

Information Technology Policy

Minimum Contractor Background Checks Policy

<i>ITP Number</i> ITP-SEC009	<i>Effective Date</i> March 1, 2006
<i>Category</i> Recommended Policy	<i>Supersedes</i>
<i>Contact</i> RA-ITCentral@pa.gov	<i>Scheduled Review</i> Annual

This Information Technology Policy (ITP) establishes enterprise-wide policy for minimum contractor employee background checks.

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 Information Technology (IT) services to the commonwealth (IT Providers) conduct criminal background checks for all contract employees (IT Employees) who will perform services on site at commonwealth facilities, or who will have access to commonwealth facilities via on site or remote computer access. Currently, pre-employment criminal background checks are conducted by the Pennsylvania State Police (PSP) for all commonwealth employees. However, background checks are not universally conducted by the commonwealth for IT Employees working on commonwealth IT projects, facilities, systems, or operations. This policy is intended to ensure the protection, security, and privacy of commonwealth employees, customers, and commonwealth information and information systems.

2. Scope

This Information Technology Policy (ITP) applies to all departments, boards, commissions and councils under the Governor's jurisdiction. Agencies not under the Governor's jurisdiction are strongly encouraged to follow this ITP.

This policy applies to all contracts issued by Commonwealth agencies through which employees of an IT Provider, or of its subcontractors, have on-site or remote computer access to Commonwealth facilities.

The level of investigation may vary depending on the sensitivity of the area in which the IT Employee will work [e.g., more detailed background checks may be required for an IT Employee involved with Homeland Security, but are always required for any IT Employee with access to any data or connectivity to the Commonwealth Law Enforcement Assistance Network (CLEAN)].

3. Objective

The objective of this policy is to establish the requirement that, as a condition for award of a contract or purchase order, contractors providing Information Technology (IT) services to the commonwealth (IT Providers) conduct criminal background checks for all contract employees (IT Employees) who will perform services on site at commonwealth facilities, or who will have access to commonwealth facilities via on site or remote computer access.

4. Policy

This policy requires *IT Providers*, as a condition of award of a contract or purchase order, to conduct a pre-employment background check on any *IT Employee* who will perform services on site at commonwealth facilities, or who will have access to commonwealth facilities via on site or remote computer access. Criminal records are to be checked for the previous five (5) years. For *IT Employees* retained by the commonwealth for more than one year, the *IT Provider* is to conduct such criminal record check annually. This policy applies, but is not limited to, services provided for the following types of projects:

1. IT Initiatives involving the development of programs and systems
2. Application hosting
3. IT infrastructure work

Criminal background checks are to be conducted by the Pennsylvania State Police via a Criminal Record Check form and procedure. Information provided by the prospective *IT Employee* will be screened against state and local systems containing information on criminal arrests, convictions, warrants, and incarcerations. A fingerprint database search will be required for *IT Employees* having access to the PA Commonwealth Law Enforcement Assistance Network (CLEAN) by either on site or remote computer access.

IT Providers will be responsible for the payment of all fees associated with background checks for their *IT Employees* and/or subcontracted employees.

In addition to the above procedure, the following language is to be included in all Commonwealth procurement vehicles and documents, including: Requests for Proposal (RFPs), Invitations for Bid (IFBs), Invitations to Qualify (ITQs), Requests for Quote (RFQs), sole-source contracts, renewals, amendments, and agency Statements of Work (SOWs) for IT services to be performed on site at commonwealth facilities or via on site or remote computer access:

"The *IT Provider* is to, 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 IT facilities, either through on site or remote access. Background checks are to be conducted via the Request for Criminal Record Check. The background check is to be conducted prior to initial access by an *IT employee* and annually thereafter.

Before the commonwealth will permit an *IT Employee* access to commonwealth facilities, the *IT Provider* is to 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 an *IT Employee* 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 *IT 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, 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 *IT Provider* to comply with the terms of this paragraph may result in default of the *IT Provider* under its contract with the commonwealth."

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 *IT Employee*, 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 of issuance. In addition, the ID card will expire at the end of a project or upon removal of an *IT Employee*, even if a year has not passed.

5. Related ITPs/Other References

- [Request for Criminal Record Check](#)

6. Authority

- Executive Order 2011-05, Enterprise Information Technology Governance

7. Publication Version Control

It is the user’s responsibility to ensure they have the latest version of this publication. Questions regarding this publication are to be directed to RA-itcentral@pa.gov.

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

Version	Date	Purpose of Revision
Original	11/25/2002	Base Policy
	12/27/2002	Policy refresh
	3/23/2006	Reissue as SEC ITB

	4/2/2014	ITP Reformat
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