

Contractor Security Screening in the Ontario Public Service Company Security Officer Frequently Asked Questions

These FAQs were prepared by the Contractor Security Screening (CSS) Unit, Supply Chain Ontario (SCO), at the Ministry of Government and Consumer Services (MGCS).

They provide current information concerning the Ontario Public Service (OPS) contractor security screening program and administrative practices.

The FAQs are intended to inform those who have been notified that OPS contractor screening will be required in relation to a procurement or contract about key aspects of OPS security screening.

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1. Why does the OPS require contractor security screening?

The Ontario Government is committed to protecting the safety and security of its employees, clients, the visiting public, government assets and information.

The OPS currently conducts security checks on contractors in certain areas of the OPS, and the requirement is based on risk assessment. Not all contract work requires security screening.

The Contractor Security Screening Operating Policy (CSSOP) applies to all ministries, CPBs and IO and ensures there is a consistent practice in screening all contractors.

The Canadian federal government and many large private sector organizations also have contractor screening programs in place.

The program ensures protection of the public interest and public confidence in the ability of the Ontario Government to protect their interests.

2. Who is responsible for administering the Contractor Security Screening Program?

Contractor Security Screening (CSS), Supply Chain Ontario (SCO), Ministry of Government and Consumer Services (MGCS) is responsible for coordinating the OPS Contractor Security Screening Program for all contractors.

MGCS is committed to maintaining the confidentiality, privacy and security of all information obtained through the contractor security screening process.

3. Who is subject to the contractor security screening process?

All OPS contracts and contractors are subject to the Policy.

A contractor is defined as:

- a company (corporation, partnership), or a sole proprietorship;
- an individual, including employees and subcontractors, engaged in a contractual relationship to supply goods or services, directly or indirectly;
- an employee/worker of Infrastructure Ontario (IO)
- non-OPS individuals employed in a public body (pursuant to the *Public Service of Ontario Act, 2006*) and is engaged in a contractual relationship to supply goods or services to a ministry, CPB and IO.

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Contractor includes, but is not limited to, consultants, professionals (e.g., engineers, accountants, lawyers) and service providers (e.g., temporary help agency staff).

4. What types of screening checks are conducted?

When security screening is required, the following types of checks will always be conducted:

- Verification of identity;
- A Criminal Record and Judicial Matters Check (CRJMC): the standard check in the CSS program, as of November 1, 2018.

A contractor may also be requested to consent to one or more of the following additional checks, on the basis of an approved risk assessment:

- Vulnerable Sector Check
- Driver's Record Check
- Credit Check
- Other checks

An Out-of-Country Police Certificate will also be required for applicants who have lived outside Canada for more than six consecutive months in the last five years.

Company level screening checks, which involve screening the directors and officers of a company, in addition to contractor workers, are conducted only where the security risk assessment indicates the necessity.

The collection of personal information is authorized by the Contractor Security Screening Operating Policy, issued by the Management Board of Cabinet under section 3 of the *Management Board of Cabinet Act*, RSO 1990, Chapter M-1. The collection is also governed by subsection 8(3) of the *Police Record Checks Reform Act*, 2015, SO 2015, Chapter 30 and the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31.

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5. What MGCS forms does a contractor need to complete to permit contractor screening?

The Company Security Officer (CSO) will provide contractors with MGCS contractor security screening forms.

The MGCS Request and Verification form contains information about the individual, company and program area and confirms that verification of personal information has been completed.

The MGCS Consent form permits the individual to authorize and consent to a security screening check.

The CSO can provide contractor workers with additional instructions on how to complete these forms.

To support this process, the individual being screened must be prepared to show the CSO or approved verifier two pieces of valid identification, one with a picture and one with a current residential address.

A list of acceptable types of ID is located on the SCO Doing Business with the Government website.

6. Where can a contractor obtain a security screening check?

The two locations where contractors can obtain CRJMCs and VSCs are:

- Local Police Services/OPP Detachments
- RCMP accredited Third Party Record Check Providers

The Driver's Record Check (3-year Driver's Abstract) can be obtained through Service Ontario, by Ontario residents.

Company Security Officers (CSOs) can consult with the ministry/CPB/IO representative associated with the contract to obtain information concerning other types of record checks.

7. What other forms will a contractor need to complete at the record check provider?

The contractor will need to complete application forms at the police service or RCMP accredited record check provider, either electronic or paper based. They should also expect to provide identification at that time.

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It is advisable to review the relevant police service or record check provider website or contact them in advance should you have questions about the application process.

8. What are the specific costs of each check?

Fees charged by police detachments and RCMP accredited third party record check providers to administer contractor screening checks vary. Contractor workers may obtain information concerning fees, hours of operation and application processes, by contacting the service providers or reviewing their websites.

It is the contractor's personal responsibility to pay for and obtain their own screening check, for most OPS contractor screening check requests.

9. What features must security screening checks have to be accepted by the CSS Unit?

All checks must be current (issued within the last 90 days) and must be an original hard copy on police service letterhead or certified by a police service if it was obtained through an RCMP accredited third party agency (photocopies/scans are not accepted).

Checks will not be accepted for the following reasons:

- Check is older than 90 days
- The check was provided on third party check processing company letterhead without the characteristics identified above. This is the case, even if the company which produces the report advises in the body of the report, or by way of an accompanying e-mail, that the information on the report was collected by the company on the basis of either direct or indirect (though a local police service) access to the RCMP system
- An electronic copy of a third party check (e.g. scanned, e-mailed or photocopied) was provided.

Note: If an individual obtains an electronic copy of a record check from an RCMP accredited check provider, prints it, and sends it to CSS through the established secure process, the check can only be accepted if it can be authenticated/verified with the record check provider by the CSS Unit.

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10. Will a police service or RCMP accredited record check provider be permitted to issue a contractor security clearance?

No. Security screening officials at the CSS Unit will evaluate record check results and issue clearance decisions. They will communicate these decisions to the ministry/CPB/IO contract representative.

11. If a contractor has a criminal record, will he/she be given an opportunity to discuss these results with CSS, SCO before a security clearance decision is made?

A CSS, SCO screening official may contact an individual, to conduct a confidential interview in relation to the screening check the individual consented to and provided.

A determination to grant security clearance will be based on the information from the security screening check, consideration of the contract deliverables, and any subsequent information confidentially provided to CSS by the individual.

12. If a contractor holds a valid OPS security clearance, can it be applied to future OPS work?

Yes, if the prior clearance remains valid and is at the appropriate level in relation to the current screening requirements, re-screening may not be required. This includes a situation where a contractor worker is working for a different company than when initially screened.

A contractor worker who is directed by a CSO or ministry/CPB/IO contract representative to obtain a screening check should advise their CSO if they believe they hold a valid prior OPS contractor clearance.

13. Is transferability of clearances from other organizations possible?

Yes. Clearances issued by Public Services and Procurement Canada may be transferred into the Contractor Security Screening Program.

The process requires the contractor, and an approved verifier to complete the Transferability of Clearance from an Approved Organization form.

This can only be considered if your organization/company has been identified as requiring OPS contractor screening. The CSS Unit makes the final decision as to whether to accept a clearance from another organization.

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Speak to the ministry contract representative should you require further information.

14. For how long are contractor security clearances valid?

A contractor security clearance can be valid for up to a maximum of five years from the date of issue. A security clearance may also be issued with a restriction and/or condition.

During the time in which a clearance is valid, a contractor may enter into multiple contracts without the requirement of being re-screened, provided that there are no clearance restrictions or conditions and the level of screening required for the subsequent contract work is the same or lower than the original clearance.

15. Can a security clearance be revoked?

MGCS may revoke a security clearance at any time if the conditions under which the clearance was granted have changed.

For example, contractors who hold a valid clearance are required to provide written disclosure to MGCS within five business days of any charges or convictions subsequent to their last screening check.

Failure of the individual to notify CSS could lead to revocation of the clearance.

16. Under what circumstances could a contractor be re-screened prior to the expiry of a clearance?

When an individual's clearance is close to expiry, the ministry/CPB/IO representative may request re-screening if the contract which required screening will continue and the individual is still expected to participate.

CSS may also request that an individual consent to re-screening in the circumstances described in question 15 above.

17. What is accreditation?

Upon review and agreement by the OPS, public and private organizations, identified as requiring OPS contractor screening, may be eligible to obtain accreditation for their security screening programs. Individuals whose clearances have been validated from an accredited public or private organization do not have to undergo the OPS security screening process.

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If agreed to by CSS, accreditation is contract specific.

Speak to the ministry contract representative should you require further information.

18. How are out-of-country checks conducted for individuals who have resided outside Canada more than six consecutive months in the past five years?

They are required to obtain a police record check from the country(ies)/state(s) where they have resided.

A police record check is a summary of an individual's criminal record or a declaration of the absence of any criminal record. Police record checks are different in each country/state.

If an individual has or currently resides outside of Canada or the United States, they can visit <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/medical-police/police-certificates/how.html> for information on the Government of Canada's "How to Obtain A Police Clearance Certificate".

If an individual has or currently resides in the United States, the individual will be required to obtain a State Police Check. Please note that for some US states an FBI and a Local Police Check should be provided in lieu of a State Police Check as a result of state laws related to civil screening.

19. Why does MGCS need to collect my personal information?

Personal information provided in accordance with the completion of the security screening forms is collected for the purposes of conducting and assigning an OPS contractor security screening clearance in accordance with the *Freedom of Information and Protection of Privacy Act* (FIPPA).

MGCS's program is guided by the Contractor Security Screening Operating Policy, issued by the Management Board of Cabinet under section 3 of the *Management Board of Cabinet Act*, RSO 1990, Chapter M-1.

Screening checks are also conducted in accordance with Ontario's *Police Record Checks Reform Act* (PRCRA) and associated regulations.

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20. Will my employer learn about any information obtained as part of the security clearance process?

MGCS is committed to ensuring an individual's privacy throughout the security screening process. For individuals going through this process who have criminal records, only the authorized personnel and the individual will have access to information regarding any details of the individual's criminal record.

Under no circumstances will information obtained by MGCS as part of the screening check be shared with anyone other than the individual being screened, including a ministry/CPB/IO contract representative or the contractor's Company Security Officer (CSO).

A CSO or ministry/CPB/IO representative associated with the contract is not authorized to open a sealed/signed envelope in which an individual placed the record check. It is the individual's responsibility to put the check in a separate envelope, seal and sign it and attach it to completed contractor security screening forms.

A security screening official at the CSS Unit is permitted to view the results of the check to inform a clearance decision.

21. How does the *Police Record Checks Reform Act (PRCRA)* impact contractor screening?

The PRCRA takes effect on November 1, 2018. It provides a legislative framework for civil screening (including contractor screening) in Ontario. Contractor screening must be conducted in accordance with the Act and accompanying regulations as of that date. The Act entails changes to the names and content of some screening checks and to consent requirements.

22. How can a contractor being screened obtain more information about contractor security screening?

Where security screening is required, the CSO is expected to be familiar with and provide details to contractor workers with regard to how to obtain and provide a security screening check.

CSOs can speak to their ministry/CPB/IO contract representative should they have questions about OPS contractor screening requirements or processes.

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Further general information about contractor security screening can also be obtained by reviewing SCO's Doing Business with the Government internet website at <https://www.doingbusiness.mgs.gov.on.ca/> or by contacting the Ministry of Government and Consumer Services at doingbusiness@ontario.ca.