the standards, ensure the policies and procedures are adhered to, audit for compliance, communicate the policies and procedures to contracted third parties, update contracts as appropriate, and provide evidence that the policies and procedures are adhered to during the audit process.

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