

Sample Language of Contractor Functions and Contractor Access to CHRI

Instructions: Please use these examples as a job aid. The FBI Compact Officer is aware of this sample language and these examples should not be copied, word for word, in a request letter to the FBI Compact Officer. The purpose of this job aid is to document and demonstrate your knowledge of contractor functions and contractor access to CHRI.

Example 1:

Tribal IT will maintain and manage the TGRA owned computer systems that store FBI CHRI from the NIGC. The contractor access to CHRI is incidental, but necessary, as it relates to general handling and storage of CHRI on the computer system. Tribal IT will administer user accounts and privileges for the network, servers and computers where TGRA authorized personnel make use of and store CHRI.

Example 2:

Casino IT staff will maintain and manage a computer system for the TGRA. The TGRA computer system receives and stores FBI CHRI from the NIGC. The access to CHRI is incidental, but necessary, as it relates to general handling and storage of CHRI on the computer system. The TGRA owns the computer system and Casino IT staff administer user accounts and privileges for the system.

Example 3:

The live scan contractor will maintain and upgrade software, maintain hardware, troubleshoot the computer system and live scan device owned by the TGRA. The computer system resides in the TGRA facility in a physically secure location. The contractor access to CHRI is incidental, but necessary, as it relates to general handling and storage of CHRI on the computer system. TGRA staff administer user accounts and privileges for the system and will work directly with the contractor personnel.

4. Based on the contractor functions and access to CHRI identified from step 2, can the TGRA attest all the conditions exist as noted in Outsourcing Standard Sections 11.01 or 11.02⁴? If yes, the request letter can state the conditions are met.
5. List the contractor functions that involve access to CHRI identified from step 2 and if applicable, attest to the conditions verified from step 4 in the request letter to the FBI Compact Officer. Template letters and a sample contract can be found at [CJIS Resource Materials | National Indian Gaming Commission \(nigc.gov\)](#)
6. Review the request letter and the proposed contract. Ensure the contractor functions that involve access to CHRI in the contract agree with the request letter.
7. If NIGC assistance is needed, email the draft request letter and proposed contract to iso@nigc.gov for NIGC staff review. NIGC staff will review the request letter for clarity and consistency with the proposed contract before the TGRA/LASO sends the request letter to the FBI Compact Officer.

8. On March 4, 2021, FBI Compact Officer Chasity Anderson communicated approval for TGRAs to proceed with upgrades while it awaits formal written approval of the outsourcing request from the FBI Compact Officer⁵.

This approval is the result of coordination between the National Indian Gaming Commission and the FBI Compact Officer. Such approval from the FBI Compact Officer does not change the TGRA's responsibility to ensure contractor compliance with the Security and Management Control Outsourcing Standard for Non-Channelers and the CJIS Security Policy.

If a TGRA plans to take advantage of this approval and proceed with performing the upgrades, please contact iso@nigc.gov

⁴ 11.01 An Information Technology (IT) contract need only include Sections 1.0, 2.01, 2.02, 2.03, 3.01, 6.0, 8.0, and 9.0 of this Outsourcing Standard for Non-Channelers when all of the following conditions exist:

1. Access to CHRI by the IT contractor's personnel is limited solely for the development and/or maintenance of the Authorized Recipient's computer system;

2. Access to CHRI is incidental, but necessary, to the duties being performed by the IT contractor;

3. The computer system resides within the Authorized Recipient's facility;

4. The Authorized Recipient's personnel supervise or work directly with the IT contractor personnel;

5. The Authorized Recipient maintains complete, positive control of the IT contractor's access to the computer system and CHRI contained therein; and

6. The Authorized Recipient retains all of the duties and responsibilities for the performance of its authorized noncriminal justice administrative functions, unless it executes a separate contract to perform such noncriminal justice administrative functions, subject to all applicable requirements, including the Outsourcing Standard.

11.02 An Authorized Recipient's contract where access to CHRI is limited solely for the purposes of: (A) storage (referred to as archiving in some states) of the CHRI at the Contractor's facility; (B) retrieval of the CHRI by Contractor personnel on behalf of the Authorized Recipient with appropriate security measures in place to protect the CHRI; and/or (C) destruction of the CHRI by Contractor personnel when not observed by the Authorized Recipient need only include Sections 1.0, 2.01, 2.02, 2.03, 3.01, 4.0, 6.0, 8.0, and 9.0 of this Outsourcing Standard for Non-Channelers when all of the following conditions exist:

1. Access to CHRI by the Contractor is limited solely for the purposes of: (A) storage (referred to as archiving in some states) of the CHRI at the Contractor's facility; (B) retrieval of the CHRI by Contractor personnel on behalf of the Authorized Recipient with appropriate security measures in place to protect the CHRI; and/or (C) destruction of the CHRI by Contractor personnel when not observed by the Authorized Recipient;

2. Access to CHRI is incidental, but necessary, to the duties being performed by the Contractor;

3. The Contractor is not authorized to disseminate CHRI to any other agency or contractor on behalf of the Authorized Recipient;

4. The Contractor's personnel are subject to the same criminal history record checks as the Authorized Recipient's personnel;

5. The criminal history record checks of the Contractor personnel are completed prior to work on the contract or agreement;

6. The Authorized Recipient retains all other duties and responsibilities for the performance of its authorized noncriminal justice administrative functions, unless it executes a separate contract to perform such noncriminal justice administrative functions, subject to all applicable requirements, including the Outsourcing Standard; and

7. The Contractor stores the CHRI in a physically secure location.

⁵ The FBI Compact Officer (CO) has granted a temporary approval to TGRAs awaiting FBI CO outsourcing contract approval. Specifically, this temporary approval allows TGRAs to direct their contractors to proceed with necessary equipment/system upgrades that require access to criminal history records while the TGRAs await a decision from the FBI CO on their proposed outsourcing contract(s).