
Information Technology Policy

Minimum Contractor Background Checks Policy

ITP Number ITP-SEC009	Effective Date March 1, 2006
Category Recommended Policy	Supersedes
Contact RA-ITCentral@pa.gov	Scheduled Review July 2022

1. Purpose

This Information Technology Policy (ITP) establishes the enterprise-wide policy for minimum contractor employee background checks. The purpose of this policy is to establish the requirement that, as a condition for award of a contract or purchase order, contractors providing services to the Commonwealth (hereinafter referred to as *Provider*) conduct criminal background checks for all contractor employees (hereinafter referred to as *Contract Resources*) who will perform services onsite at Commonwealth owned or leased facilities, who will have access to Commonwealth owned or leased facilities via onsite or remote computer access or who will have access to Commonwealth data. This policy is intended to ensure the protection, security, and privacy of Commonwealth employees, customers, and Commonwealth data, information, and information systems.

2. Scope

This ITP applies to all offices, departments, boards, commissions, and councils under the Governor’s jurisdiction (hereinafter referred to as “agencies”). Agencies not under the Governor’s jurisdiction are strongly encouraged to follow this ITP.

Third-party vendors, licensors, contractors, or suppliers shall meet the policy requirements of this ITP.

This policy applies to all contracts issued by agencies through which Contract Resources of a *Provider*, or of its subcontractors, have access to Commonwealth data or have on-site or remote computer access to Commonwealth owned or leased facilities.

3. Policy

This policy requires *Providers*, as a condition of award of a contract or purchase order, to conduct a pre-employment background check on any *Contract Resource* who will perform services onsite at Commonwealth owned or leased facilities, who will have access to Commonwealth owned or leased facilities via onsite or remote computer access, or who will have access to Commonwealth data. Criminal records shall be checked for the previous five (5) years. For *Contract Resources* retained by the Commonwealth for more than one year, the *Provider* shall conduct such criminal record checks annually.

For *Contract Resources* that reside in the Commonwealth, criminal background checks shall be conducted by the Pennsylvania State Police via a Criminal Record Check form and procedure.

For *Contract Resources* that reside out of the Commonwealth, Provider shall have a criminal background check conducted in the state that the Contract Resource currently resides.

- A contact list has been provided by the Department of Homeland Security here for [Out of State Background Checks](#).

Background checks of a prospective *Contract Resource* shall include checks that screen against state and local systems containing information on criminal arrests, convictions, warrants, and incarcerations. A reinvestigation shall be conducted within 10 years from the date of the previous background investigation for *Contract Resources* requiring access to Federal Tax Information (FTI).

A fingerprint database search shall be required for *Contract Resources* having access to the PA Commonwealth Law Enforcement Assistance Network (CLEAN), any Criminal Justice Information (CJI), Federal Tax Information (FTI), or any Criminal History Record Information (CHRI) data, by either onsite or remote computer access.

Providers shall be responsible for the payment of all fees associated with background checks for their *Contract Resources* and/or subcontracted employees.

In addition to the above procedure, the following language, or language similar to the following language, shall be included in all Commonwealth procurement vehicles and documents, including: Requests for Proposal (RFPs), Invitations to Qualify (ITQs), Requests for Quote (RFQs), sole-source contracts, renewals, amendments, and agency Statements of Work (SOWs) for services to be performed onsite at Commonwealth owned or leased facilities, via onsite or remote computer access, or who have access to Commonwealth data:

"The *Provider* shall, at its expense, arrange for a background check for each of its employees, as well as for the employees of its subcontractors, who will have access to Commonwealth owned or leased facilities, either through onsite or remote access or who will have access to Commonwealth data. Background checks are to be conducted via the Request for Criminal Record Check for in-state *Contract Resources* or via a criminal background check through the appropriate State Agency for the out of state *Contract Resources*. The background check is to be conducted prior to initial access by the *Contract Resources* and annually thereafter.

Before the Commonwealth will grants a *Contract Resource* access to Commonwealth owned or leased facilities or Commonwealth data, the *Provider* shall provide written confirmation to the office designated by the agency that the background check has been conducted. If, at any time, it is discovered that a *Contract Resource* has a criminal record that includes a felony or misdemeanor involving terrorist threats, violence, use of a lethal weapon, or breach of trust/fiduciary responsibility; or which raises concerns about building, system, or personal security, or is otherwise job-related, the *Provider* is not to assign that employee to any Commonwealth facilities, is to remove any access privileges already given to the employee, and is not to permit that employee remote access to Commonwealth facilities or systems or access to any Commonwealth data, unless the agency consents, in writing, prior to the access being

provided. The agency may withhold its consent at its sole discretion. Failure of the *Provider* to comply with the terms of this paragraph may result in default of the *Provider* under its contract with the Commonwealth."

4. Responsibilities

4.1 Agencies may exceed this policy at their discretion and may enter into an amendment solely for the purpose of implementing this policy.

Note: Obtaining a DGS-issued photo ID card will ensure that background checks are obtained annually for the *Contract Resource*, since a criminal background check is required to obtain the photo ID card. Vendor/contractor Photo ID cards expire one (1) year from the date the background check was performed. In addition, the ID card will expire at the end of a project or upon removal of the *Contract Resource*, even if a year has not passed.

4.2 Third-party vendors, licensors, contractors, or suppliers providing services to the Commonwealth shall comply with the requirements outlined in this ITP and [OPD-SEC000B Security Policy Requirements for Third Party Vendors](#).

5. Related ITPs/Other References

Definitions of associated terms of this policy are published on the Office of Administration's public portal: <http://www.oa.pa.gov/Policies/Pages/Glossary.aspx>

Commonwealth policies, including Executive Orders, Management Directives, and IT Policies are published on the Office of Administration's public portal: <http://www.oa.pa.gov/Policies/Pages/default.aspx>

- [Request for Criminal Record Check](#)
- Out of State Background Check
- [OPD-SEC000B – Security Policy Requirements for Third Party Vendors](#)
- [IRS Publication 1075](#)

6. Authority

Executive Order 2016-06, *Enterprise Information Technology Governance*

7. Publication Version Control

It is the [Authorized User](#)'s responsibility to ensure they have the latest version of this publication, which appears on <https://itcentral.pa.gov> for Commonwealth personnel and on the Office of Administration public portal:

<http://www.oa.pa.gov/Policies/Pages/default.aspx>.

Questions regarding this publication are to be directed to [RA- itcentral@pa.gov](mailto:RA-itcentral@pa.gov).

8. Exemption from This Policy

In the event an agency chooses to seek an exemption from the guidance within this ITP, a request for a policy waiver is to be submitted via the enterprise IT policy waiver process. Refer to [ITP-BUS004 IT Policy Waiver Review Process](#) for guidance.

This chart contains a history of this publication's revisions:

Version	Date	Purpose of Revision	Redline Link
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Original	11/25/2002	Base Policy	
Revision	12/27/2002	Policy refresh	
Revision	3/23/2006	Reissue as SEC ITB	
Revision	04/2/2014	ITP Reformat	
Revision	07/12/2021	<ul style="list-style-type: none"> • Language added regarding reinvestigations for contract resources with access to FTI to be consistent with Pub 1075. • Removed objective (language from objective was stated in Purpose). • Language added for out of state contract staff. • ITP updated to include all services not just IT services. • Standard language for third party vendors added to scope and responsibilities • Adjusted expiration period for ID badge • Pub 1075 link added to Other References section • Added Exemption section 	Revised IT Policy Redline <07/12/2021>