

Information Technology Policy

Minimum Contractor Background Checks Policy

Number
ITP-SEC009

Effective Date
March 1, 2006

Category
Security

Supersedes
None

Contact
RA-ITCentral@pa.gov

Scheduled Review
March 2025

1. Purpose

This Information Technology Policy (ITP) establishes the enterprise-wide policy for minimum contracted resource background checks. The purpose of this policy is to establish the requirement that, as a condition for award of a contract or purchase order, contracted entities providing services (referred to as [Service Organization](#)) to the Commonwealth, shall conduct criminal background checks for contractor employees (referred to as [Contracted Resources](#)). 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 and any other entity connecting to the Commonwealth Network (hereinafter referred to as "agencies").

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 [Contracted Resources](#) of a [Service Organization](#), or of its Subservice Organizations, have access to Commonwealth data or have on-site or remote computer access to Commonwealth owned or leased facilities.

3. Policy

This policy requires [Service Organizations](#), as a condition of award of a contract or purchase order, to conduct a pre-employment background check on any [Contracted Resources](#), including its Subservice Organizations, who will:

- Perform services onsite at Commonwealth owned or leased facilities.
- Have access to Commonwealth owned or leased facilities via onsite or remote

- computer access.
- Have access to Commonwealth data.

For [Contracted Resources](#) retained by the Commonwealth for more than one year, the [Service Organization](#), or its Subservice Organizations, shall conduct such background checks annually.

Background checks of prospective [Contracted Resources](#) shall include checks that screen against state and local systems containing information on criminal arrests, convictions, warrants, and incarcerations.

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

Criminal background checks shall be conducted by the Pennsylvania State Police via a [Criminal History Background Check](#) for all [Contracted Resources](#) that reside within the Commonwealth of Pennsylvania.

The [Service Organization](#), or its Subservice Organizations, shall have a criminal background check conducted in the state that the [Contracted Resource](#) currently resides for [Contracted Resources](#) that reside in the United States but outside of the Commonwealth of Pennsylvania. Criminal records shall be checked for the previous five (5) years. For a contact list by state for out of state background checks, refer to *Section 5, Related ITPs/Other References*.

Service Organizations and Subservice Organizations with Contracted Resources providing services from a location outside of the United States, as permitted by an approved waiver of [ITP-SEC000, Information Security Policy](#), shall provide background checks per the terms of the applicable contract or purchase order.

[Service Organizations](#), or its Subservice Organizations, shall be responsible for the payment of all fees associated with background checks for their [Contracted Resources](#) and 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, but not limited to: Requests for Proposal (RFPs), Invitations to Qualify (ITQs), Requests for Quote (RFQs), sole-source contracts, renewals, amendments 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 [Service Organization](#) 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 shall be conducted via the Request for Criminal Record Check for in-state [Contracted Resources](#) or via a criminal background check through the appropriate State Agency for the out of state [Contracted Resources](#). The background check shall be conducted

prior to initial access by the [Contracted Resources](#) and annually thereafter.

In addition, if any additional background check requirements are required by law (e.g., IRS Publication 1075 background checks), those background check requirements must also be included in the governing terms and conditions.

Before the Commonwealth grants a [Contracted Resource](#) access to Commonwealth owned or leased facilities or Commonwealth data, the [Service Organization](#) shall provide written confirmation to the office designated by the agency that the required background check(s) has been conducted. If, at any time, it is discovered that a [Contracted 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 [Service Organization](#) is not to assign that employee to any Commonwealth facilities, shall 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 [Service Organization](#) to comply with the terms of this paragraph may result in default of the [Service Organization](#) under its contract with the Commonwealth.

4. Responsibilities

4.1 Agencies shall:

Meet all requirements as outlined in this ITP. Agencies may exceed this policy at their discretion.

Note: Obtaining a DGS-issued photo ID card will ensure that background checks are obtained annually for the [Contracted 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 [Contracted Resource](#), even if a year has not passed.

4.2 Third-party vendors, licensors, contractors, or suppliers shall:

- Arrange for background checks for each of their [Contracted Resources](#), as well as for any subcontractors who meet this requirement.
- Ensure background checks are conducted for [Contracted Resources](#) as outlined in the above policy.
- The background check shall be conducted prior to initial access by the [Contracted Resource](#) and annually thereafter.
- Ensure a fingerprint database search is conducted for [Contracted Resources](#) that have access to CJI, FTI, CHRI, and CLEAN.
- Be responsible for the payment of all fees associated with the background checks for their [Contracted Resources](#) and subcontractors.

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>
- [Management Directive 205.34 Amended, Commonwealth of Pennsylvania Information Technology Acceptable Use Policy](#)
- [OPD-SEC000B, Security Policy Requirements for Third Party Vendors](#)
- [ITP-SEC000, Information Security Policy](#)
- [IRS Publication 1075](#)
- [CJIS Security Policy](#)
- [Request for Criminal Record Check](#)
- [Out of State Background Check](#)

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 shall be directed to 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 shall 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. Redline documents detail the revisions and are available to CWOPA users only.

Version	Date	Purpose of Revision	Redline Link
Original	11/25/2002	Base Policy	N/A
Revision	12/27/2002	Policy refresh	N/A
Revision	3/23/2006	Reissue as SEC ITB	N/A
Revision	04/2/2014	ITP Reformat	N/A
Revision	07/12/2021	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	N/A

Version	Date	Purpose of Revision	Redline Link
Revision	09/21/2022	<p>ITP Reformat</p> <p>Updated references and links.</p> <p>Updated third party responsibilities consistent with OPD-SEC000B.</p> <p>FTI contract resource policy language removed, as current ITP policy language is more stringent.</p> <p>Agency responsibilities updated.</p> <p>Updated Scope to any entity connecting to commonwealth network.</p> <p>Removed duplicative policy language.</p> <p>Updated contract resource to contracted resource for consistency with other policies.</p> <p>Updated Provider to Service Organization for consistency with other policies.</p> <p>Added definitions for Service Organization & Contracted Resource.</p>	N/A
Revision	03/04/2024	<p>Moved policy language to group policy items and procedure items together.</p> <p>Removed definitions and linked throughout policy were appropriate.</p> <p>Replaced use of Subcontractors with Subservice Objections and added where appropriate throughout policy.</p> <p>Re-wording of paragraphs for in-state and out-of-state contracted resources to clarify.</p> <p>Added language regarding background checks for contracted resources not located within the US with approved waiver for ITP-SEC000</p> <p>Added language regarding law required background checks and requirements of governing language in contract terms and conditions.</p> <p>Added reference and link to ITP-SEC000 in policy language and References section.</p>	Revised IT Policy Redline <03/04/2024>