POLICIES AND GUIDELINES IN THE CONDUCT OF BACKGROUND CHECK

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Pursuant to E.O. No. 277; E.O. No. 311; ICAO Annex 17, Standard 3.4.1 and 4.2.4, and in compliance to the provisions of Chapter 7.10.1.3 of the National Civil Aviation Security Program (NCASP) hereby promulgated are supplemental policies and guidelines for the implementation of OTS-Transportation Security Regulation (TSR) No. 007-2006 entitled “Conduct of Background Check”.

I. RATIONALE

This circular defines and clarifies the conduct of background check and describe the roles and responsibilities of OTS, airport, aircraft operators and agency stakeholders to prevent unauthorized access to airport's security restricted areas.

II. SCOPE AND APPLICATION

This circular covers all authorities issuing access permits, airport operators, aircraft operators, agents and persons seeking access to security restricted areas of airports serving civil aviation.

III. SUPPLEMENTAL DEFINITIONS:

Agent - any person, company or organization engaged either directly or indirectly, whether by contractual agreement or otherwise, to carry out the duties on behalf of an airport and aircraft operator.

Aircraft Operator - a person, organization or enterprise engaged in or offering to engage in regular public transport or charter aircraft operations. Within the context of this circular “aircraft operator” shall mean the operator of any aircraft engaged in commercial air transport operations and any entity conducting general aviation operations, including corporate aviation operations, using aircraft with a maximum take-off mass greater than 5.700 kgs.

Airport Operator - is an airport organizational entity responsible for the operational management and coordination of airport operations, including management of airport security. Also referred to as airport management;

Airport Security Program - a written program detailing the individual security measures and procedures in place at each airport serving civil aviation, ensuring compliance with the requirements of the NCASP.

Airport Tenants - are individuals or businesses granted the right by airport management to conduct business operations at that airport, such as concessionaires, caterers, handling agents and maintenance organizations.

Complete Background Check - check of a person’s identity and previous experience, including where legally permissible, national and local records of criminal history, as part of the assessment of an individual’s suitability

to implement a security control and/or for unescorted access to a security restricted area.

Derogatory Information - a reported involvement of a person in an illegal or unscrupulous activity that would raise doubt on that person's qualification in having access to a security restricted area.

Partial Background Check - check of a person's identity and criminal history through examination of records of national agency such as, but not limited to, Philippine National Police (PNP), National Intelligence Coordinating Agency (NICA), Intelligence Service of the Armed Forces of the Philippines (ISAPF), National Bureau of Investigation (NBI) and Philippine Drug Enforcement Agency (PDEA).

Quality Control - are the monitoring and surveillance techniques and activities used to assess civil aviation security system and, whenever required, to resolve identified deficiencies.

Security Restricted Area - those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail center, airside catering and aircraft cleaning premises.

IV. POLICIES

A. All persons who are allowed access to security restricted areas of an airport shall undergo complete background check prior to their deployment.
B. Complete background checks shall be conducted on persons involved in the implementation of security controls regardless of the type of security access permits.
C. Complete background check shall cover all aspects of applicant's employment and criminal-history, if any.
D. Complete background check shall be required for new applicants and those existing employees who have not yet undergone complete background investigation.
E. Airport and aircraft operators shall include in their respective ASP's and
AOSP's procedures for the conduct of background check.

V. RESPONSIBILITIES

A. OTS shall:

1. Establish a database of background checks of all persons or entity seeking access to the airport security restricted areas to aid in the conduct of risk assessment and quality control activities.

2. Require airport and aircraft operators to submit results of background check using standard format found in Annex "A".

3. Review all background checks submitted pursuant to Section A.2.

4. Provide airport and aircraft operators with regular Transport Security Alert Advisories based on Threat and Vulnerability Assessment to determine additional background checks to be undertaken.

5. Exercise oversight function over, including unrestricted access to, all records of authorities issuing access permits, airport operators, aircraft operators, agents and other persons seeking access to security restricted areas in relation to the conduct of background checks.

B. AIRPORT OPERATOR AND AGENTS shall:

1. Develop, establish, and implement an ASP at each airport and related facilities for approval by OTS.
2. Develop, establish, and implement a pass control management system requiring mandatory background

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check on all persons having access to security restricted area.
3. Establish an office responsible for the conduct of background check.
4. Ensure the conduct of partial background checks at least once every six
(6) months to ensure that the individual still meets the requirement.
5. Maintain a database of background checks for a period of five (5) years.
6. Furnish OTS copies of the results of all background checks and list of all personnel granted access to security restricted areas.

C. AIRCRAFT OPERATORS AND AGENTS shall:

1. Ensure that their personnel are subjected to background check.
2. Ensure that their contracted agents conduct pre-employment complete background check and issue oath of undertaking for this purpose.
3. Ensure employees have received appropriate security awareness training.
4. Maintain a database of background checks for a period of five (5) years.
5. Furnish OTS copies of the results of all background checks and list of all personnel granted access to security restricted areas.

VI. GUIDELINES

A. All authorities issuing access permits, airport and aircraft operators shall verify applicant's:
1. Identity, by means of a passport, birth certificate, social security number, etc.
2. Trustworthiness and capacity to work unescorted within a security restricted area, by means of a check of criminal history and, depending on the specific function to be performed, other personal circumstances or behavior that could forewarn of danger; and
3. Place of residence during the previous five years, and the dates, names, telephone numbers and addresses of previous employers or schools attended during this period, with explanations for any gaps in employment of more than one month.
B. Background checks may only review lawfully accessible information.
Furthermore, prior to conducting a background check, written consent shall be obtained from the access permit applicant. At the same time, it should be made clear to the applicant that failure to give consent to a background check shall result in rejection of the application.
C. All companies and organizations at the airport shall vouch for the valid requirement for each access permit prior to its issuance to an employee. It is the employer's responsibility to complete adequate pre-employment checks or other inquiries to ensure that the individual concerned does not pose a potential threat to civil aviation operations/aviation security. Permits should not be issued without such guarantees.
D. An access permit should not be issued if, during the performance of a background check, it is determined that the applicant was convicted of crime against moral turpitude.
E. Applicants for jobs implementing security controls (such as personnel controlling access to and searching security restricted areas and aircraft, issuing identification permits to persons or for vehicle, or managing/supervising any persons performing these functions) shall undergo complete background check.
F. Gaps in an applicant's personal or employment history shall be determined.
When it is not possible to check the continuous criminal history or experience of an applicant over the defined period, verification of the person's suitability to hold an access permit should be sought from alternative sources.
G. Responsibility for issuing access permits remains with the authority issuing permits and due care and discretion should be exercised in examining information. Before issuing an access permit, the issuing authority should be fully satisfied of the applicant's suitability as a holder.
H. After making every effort to obtain information, if the applicant's identity and previous experience, including criminal history, cannot be verified, the individual should be regarded as unsuitable for an access permit.

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VII. MISCELLANEOUS PROVISIONS

A. Construction - The provisions herein shall be liberally construed in order to promote civil aviation security objectives.

B. Reservation - Nothing herein shall be construed as precluding OTS, through its Administrator, from enforcing the provisions enunciated herein and in prescribing other requirements to meet the constantly evolving challenges in civil aviation security.

C. Amendments - Nothing in this circular shall restrict the authority of OTS, through its Administrator, to modify, amend or repeal any provision of the circular through subsequent issuances.

D. Repeal - All OTS orders, rules, regulations and issuances, or parts hereof, which are inconsistent with this circular are hereby repealed or modified accordingly.

E. Separability - If any provision or section of these rules is declared null and void by competent authority, the remaining provisions shall not be affected and shall remain in full force and effect.

F. Effectivity - This memorandum circular shall take effect immediately. A copy of this circular shall be deposited with the University of the Philippines Law Center in compliance with Revised Administrative Code.

(SGD) USEC ARTURO M. EVANGELISTA
Administrator

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