

CONTRACTOR Questions and Answers

Q1. Why does the government have a policy for contractor security screening?

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

The Ontario Public Service (OPS) currently conducts security checks on contractors in certain areas of the OPS, and the requirement for a security check is based on risk assessment.

The Contractor Security Screening Operating Policy ensures there is a consistent practice in screening all contractors and that the OPS is consistent with actions taken by other Canadian governments and large private sector organizations.

The operating policy ensures an enhanced protection of the public interest, and public confidence in the ability of the Ontario government to protect their interests.

Q2. Who is responsible for administering the Contractor Security Screening Program?

The Negotiations and Security Branch (NSB) within the Ministry of Government Services is responsible for administering the OPS Contractor Security Screening Program for all contractors. NSB is committed to maintaining the confidentiality, privacy and security of all information obtained through the contractor security screening process.

NSB'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.

Q3. Who is subject to the policy?

All OPS contractors and contracts are subject to the Contractor Security Screening Operating Policy. The policy applies to all ministries, commission public bodies (CPB) that appoint employees under the *Public Service of Ontario Act, 2006 (PSOA, 2006)* and Infrastructure Ontario (IO) but only with respect to those activities formerly carried out by the Ontario Realty Corporation.

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 IO;

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- non-OPS individuals employed in a public body (*pursuant to the PSOA, 2006*) and that is engaged in a contractual relationship to supply goods or services to a ministry, CPB and IO.

Contractor includes consultants, professionals (e.g., engineers, accountants, lawyers) and service providers (e.g., temporary help agency staff).

Q4. What types of screening checks are conducted?

Where security screening is required, the following types of checks may be conducted for contractors requiring a security clearance:

- Verification of personal data
- Verification of employment, education, professional trades / accreditation or qualifications
- Declaration of convictions and/or unresolved charges
- CPIC for convictions, charges, discharges and orders
- Driver record (e.g., where driving is a contract requirement)
- Out of country police certificate (e.g., if resident in Canada for less than 5 years)
- Other/ enhanced (e.g., where determined by risk assessment)

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

Q5. How does the revised Contractor Security Screening Operating Policy affect a contractor?

Effective November 30, 2013, all contractors engaged in a contractual relationship to supply goods or services to the OPS will be required to obtain and pay for their own general (criminal record – CPIC) check where security screening is required.

Q6. Where can a contractor obtain a general (criminal record - CPIC) check?

Contractors who are required to undergo a security screening check have the option of obtaining a general (criminal record - CPIC) check report from the following:

- OPS Vendor of Record for security screening services
- Local police service/ Ontario Provincial Police

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- Third party RCMP accredited agency

Individuals choosing to access screening services through the OPS Vendor of Record have guaranteed cost and service times and are able to obtain the CPIC check through the use of a secure online system accessible 24/7.

Individuals choosing to obtain a CPIC from local police or a third party RCMP accredited agency can submit the police record check report along with completed security screening forms to the ministry/CPB/IO representative. The general (criminal record - CPIC) check report must be:

- Recent (issued within the last 90 calendar days);
- An original hard copy on police service letterhead or certified by a police service if obtained through a third-party RCMP accredited agency (photocopies/scans will not be accepted); and
- Accompanied by completed contractor security screening forms (certified, photocopied ID is not required).

Q7. What kind of information is collected and reviewed as part of the criminal records check?

The following records are collected and reviewed:

- Records of convictions under the offence provisions of federal statutes, *Criminal Code (Canada)*, and the *Controlled Drugs and Substances Act (Canada) (Federal Offences)*.
- Records of discharges, where a court has made a finding of guilt in respect of a charge under a Federal Offence, and has granted a discharge. Information about discharges will not be collected if the court granted an absolute discharge over one year ago, or if the court granted a conditional discharge more than three years ago.
- Charges that have been laid under Federal Offences and remain outstanding.
- Records of judicial orders in effect made in relation to Federal Offences (e.g. an arrest warrant)
- If a driver record check is required, unresolved charges and/or convictions in relation to the offence provisions of the Ontario Highway Traffic Act are collected.

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Q8. What kind of information is not collected and reviewed as part of the general (criminal records) check?

The following information is not collected as part of the general (criminal record) check:

- Information about provincial offence convictions for which a pardon under the *Criminal Records Act (Canada)* has been issued or granted.
- Charges that have been withdrawn by the Crown or stayed or dismissed by a Court.
- Where a court has made a finding of guilt in respect of a federal offence, and has granted a discharge: where
 1. the discharge was absolute and granted more than one (1) year ago; or
 2. the discharge was conditional and granted more than three (3) years ago.
- Charges or convictions of an offence under a provincial statute (provincial offences), unless a driver record check is required
- Charges that, were dealt with under the *Youth Criminal Justice Act*, or its predecessors the *Young Offenders Act*, or the *Juvenile Delinquents Act*. (Note: some records are releasable in certain circumstances as per section 119(9) of the *Youth Criminal Justice Act, 2003*.)

Q9. If I have a criminal record, will I be given an opportunity to discuss these results with NSB before a security clearance decision is made?

Yes. NSB will contact you to discuss information collected as part of the general (criminal records) check process before making a security screening decision.

A determination to grant security clearance will be based solely on the information from the security screening check and any subsequent information provided by the individual.

Q10. Under what circumstances are fingerprints required?

An individual may be required to provide fingerprints to confirm identity prior to the release of criminal record (conviction) information, as per RCMP policy.

Q11. How will a Contractor be notified of a security clearance status?

NSB will notify the ministry/CPB/IO representative of the clearance decision (e.g. clearance issued, clearance denied).

Upon notification by NSB, the ministry/CPB/IO representative will inform the Company Security Officer (CSO), who will notify the contractor/subcontractor of the outcome of the security screening check(s).

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Under no circumstances will details with respect to a screening check be shared with a ministry/CPB/IO representative or CSO.

All clearance decisions are confidential and are secured in NSB. Individuals who have not been granted clearance may submit a signed written request to the NSB to obtain information about the decision.

Q12. Can a security clearance be revoked?

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

Q13. How long are security clearances valid for?

A 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.

Q14. Under what circumstances would a contractor be rechecked prior to the expiry of a clearance?

Contractors involved in a contract are required to provide written disclosure to NSB within five business days of any charges that have been laid against them subsequent to their last screening check.

Companies are also required to provide written notification to NSB within five business days of any changes in ownership, principals (where screening of company directors was required) and/or assigned staff subsequent to the last screening check.

In the above circumstances the company or individuals would require re-screening prior to the expiry of their existing clearance.

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Q15. Are security clearances issued by other organizations transferable?

Security clearances issued by other Canadian governments or organizations may be accepted by NSB as meeting the requirements set out in the Contactor Security Screening Operating Policy.

NSB has launched an initiative to provide for public and private sector organizations to obtain accreditation, upon review and agreement, for their security screening programs. Individuals whose clearances are validated from accredited organizations do not have to undergo the OPS security screening process.

Q16. How are out-of-country checks conducted for individuals who have not resided in Canada for the past five years?

Individuals who have lived outside of Canada for over six months within the past five years are required to obtain a police clearance certificate from the country(ies)/state(s) where they have resided. A police clearance certificate is a summary of an individual's criminal record or a declaration of the absence of any criminal record. Police clearance certificates are different in each country/state and may be called police clearance certificates, good conduct certificates, judicial record extracts, etc.

Contractors who require a police clearance certificated from the country(ies)/state(s) where they have resided now have the option of obtaining a general (criminal record - CPIC) check report from the following:

- OPS Vendor of Record for security screening services ; or
- on their own

If an individual has or currently resides outside of Canada or the United States, contact information on how to obtain a police clearance certificate can be found using the following link: <http://www.cic.gc.ca/english/information/security/police-cert/index.asp>

If an individual has or currently resides, in the United States, the individual will be required to obtain a 'state-level' police clearance certificate. Information on how to obtain a state police clearance certificate can be found using the following link: <http://www.canadavisa.com/canadian-immigration-state-police-clearance.html>

For some countries or states, the individual must attend in person to obtain a police clearance certificate. NSB will not require an individual to travel to the location, but rather will conduct an in-depth interview with the individual, if required.

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Q17. Why does NSB 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)*.

NSB'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.

Q18. What authority does the OPS Vendor of Record (VOR) for security screening services or NSB have to collect and use my personal information?

NSB and the VOR will not conduct a security screening check without the individual's express written consent. An individual's personal information will not be collected until such time as you sign and submit the signed consent form.

Q19. How does the OPS Vendor of Record for security screening services and NSB ensure that my personal information is safeguarded?

Safeguards are in place to ensure all information is protected in accordance with the *Freedom of Information and Protection of Privacy Act (FIPPA)*. All personal information collected is treated as highly sensitive information and is housed in a secure area.

Access to an individual's personal information is restricted to those who have been specifically authorized to have access for the purposes of conducting or administering the security screening checks.

Q20. Will my employer learn about any information obtained as part of the security clearance process?

No. NSB 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 the NSB as part of the screening check be shared with anyone other than the individual being screened, including a ministry/CPB/IO representative or the contractor's CSO.

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Q21. How can a Contractor or individual being screened obtain more information about contractor security screening?

All questions regarding the Contractor Security Screening program/process can be directed to the Ministry/CPB/IO representative assigned to work with the contractor.

Information about contractor screening can also be obtained through Supply Chain Management website @ doingbusiness.mgs.gov.on.ca.