



Minimum Contractor Background Checks Policy

Effective Date:
January 06, 2025

Category:
Security

Scheduled Review:
June 30, 2026

Supersedes:
ITP-SEC009

1. Authority

[Executive Order 2016-06, Enterprise Information Technology Governance](#)

2. Purpose

This Information Technology Policy (ITP) establishes the enterprise-wide policy for minimum contracted resource background checks.

3. Scope

This policy 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 policy as outlined herein.

4. Policy

For definitions found within this document, refer to the [IT Policy Glossary](#).

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 background checks, refer to:

- [IRS Publication 1075](#)
- [CJIS Security Policy](#)
- [Request for Criminal Record Check](#)
- [Out of State Background Check](#)

Service Organizations and Subservice Organizations with Contracted Resources providing services from a location outside of the United States, as permitted by an approved exception of the *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.

5. Contact

Questions or comments may be directed via email to [OA, IT Policy](#).

6. Exception from Policy

In the event an agency chooses to seek an exception from this policy, a request for a policy exception shall be submitted via the IT policy exception process. Refer to *IT Policy Governance Policy* for guidance.

7. Revision History

This chart contains a history of this publication's revisions. Redline documents outline the revisions and are available to Commonwealth users only during the drafting process.

Version	Date	Purpose of Revision
Original	01/06/2025	Base Document