

The Provider's Prospective

Names on a Page

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My career as a professional research provider began in 1995. I had been temping on and off at my friend's legal support service when he happened to land a unique job performing criminal background checks for the new Costco in San Francisco. He was to get \$6 a name so I struck a deal with him to handle the entire project for \$3. And so it was I was freely handed sheaves of names, social security numbers and dates of birth to check against the SF criminal index.

I immediately found myself running computations in my head. If I only checked this many names I'd be able to pay off my cards. This many more and I could settle up on those family loans from my traveling days.

Soon I was evaluating everything in terms of names. A new fly fishing rod: x number of names. Keith Code's California Super Bike School: x number of names.

Such was my introduction to the Background Screening Industry: names on a page.

My formal training consisted of being shown the records section of the courthouse; and although I had little notion of what I was doing, I just *went navy*^{*} on it and bootstrapped my way through the project. (I eventually worked out the full hat of a criminal research provider and expressed it in a fifty-three page manual.)

Before long we were covering the entire San Francisco Bay Area—with 5, 10, 15, 20 screening firms using our new service, which had boomed into the proverbial tail that wagged the dog of my friend's legal support service.

And booming we were when Alameda and Contra Costa elected to pull their public indices in the name of data security and privacy. Shortly thereafter my friend's bank account was reeling from un-reimbursed court fees. He'd been in such a mad cope with all the new work he'd neglected to notify his new screening clients of the sudden court fees, which a number of them resolved not to reimburse us for when they eventually received their invoices. It was at about this point my paychecks starting arriving one, two, six weeks late. And in view of the fact I'd gotten my wife into the business this was a double whammy.

* I conceive this term to describe a practice of the US Navy toward the end of WWII, when, running short of experienced officers they resorted to handing battleships over to graduates fresh out of the Navel Academy and launching them toward a battle zone with a manual on how to operate the ship.

Call it loyalty or stupidity we hung on for another 6 months, while the balance on our cards returned with a vengeance; and when my friend endeavored to sell his new criminal research business my wife and I departed to begin our own.

It wasn't long before we were swamped. We quickly learned that our files were the mind of our operation, and to the degree they remained unorganized we couldn't readily answer client questions. And so it was we spent the better part of a weekend devising a system for the organization and storage of the mounting piles of faxed search requests and criminal record reports that were overrunning our apartment.

Soon we were sharing our lives with banker boxes chock-full of epidemic consumer PII. I wasn't sure what to do with it all. I inherently knew I couldn't put it on the curb for garbage day, although that would have been convenient. On the other hand we were running out of room. Our neighbor finally resolved our dilemma by getting married. He promptly moved and relinquished the coveted garage, which we assumed for another \$75 a month to harbor our files.

Several years after starting our business we moved into a house. We still possessed the first fax we ever received plus a garage full of banker boxes—all of which removed with us to the new house.

At some point I'd come to realize those names on a page represented more than fly rods and Super Bike School. They were of course people's identities, for which I shared a responsibility in the secure handling, storing and disposition of.

And I can honestly say with but one exception we have never insecurely disposed of any PII entrusted to us. When we finally ran out of room we engaged a confidential shredding service and began hauling upwards of 50 banker boxes at a time to their facility.

The exception was when I once lost an entire week's work. I was homeward bound from the courts and fond of pushing the Triumph upwards of a hundred and fifteen on that one isolated stretch of 280 over-passing the industrial district north of Candlestick. After rolling into the garage I noticed my research folder had mysteriously evaporated from beneath the cargo net on the back of my bike. And so it was I spent an hour idling along the shoulder of 280 vainly searching for my work.

It wasn't until eight years later and my third year with the NAPBS that I became aware of the term *data breach*. It was about that time the PC (Provider Committee, which I'd co-chaired from its inception), formally released the *NAPBS Provider Data Security & Privacy Guidelines*. I well recall the scramble my co-chair and I, Cliff Williams, separately undertook to effect

bare minimal compliance in the weeks preceding Nashville. Both of us were anticipating that moment when we'd stand before the general membership and announce the new *Data Security & Privacy Guidelines*. I envisioned any one of my clients rising from the audience to proffer a reality check on how I'd been returning full socials and DOBs across the internet for years.

I survived Nashville with my PR intact—and have since gone to considerable lengths to comply with the *Data Security & Privacy Guidelines*. We're almost there. We just need to complete the *Policy and Procedural Measures* section by writing a description of our program to protect PII, and background check members of our group with access to it, which is everyone.

Now, this is *our* story on getting compliant with these industry-critical standards—and we've known about them for several years now.

So I'm given to wonder about the thousands of other criminal research providers out there at the national, regional and especially local levels. What are *they* doing with all that PII? How many of them have even studied the *Data Security & Privacy Guidelines*? How many have even heard of the NAPBS—or for that matter the term *PII*?

These *are* the industry standards for providers. The cat has been out of the bag on them for several years now. And like the *NAPBS Criminal Research Provider Guidelines*, they have been endorsed by the NAPBS, and therefore constitute *the standards* any provider may be held accountable for in the event of a legal matter.

Any provider who remains ignorant of or non-compliant with these Guidelines theoretically does so at their own risk. And it is presumably not a stretch to wonder what degree this might extend to their CRA clients.

The PC has also produced an on-line Exam for the *NAPBS Criminal Research Provider Guidelines*, and for a year now has offered this service to both member and non-member providers for a \$20 fee.

Although aimed at Criminal Research Providers the exam is for anyone. When it was piloted last year more CRA staff opted to take it than providers. By survey they unanimously found it valuable.

This year the PC will publish an Exam for the *Data Security & Privacy Guidelines*.

Anyone passing these Exams will be certified by the NAPBS as having done so. Our plan is to display their names on the NAPBS site in evidence of their certification—envisioned as the first step toward a formal NAPBS Provider Accreditation Program.

The PC encourages all Criminal Research Providers to study the *NAPBS Criminal Research Provider Guidelines* and certify on their Exam; and study up on the *NAPBS Provider Data Security & Privacy Guidelines*, get busy complying with them and certify on their Exam once available.

We also encourage all CRAs to encourage their providers to do the same. It could only be to their mutual benefit.

I consider the *NAPBS Provider Data Security & Privacy Guidelines* the PC's most important product to date. They address an industry-critical issue that has gone too long un-confronted as the potential Achilles' heel it could be for our industry.

According to our website the "NAPBS® gives the screening industry the ability to effectively demonstrate its competence, reliability and willingness to adopt standards." This endeavor must not be limited to CRAs—but extend to their chosen providers including those whose feet are on the courthouse steps (and whose living spaces are flowing with PII). After all, a chain is only as strong as its weakest link; and when it comes to our handling, storage and disposal of sensitive consumer information we cannot afford to have any yahoos out there speeding home from the courthouse insecurely shedding (as opposed to securely shredding) the PII their clients have entrusted them with.

*Timothy Baxter
President & CEO
Baxter Research, Inc.
Founding Co-Chair NAPBS Provider Committee
Founding Member of the NAPBS*