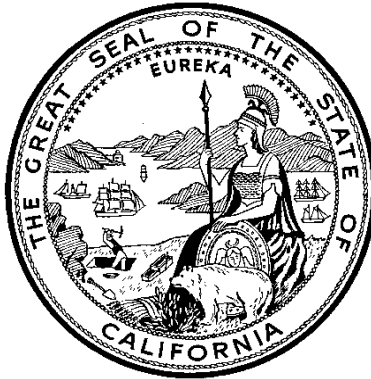


California Department of Justice

Application for Authorization Pursuant to
Education Code 33192 and 45125.1
(School Contractors)



Edmund G. Brown Jr.
Attorney General

Mail completed application
to:

Department of Justice
Record Access and Security Program
P.O. Box 903387
Sacramento, CA 94203-3870

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Authorization for Criminal Record Information

In accordance with California Education Code Sections 33192 and 45125.1, a school district or private school may require an entity that has an existing contract with a district or private school to obtain a criminal history clearance. In keeping with the restrictions and requirements set forth in California law, the following are guidelines and restrictions:

1. Access is granted only to the primary contractor (there is no authority for subcontractors to gain direct access to Department of Justice (DOJ) records);
2. Services provided under contract must be performed on school grounds;
3. The entity must have a contract (entities in the bid process are not authorized);
4. Completed applications for authorization must have original signatures only (no photocopied signatures or faxed forms will be accepted or processed);

CONSTRUCTION CONTRACTORS
33193 AND 45125.2 EDUCATION CODE

In accordance with statutory, regulatory, and constitutional restrictions governing the use and dissemination of criminal offender record information, the above mentioned Education Code Sections allow for exemptions from backgrounding all employees, under the following conditions:

1. The installation of a physical barrier at the worksite to limit contact with pupils.
2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the DOJ has ascertained has not been convicted of a violent or serious felony.
3. Surveillance of employees of the entity by school personnel.

Construction contractors are not required to comply with the backgrounding requirements set forth in the Michelle Montoya School Safety Act, if one or more of the above mentioned conditions exist. Exemptions are granted at the determination of the school district or private school.

Throughout this package, there is a reference to licensing. The DOJ is not a licensing agency and background checks pursuant to Education Code Sections 33192 and 45125.1 do not meet licensing background requirements.

In order for us to determine whether your organization meets the requirements to obtain state criminal history information pursuant to Education Code Sections 33192 and 45125.1, please complete and return the attached application package. Incomplete forms will be returned unprocessed. Please do not submit your fingerprint(s) until approval has been granted.



APPLICANT LIVE SCAN OVERVIEW

Applicant Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response. Live scan technology replaces the process of recording an individual's fingerprint patterns manually through a rolling process using ink and a standard 8" x 8" fingerprint card. Fingerprints can be digitalized through an electronic process (Live Scan), enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the Department of Justice (DOJ). This transfer of information takes place in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the U.S. mail. The applicant visits an Applicant Live Scan satellite location where the fingerprint images and related data are electronically transmitted to the DOJ. The recent, rapid expansion of the number of applicant live scan devices has resulted in an ever increasing volume of applicants availing themselves of live scan technology.

With Live Scan, the applicant is provided with a "Request for Live Scan Service" form (BCII 8016). The applicant is also provided with a list of nearby live scan locations and must go to one of the specified locations to submit fingerprints. At these locations, a trained, certified operator enters the information from the BCII 8016 form into the live scan terminal and initiates the live scan fingerprinting process. After successful electronic capture of the fingerprint images and the accompanying data, the information is electronically transmitted to the DOJ.

Once the fingerprints and data are received by the DOJ, they are electronically processed by the DOJ Global Transaction Controller (GTC). Most live scan submissions that have no data or quality errors and do not result in possible criminal history matches are processed automatically and are responded to electronically. Live scan transmissions requiring analysis of a criminal record are electronically sent to the Applicant Response Unit for analysis and dissemination. Live scan submissions are responded to by electronic mail, and/or U.S. mail when the electronic mail response is not available.

The DOJ will also coordinate other electronic processes resulting from the automated submissions of fingerprints, including forwarding the fingerprints to the FBI (if required) and coordinating the collection of associated fees.

We sincerely hope that this information will be useful and will answer your questions about the electronic processing of fingerprints in California.



DEPARTMENT OF JUSTICE

**REQUEST FOR AUTHORIZATION TO RECEIVE STATE SUMMARY CRIMINAL HISTORY
INFORMATION - CONTRACT EMPLOYEE FOR PUBLIC/PRIVATE SCHOOLS**

Name of Contractor _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone _____ Fax Number _____

In accordance with Education Code Sections 33192 and 45125.1, a school district may require an entity that has an **existing contract** with a school district to obtain a criminal history clearance. In keeping with the restrictions and requirements set forth in California law, the following are guidelines and restrictions:

On behalf of the **company** named above, I hereby acknowledge and agree to the following:

1. The information provided by the Department of Justice (DOJ) to this agency is confidential and shall not be disseminated to any other person or agency not authorized by law (11105 PC). A violation of this section is a misdemeanor (11142 PC). However, the requesting agency may provide a copy of the DOJ applicant response to the subject of the record upon request as they are deemed an authorized person.
2. Your agency shall notify the DOJ with regard to any change in agency name, address, telephone number or contact person.
3. Fingerprints received will be retained by the DOJ per 11105.2 PC until notified that the affected individual is no longer employed.
4. Access is granted **ONLY** to the primary contractor (there is NO authority for **subcontractors** to gain direct access to DOJ records).
5. Services provided under contract must be performed on school grounds.
6. The entity must have a contract (entities in the bid process are not authorized).
7. **Original signatures only (no photocopied signatures or faxed forms will be accepted or processed).**

Signature _____ Date _____

Printed Name _____ Title _____

DEPARTMENT OF JUSTICE

**REQUEST FOR AUTHORIZATION TO RECEIVE STATE SUMMARY CRIMINAL HISTORY
INFORMATION - CONTRACT EMPLOYEE FOR PUBLIC/PRIVATE SCHOOLS**

***PLEASE PROVIDE A SIGNATURE FROM EACH DISTRICT VERIFYING THAT A BACKGROUND
CHECK HAS BEEN REQUIRED OF YOUR COMPANY.***

School District/County Office of Education/Private School
Background Check Requirement Verification:

1. _____
Name of Contracting School District
Or Private School
2. _____
Signature of School Official
3. _____
Phone and Fax Number

In accordance with statutory, regulatory, and constitutional restrictions governing the use and dissemination of criminal offender record information, the above mentioned Education Code Sections allow for exemptions from backgrounding all employees under the following conditions:

1. The installation of a physical barrier at the work site to limit contact with pupils.
2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the DOJ has ascertained has not been convicted of a violent or serious felony.
3. Surveillance of employees of the entity by school personnel.

The exemptions listed above are granted at the discretion of the school district or private school.

For Department of Justice use only

Your request to receive state summary criminal history information pursuant to the Michelle Montoya School Safety Act is approved. Information regarding procedural requirements is enclosed or will be forwarded under separate cover.

Keith Dann, Manager
Record Access and Security Program

DATE



REQUEST FOR CONTRIBUTING AGENCY ORI AND/OR RESPONSE MAIL CODE

In order to submit applicant fingerprints via Live Scan, you must have an Originating Agency Identifier (ORI) code to identify your agency. In order to receive responses electronically, you must request a Response Mail Code. Note that electronic responses will be sent to a secure electronic mailbox, from which you will retrieve your messages. **In order to receive a Mail Code, you must have a completed form BCII 9005, Subscriber Agreement, on file with the Department of Justice or returned with this request.**

☐ Request for ORI

☐ Request for Electronic Response Mail Code

Contributing Agency Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Your projection for monthly applicant submissions: _____

Contact Person Name: _____ Phone Number: _____

Please check the box(es) for the type(s) of applicants for whom you will be submitting:

☐ Employment

Title or Position (i.e., Classified Employee)

☐ License, Certification, Permit

Type of License, Certification, Permit

Identify Licensing Agency as it would appear on fingerprint card (i.e., Department of Social Service)

☐ Volunteers

☐ We request that all responses be sent electronically to the same secure mailbox.

☐ We request separate secure mailbox(es) for the following application type(s);

☐ Employment

☐ License, Certification, Permit

☐ Volunteers

An ORI and mail code number will be assigned by the Department of Justice and the information returned to you on form BCII 9003, Notification of ORI, Mail Code, and/or Billing Number.



**GUIDELINES FOR COMPLETING FORM BCII 9001,
"REQUEST FOR CONTRIBUTING AGENCY ORI AND/OR RESPONSE MAIL CODE"**

FIELD	INSTRUCTIONS
1) Service(s) requested	Check the appropriate box(es). You must request an ORI if you do not already have one and you intend to submit fingerprint transactions. You must request an electronic response mail code if you want your responses to be sent electronically to a secure mail server instead of by U.S. mail. Your agency will be assigned an ORI and/or mail code by the DOJ.
2) Contributing agency name, mailing address, and projected monthly submissions	Enter agency/organization's information.
3) Contact person	Enter the name of the person within your agency that DOJ can contact if any questions arise.
4) Phone number	Enter the contact person's phone number.
5) Employment	Check this box if you will be submitting fingerprints of potential employees and enter the title or position of employees to be fingerprinted. If you will submit for all employees, state "all employees".
6) License, Certification, Permit	Check this box if you will submit for licenses, certifications, or permits and enter the types of licenses, etc. you issue.
7) Identify licensing agency	If you checked the license, certification, and permit box, please provide the licensing agency name as it would appear on a fingerprint submission.
8) Volunteers	Check this box if you will be fingerprinting volunteers.
9) Electronic response mailbox	Check this box if ALL SUBMISSIONS will be going to the same electronic response mailbox
10) Designate more than one electronic response	If responses in your agency are designated to different locations based on the application type, and you want a separate mailbox for any or all of your applicant types, check the appropriate box(es).



NOTIFICATION OF ORI, MAIL CODE, AND/OR BILLING NUMBER

CONTRIBUTING Agency – please provide a complete address in the space below. This form will be returned to you with your ORI, Mail Code, and/or Billing Number Information.

Listed below are the ORI, Mail Code, and/or Billing Number assigned to your agency for applicant responses.

ORI _____

Mail Code _____

Billing Number _____

If separate response locations were requested, assigned codes are as follows:

Type	ORI	Mail Code
Employment		
Licensing, Certification, or Permit		
Volunteer		

The following are the ONLY applicant types with CJIS codes your agency is authorized to submit to the DOJ for background check purposes. The CJIS Code is for internal use only and is not utilized on the BCII 8016 form.

	Applicant Type	CJIS Code
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Should your address or agency information change in the future, you must notify the DOJ immediately. Please visit the DOJ's website to obtain form BCII 9004, Request to Change Applicant Submitting Agency Information.

**DEPARTMENT OF JUSTICE
APPLICANT LIVE SCAN BILLING PROCEDURES**

*****APPLICANT AGENCIES ARE NOT REQUIRED TO COMPLETE THE BILLING
ACCOUNT APPLICATION, BCII 9000 (PAGE 8), IF ITS APPLICANTS WILL BE PAYING
THE DEPARTMENT OF JUSTICE FEES AT THE LIVE SCAN SITE*****

The Department of Justice (DOJ) has developed the following procedures for the billing and collection of fingerprint fees. The first requirement for participation in the applicant Live Scan billing process is to provide DOJ with billing authorization to allow fee collection for services provided. Agencies shall provide the following:

- All applicant agencies that wish to be billed for submitting fingerprints via live scan must complete Form BCII 9000 - Billing Account Application located on Page 10 of this packet; and
- Non-state live scan agencies (e.g., public schools) shall complete a Memorandum of Understanding; or
- State agencies (e.g., Social Services) with and without live scan devices shall complete an Interagency Agreement.

The submission of these documents will result in the assignment of a unique customer billing number that must be entered by the live scan operator on all live scan transmissions. If your agency already has a customer billing number for the processing of manual fingerprint cards, the same customer billing number may be used for applicant live scan.

The following actions must occur in order for DOJ to generate a monthly invoice for services and to ensure that the correct agency is billed for services received.

- The live scan operator must input a customer billing number on every applicant live scan transmission sent to DOJ. The customer billing number keyed **must** be either the number for the live scan agency or the licensing applicant agency, to be determined as follows:
 - **Live Scan Agency:** If the live scan agency collects cash, credit, or a check on behalf of the DOJ for payment of the DOJ and/or federal services, the live scan agency **must be** the agency billed. In this case, the operator **must** enter the customer billing number of the live scan agency into the transmission.
 - **Applicant Agency:** If the live scan agency does not collect payment, then the contributing applicant agency **must be** the agency billed. In this case, the live scan operator **must** enter the applicant agency's customer billing number on the transmission. This number is found in the Contributing Agency Section (in the area titled "BIL") of the Request for Live Scan Applicant Submission form. The applicant must provide this form. If the applicant is not fee exempt, does not pay for services, and there is no "BIL" number on the Applicant Submission form, the live scan operator **should not** fingerprint the applicant.
- The DOJ Accounting Office will generate invoices based on the live scan transmission information thirty days in arrears. Based on the monthly billing cycle, each agency will be billed for transmissions occurring between the first day and the last day of the prior month. The agency will generally receive invoices within the first fifteen working days of the month.

- The Bureau of Criminal Identification and Investigative Services (BCIIS), Client Services Program (CSP) will bill for fingerprint transmissions on a monthly basis. To begin receiving monthly fingerprint billings along with a billing detail, your agency must have both an Agency ORI number and a customer billing number. If you do not have an ORI number, complete this packet and mail the packet including Form 9000 - Billing Account Application to DOJ. In approximately 6-8 weeks you will receive your assigned ORI number, customer billing number, and mail code to obtain your CORI results. If you already have an ORI number, call (916) 227-3870 (Option #4) and in approximately 1-2 weeks you will receive the assigned customer billing number. Once DOJ has assigned a customer billing number, we will also establish a Secure Mail Server System (SMSS) mailbox for receiving monthly billing detail reports (this SMSS mailbox has a different User ID and Password than the SMSS mailbox used to receive CORI results). If your agency has a customer billing number and is interested in electronically receiving monthly billing detail reports, please call (916) 227-3870 (Options #3) and DOJ will establish a SMSS mailbox. The monthly billing detail report will consist of the applicant's name, fingerprint date, and total fingerprint fees billed.
- Payment to DOJ is due upon receipt of the invoice. If there are discrepancies, please complete Form BCII 9006 - Credit Request – Applicant Live Scan Fingerprint Billing and fax to CSP at (916) 227-1149, listing the applicant(s) in dispute. The Credit Request form is available on the internet at <http://ag.ca.gov/fingerprints/forms/BCII%209006.pdf>. Please pay promptly for those charges with which you agree, and short pay the invoice by the amount of charges in dispute. The CSP will notify the agency if it denies the Credit Request. NOTE: If an agency does not submit a Credit Request, the agency will be held liable for the outstanding charges. Failure to remit payment in a timely manner may result in the agency being sent to collections and having its customer billing number disabled. The DOJ will not accept Credit Requests received three or more years after final payment of an invoice. Credit and rebill information will appear at the bottom of the monthly billing detail report the month following a credit request.
- The applicant agency will be responsible for payment if the fields on Form BCII 8016 - Request for Live Scan Service are not completed correctly. Therefore, it is extremely important that the agency follow the Form BCII 8016 Instructions available on the internet at http://ag.ca.gov/fingerprints/forms/BCII_8016_8016A_instructions.pdf.
- The live scan agency will be responsible for payment if the operator fails to input a customer billing number or inputs an incorrect billing number and/or applicant agency information, and the DOJ cannot determine which agency should be billed for the transmission.

Please call the BCIIS CSP at (916) 227-3870 for any of the following:

1. Establish a customer billing number (only if the ORI and electronic response codes have already been established);
2. Establish a SMSS mailbox for receiving billing detail;
3. Update billing contact information; or
4. To resolve live scan billing discrepancies.



BILLING ACCOUNT APPLICATION

Business/Agency Type:

- | | | |
|---|--|--|
| <input type="checkbox"/> School District | <input type="checkbox"/> Corporation | <input type="checkbox"/> Non-Profit Organization |
| <input type="checkbox"/> Private School | <input type="checkbox"/> Local Government | <input type="checkbox"/> Sole Proprietorship/Partnership |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government (Fund Code Required) _____ | |

ALL APPLICABLE INFORMATION MUST BE COMPLETED LEGIBLY. INCOMPLETE APPLICATIONS WILL BE RETURNED

Business/Agency Name: _____

Business/Agency Address: _____

City: _____ State: _____ ZIP Code: _____

Federal Tax Identification Number*: _____

Social Security Number (Sole Proprietorship or Partnership)*: _____

* A social security number **AND** a federal Tax Identification Number (if applicable) are **REQUIRED** for a Sole Proprietorship **OR** a Partnership

Authorized Representative: _____

Telephone Number: _____ Facsimile Number: _____

Electronic Mail Address: _____

I, the undersigned, have the authority to conduct business for the business/agency listed above. I confirm that all the information on this application is true and correct. I give my permission to the Department of Justice (DOJ) to research and confirm all information provided and to request a credit report at any time. I understand this is an agreement to pay the processing fees associated with the electronic transmission of State and/or Federal criminal offender record information requests, including fees incurred by duplicate transmissions or other errors on the part of the above business/agency or its representative(s). Failure to remit payment in a timely manner may result in the DOJ utilizing all information provided on this billing account application for collection purposes; in addition, the DOJ may disable your customer billing number. I agree to the terms of this agreement and understand it will remain in effect until written cancellation is provided by either party with 30 days notice.

Signature _____ Printed Name _____

Title _____ Date _____

DOJ Use Only

Input by: _____ Account #: _____ Received Date: _____

Input Date: _____ ORI #: _____ ACN #: _____



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION

Criminal Offender Record Information (CORI) is information identified through fingerprint submission to the Department of Justice (DOJ) with a criminal record or "No Record". It is confidential information disseminated to applicant agencies authorized by California statute for the purposes of employment, licensing, certification, and volunteer clearances. The following information describes each agency's responsibility regarding accessing, storage, handling, dissemination, and destruction of CORI.

Background

Penal Code sections 11105 and 13300 identify who may have access to criminal history information and under what circumstances it may be released.

The DOJ maintains the California Law Enforcement Telecommunications System (CLETS) that provides law enforcement agencies with information directly from federal, state, and local computerized information files. However, restrictions have been placed on the user to ensure that the rights of all citizens of California are properly protected.

Article 1, section 1 of the California Constitution grants California citizens an absolute right to privacy. Individuals or agencies violating these privacy rights place themselves at both criminal and civil liability. Laws governing Californians' right-to-privacy were created to curb, among other things, the excessive collection and retention of personal information by government agencies, the improper use of information properly obtained for a proper purpose, and lack of a reasonable check on the accuracy of existing records. (*White v. Davis* (1975) 13 Cal. 3d 757,775.)

Employment Background Checks

It is only through the submission of fingerprints to the DOJ that the true identity of an individual can be established. In a 1977 lawsuit (*Central Valley v. Younger*), the court ruled that only arrest entries resulting in conviction, and arrest entries that indicate active prosecution, may be provided for evaluation for employment, licensing, or certification purposes.

Exceptions

Some statutory provisions, such as those relating to youth organizations, schools, and financial institutions, further limit information dissemination to conviction for specific offenses. Records provided for criminal justice agency employment as defined in Section 13101 of the Penal Code are exempt from these limitations. In addition, arrest information for certain narcotic and sex crimes, irrespective of disposition, will be provided for employment with a human resource agency as defined in section 1250 of the Health and Safety Code. Other exceptions are listed in the CLETS Policies, Practices, and Procedures (section 1.6.1).



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION (continued)

Unauthorized Access and Misuse

The unauthorized access and misuse of CORI may affect an individual's civil rights. Additionally, any person intentionally disclosing information obtained from personal or confidential records maintained by a state agency or from records within a system of records maintained by a governmental agency has violated various California statutes. There are several code sections that provide penalties for misuse or unauthorized use of CORI.

Authorized Access

CORI shall be accessible only to the Records Custodian and/or hiring authority charged with determining the suitability for employment or licensing of an applicant. The information received shall be used by the requesting agency solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency.

The retention and sharing of information between employing and licensing agencies are strictly prohibited. Retention and sharing of information infringes upon the right of privacy as defined in the California Constitution, and fails to meet the compelling state interest defined in *Loder v. Municipal Court (1976)#17 Cal. 3d859*. In addition, maintenance of CORI separate from the information maintained by the DOJ precludes subsequent record updates and makes it impossible for the DOJ to control dissemination of CORI as outlined in section 11105 of the Penal Code.

CLETS Policies, Practices, and Procedures state that any information transmitted or received via CLETS is confidential and for official use only by authorized personnel (section 1.6.4). Title 11 of the California Code of Regulations, Article 1, section 703, addresses the "right and need" to know CLETS-provided information.

The Bureau of Criminal Information and Analysis (BCIA) recommends that state summary criminal history records, obtained for employment, licensing, or certification purposes, be destroyed once a decision is made to employ, license, or certify the subject of the record. Agencies that either are mandated or permitted by California statute to receive subsequent arrest notifications pursuant to Penal Code (PC) section 11105.2 must complete a Contract for Subsequent Arrest Notification Service (BCII 8049) on Page 18.

Retention of criminal history records beyond this time should be based on documented legal authority and need. Any records retained must be stored in a secured, confidential file. The agency should designate a specific person responsible for the confidentiality of the record and have procedures to prevent further dissemination of the record, unless such dissemination is specifically provided for by law or regulation.



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

If your agency receives background clearance information in response to the submission of applicant fingerprint cards to the DOJ, you need to be aware of the regulations regarding the security of the hard copy information that you will receive. The purpose of this Subscriber Agreement is to restate existing regulations and clarify how they apply to the electronic receipt of this same information via fax or e-mail. There are no new regulations. Items 1, 2, 4, 5, and 7 restate existing regulations relative to receiving hard copy information. Item 2 has been expanded to include electronic information. Items 3 and 6 are intended to clarify these regulations relative to electronic information.

In accordance with section 11077 of the Penal Code, the Attorney General is responsible for the security of criminal offender record information. Title 11, Section 707(a) of the California Code of Regulations requires that **"Automated systems handling criminal offender record information and the information derived therefrom shall be secure from unauthorized access, alteration, deletion, or release. The computer terminals shall be located in secure premises."**

SUBSCRIBER AGREEMENT

This agreement is between the (name of agency) _____
and the Department of Justice for the purposes of the exchange of criminal offender record information.
The above agrees that:

1. Criminal offender record information and the information derived therefrom shall be accessible only to the records custodian and/or hiring authority charged with determining the suitability of the applicant.
2. Confidential information received electronically or via mail shall be used solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency.
3. Retention of CORI is permissible if, after making its initial employment, licensing, or certification decision, the agency has legitimate business need for the information and there are no statutory requirements to destroy such information. Any record information that is retained by the applicant agency must be stored in a secure and confidential file.
4. Criminal history background checks have been completed on all individuals with access or proximity to terminals or fax machines receiving criminal offender record information.
5. Staff with access to criminal offender record information have received training and counseling on the handling of criminal offender record information and have signed employment statement forms acknowledging and understanding of the criminal penalties for the misuse of criminal offender record information (Penal Code sections 502, 11142, and 11143).



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

6. Reasonable measures shall be taken to locate terminals and fax machines in a secure area to provide protection from unauthorized access to criminal offender record information by other than authorized personnel. Access is defined as the ability to view criminal offender record information on a terminal or on paper.
7. Pursuant to Title 11, section 702 of the California Code of Regulations, authorized agencies violating this agreement may lose direct access to criminal offender record information maintained by the Department of Justice.

Contributing Agency Name _____

Agency Address _____

City _____ State _____ ZIP Code _____

Agency Telephone Number _____

Signature of Agency Official _____

Printed Name of Agency Official _____

Title of Agency Official _____

Date _____

**CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION
CRIMINAL OFFENDER RECORD INFORMATION POLICY
Use of Applicant Criminal Offender Record Information**

Head of contributing agency/organization must sign and return document

This policy has been developed to meet the requirements of the State of California, Department of Justice, Division of California Justice Information Services, for any agency that receives Criminal Offender Record Information (CORI).

To ensure the suitability of individuals accessing confidential criminal history records, anyone with access to CORI shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this rests with the agency head or person in charge.

- A. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the agency head or person in charge.
- B. Record Destruction: It is recommended that the state summary of CORI obtained for employment, licensing or certification purposes be destroyed once a decision is made to employ, license or certify the subject of the record. Retention beyond this time, should be based on legitimate business need or statute.
- C. Record Dissemination: CORI shall be used only for the purpose for which it was requested.
- D. Record Storage: CORI shall be securely maintained and accessible only to the agency head and any others designated by the agency head committed to protect CORI from unauthorized access, use, or disclosure.
- E. Record Reproduction: CORI shall not be reproduced for secondary dissemination to any other employment or licensing agency. However, the requesting agency may provide a copy of the DOJ applicant response to the subject of the record upon request as they are considered to be an authorized person.
- F. Training: **The agency head shall:**
 - 1. Understand and enforce this policy.
 - 2. Be fingerprinted and have a criminal history clearance.
 - 3. Have on file a signed copy of the attached *Employee Statement Form* (which is itself a part of this policy) which acknowledges an understanding of laws prohibiting misuse of CORI.
- G. Penalties: Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REQUIREMENTS.

Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Contributing Agency/Organization Name: _____

Agency Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Physical Address: _____ **Zip Code:** _____

**CALIFORNIA DEPARTMENT OF JUSTICE
CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION
CRIMINAL OFFENDER RECORD INFORMATION SECURITY REQUIREMENTS
Use of Applicant Criminal Offender Record Information
*Custodian of Records must sign and return this document***

CUSTODIAN OF RECORDS DUTIES

1. The information provided by the Department of Justice (DOJ) to this agency is **confidential** and shall not be disseminated to any other person or agency not authorized by law. A violation of this section is a misdemeanor. (Penal Code Section 11142). However, the requesting agency may provide a copy of the DOJ applicant response to the subject of the record upon request as they are considered to be an authorized person.
2. All personnel/individuals with access to Criminal Offender Record Information (CORI) will have a fingerprint background clearance record check completed through the DOJ as required by the California Code of Regulations Section 703 (d) prior to the submission of fingerprints for employment, licensing, certification or volunteer purposes. (\$32 processing fee)
3. All personnel/individuals with access to CORI will have a signed "Employee Statement Form" on file acknowledging an understanding of laws prohibiting its misuse. (**See Employee Statement**)
4. All personnel/individuals with access to CORI will be trained in the secure handling, storage, dissemination and destruction of CORI.
5. My agency/organization will have a written policy for securing access, storage, dissemination and destruction of criminal record information. This policy will include the steps to be taken to prevent unauthorized access to CORI maintained in our agency files. (**See Criminal Offender Record Information Policy**)
6. The Department of Justice may conduct audits of the authorized persons or agencies using CORI to ensure compliance with state laws and regulations. (Section 702 (c) California Code of Regulations)
7. The information provided by the Department of Justice will be maintained in a secured area/locked cabinet separate from the employees personnel file and be used only for the purpose for which it was acquired.
8. Our agency/organization will notify the Department of Justice with regard to any change of agency name, address, telephone number, fax number, Custodian of Records and contact person.
9. The "No Longer Interested Notification Form" will be sent to DOJ, when applicable.
10. Our agency/organization will send an updated Live Scan Subscriber Agreement form to DOJ signed by our new agency official, when applicable.

On behalf of our agency/organization, I hereby acknowledge that I have read and agree to the above.

Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Contributing Agency/Organization Name: _____

Agency Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Physical Address: _____ **Zip Code:** _____

**CALIFORNIA DEPARTMENT OF JUSTICE
CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION
EMPLOYEE STATEMENT**

Use of Applicant Criminal Offender Record Information

All personnel with access must sign this form which is kept by the Custodian of Records

As an employee/volunteer of: _____,

You may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code Section 502, prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300, identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code Sections 11140 - 11144 and 13301 - 13305, prescribe penalties for misuse of criminal history information. Government Code Section 6200, prescribe felony penalties for misuse of public records. Penal Code Sections 11142 and 13300 state:

“Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.”

Civil Code Section 1798.53, Invasion of Privacy, states:

“Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual.”

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

*Penal Code Section 11141: DOJ furnishing to unauthorized person (misdemeanor)

*Penal Code Section 11142: Authorized person furnishing to other (misdemeanor)

*Penal Code Section 11143: Unauthorized person in possession (misdemeanor)

*California Constitution, Article I, Section 1 (Right to Privacy)

*1798.53 Civil Code, Invasion of Privacy

*Title 18, USC, Sections 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of Contributing Agency/Organization _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

CONTRACT FOR SUBSEQUENT ARREST NOTIFICATION SERVICE

BCII 8049 (orig.12/98;rev.10/04)

Department of Justice
Bureau of Criminal Identification and Information

The agency listed below is authorized to receive state summary criminal history information from the files of the Department of Justice for employment, licensing or certification purposes. This agency further requests that fingerprint transactions submitted for this purpose be retained in Bureau files for **California** only subsequent arrest notification service pursuant to Section 11105.2 of the California Penal Code. **Fingerprint submissions received before the effective date of this contract will not be retained by the Department of Justice.**

AGENCY NAME: _____

AGENCY ADDRESS: _____

CITY, STATE, ZIP: _____

ORI NUMBER: (If
Applicable) _____

CONTACT PERSON: _____

TELEPHONE: _____

Please retain the following authorized categories:☐

ALL EMPLOYEES

☐

ALL LICENSES, CERTIFICATIONS OR PERMITS

☐

OTHER (specify):

This agency certifies that to its knowledge, there is no statute or regulation prohibiting this notification, that all requirements for criminal record security and privacy of individuals will be met. This agency will notify the Bureau of Criminal Identification and Information when it no longer has a legitimate interest in a subject, as required by Section 11105.2 of the California Penal Code. The agency agrees to immediately return any subsequent arrest notification received from DOJ for any person unknown to the agency. The agency understands that disposition information will only be provided by the DOJ if such information is available in the DOJ's records at the time the subsequent arrest notification is made to the agency.

APPROVED: (Department of Justice area only)_____
Signature of Agency Representative
Date_____
Signature of DOJ Representative
Applicant Processing Program
Bureau of Criminal Information and Analysis_____
Print Name_____
Title of Agency Representative_____
Effective Date

No Longer Interested Notification

California Penal Code section 11105.2 (d) states, in part, that any agency which submits the fingerprints of applicants for employment or approval to the Department of Justice (DOJ) for the purpose of establishing a record of the applicant to receive notification of subsequent arrests, shall immediately notify the department when employment is terminated or the applicant is not hired.

It is the responsibility of the hiring/approving authority to notify the Department of Justice, Bureau of Criminal Identification and Information when employment has been terminated or when an applicant or volunteer is not actually retained in the position for which they applied.

The No Longer Interested Form can be accessed at the following link:

<http://ag.ca.gov/fingerprints/forms/nli.pdf>