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PARTICIPANT GUIDE

The Commission is promoting four emphasis areas in the agency’s work commitment to assist in being more engaged and accountable to the Indian gaming industry and Indian Country.

Industry Integrity

Protecting the valuable tool of Indian gaming that in many communities creates jobs, is the lifeblood for tribal programs, and creates opportunities for tribes to explore and strengthen relationships with neighboring jurisdictions.

Agency Accountability

Meeting the public’s expectation for administrative processes that uphold good governance practices and support efficient and effective decision making to protect tribal assets.

Preparedness

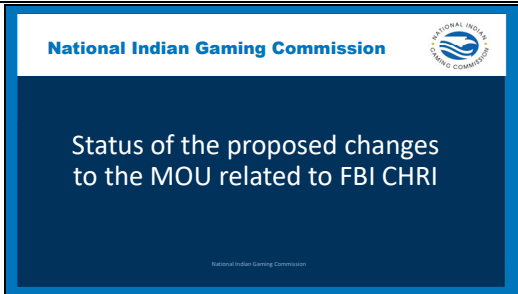
Promoting tribes’ capacity to plan for risks to tribal gaming assets including natural disaster threats, the need to modernize and enhance regulatory and gaming operation workforces, or public health and safety emergencies.

Outreach

Cultivating opportunities for outreach to ensure well-informed Indian gaming policy development through diverse relationships, accessible resources, and government-to-government consultation.

This training reinforces these four emphasis areas and the agency’s commitment to the Indian gaming industry and Indian Country.

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The outsourcing agreement job aid was developed to assist TGRA staff, when needed, to submit complete and accurate requests to the FBI Compact Officer. Specific information about the functions of the contractor will allow the FBI Compact Officer to more efficiently process requests for approval.

The Outsourcing Agreement Job Aid is located at <https://www.nigc.gov/images/uploads/20210409JOBAIDContractorFunctionsAndContractorAccessToCHRI.pdf>

The Security and Management Control Outsourcing Standard for Non-Channelers (Outsourcing Standard) is located at <https://www.fbi.gov/file-repository/compact-council-security-and-management-control-outsourcing-standard-for-non-channelers.pdf/view>

Slide 4	 <p>Do I need to submit a request for outsourcing to the FBI?</p>	<p>PARTICIPANT GUIDE Answer the following poll questions and learn if you need to submit a request for outsourcing to the FBI?</p>
Slide 5	 <p>You purchase a new laptop for live scan fingerprint submissions. The laptop is a send only device. A second device not connected to the first device retrieves the CHRI. The contractor provides tech support by telephone. Is this outsourcing?</p>	<p>PARTICIPANT GUIDE You purchase a new laptop for live scan fingerprint submissions. The laptop is a send only device. A second device not connected to the first device retrieves the CHRI. The contractor provides tech support by telephone. Is this outsourcing?</p>
Slide 6	 <p>You decide to contract with a new live scan contractor and reuse your old laptop. The old laptop contains CHRI from your previous use. The new contractor repurposes the old laptop as a send only device. A separate device will retrieve all future CHRI. Is this outsourcing?</p>	<p>PARTICIPANT GUIDE You decide to contract with a new live scan contractor and reuse your old laptop. The old laptop contains CHRI from your previous use. The new contractor repurposes the old laptop as a send only device. A separate device will retrieve all future CHRI. Is this outsourcing?</p>
Slide 7	 <p>You purchase a new laptop from the contractor as part of a package deal with a live scan device. The new laptop submits PII and retrieves CHRI. The deal includes a 3-year service agreement. The contractor will provide software updates and fix hardware problems. The contractor will provide these services remotely or you will send the laptop to the contractor. Is this outsourcing?</p>	<p>PARTICIPANT GUIDE You purchase a new laptop from the contractor as part of a package deal with a live scan device. The new laptop submits PII and retrieves CHRI. The deal includes a 3-year service agreement. The contractor will provide software updates and fix hardware problems. The contractor will provide these services remotely or you will send the laptop to the contractor. Is this outsourcing?</p>
Slide 8	 <p>Outsourcing Agreement Job Aid Footnotes 1, 2 and 3</p>	<p>PARTICIPANT GUIDE The definitions in the footnotes 1, 2 and 3 can be in found in Sections 1.07, 1.10 and 1.01 of the Outsourcing Standard.</p>
Slide 9	 <p>Contractor means a government agency, a private business, non-profit organization or individual, that is not itself an Authorized Recipient with respect to the particular noncriminal justice purpose, who has entered into a contract with an Authorized Recipient to perform noncriminal justice administrative functions requiring access to CHRI.</p>	<p>PARTICIPANT GUIDE Contractor means a government agency, a private business, non-profit organization or individual, that is not itself an Authorized Recipient with respect to the particular noncriminal justice purpose, who has entered into a contract with an Authorized Recipient to perform noncriminal justice administrative functions requiring access to CHRI.</p>

<p>Slide 10</p>	 <p>National Indian Gaming Commission</p> <p>Noncriminal Justice Administrative Functions means the routine noncriminal justice administrative functions relating to the processing of CHRI, to include but not limited to the following:</p> <ol style="list-style-type: none"> 4. Other authorized activities relating to the general handling, use, and storage of CHRI <p><small>National Indian Gaming Commission</small></p>	<p>PARTICIPANT GUIDE</p> <p>Noncriminal Justice Administrative Functions means the routine noncriminal justice administrative functions relating to the processing of CHRI, to include but not limited to the following:</p> <ol style="list-style-type: none"> 1. Making fitness determinations/recommendations 2. Obtaining missing dispositions 3. Disseminating CHRI as authorized by Federal statute, Federal Executive Order, or State statute approved by the United States Attorney General 4. Other authorized activities relating to the general handling, use, and storage of CHRI
<p>Slide 11</p>	 <p>National Indian Gaming Commission</p> <p>Access to CHRI means to view or make use of CHRI</p> <p><small>National Indian Gaming Commission</small></p>	<p>PARTICIPANT GUIDE</p> <p>Access to CHRI means to view or make use of CHRI obtained from the III System but excludes direct access to the III System by computer terminal or other automated means by Contractors other than those that may be contracted by the FBI or state criminal history record repositories or as provided by Title 34, United States Code (U.S.C.), Section 40314 (b),(formally cited as 42 U.S.C. § 14614(b)).</p>
<p>Slide 12</p>	 <p>National Indian Gaming Commission</p> <p>Outsourcing Agreement Job Aid Example 3</p> <p><small>National Indian Gaming Commission</small></p>	<p>PARTICIPANT GUIDE</p>
<p>Slide 13</p>	 <p>National Indian Gaming Commission</p> <p>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.</p> <p><small>National Indian Gaming Commission</small></p>	<p>PARTICIPANT GUIDE</p> <p>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.</p>
<p>Slide 14</p>	 <p>National Indian Gaming Commission</p> <p>Outsourcing Standard Sections 11.01</p> <p><small>National Indian Gaming Commission</small></p>	<p>PARTICIPANT GUIDE</p> <p>Section 11.01 is likely applicable for many TGRA in their relationship with contractors providing live scan functions when the CHRI is returned to the device/system that is updated/maintained by the contractor and the device/system is owned and managed by the TGRA. When the FBI Compact provides written permission under Section 11.01, Section 2.05 does not apply. Section 2.05 requires “the Authorized Recipient shall certify to the FBI Compact Officer that an audit was conducted with the Contractor within 90 days of the date the Contractor first receives CHRI under the approved outsourcing agreement.”</p>
<p>Slide 15</p>	 <p>National Indian Gaming Commission</p> <p>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:</p> <ol style="list-style-type: none"> 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; 	<p>PARTICIPANT GUIDE</p> <p>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:</p> <ol style="list-style-type: none"> 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;

<p>Slide 16</p>	 <p>National Indian Gaming Commission</p> <p>4. The Authorized Recipient's personnel supervise or work directly with the IT contractor personnel;</p> <p>5. The Authorized Recipient maintains complete, positive control of the IT contractor's access to the computer system and CHRI contained therein; and</p> <p>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.</p>	<p>PARTICIPANT GUIDE</p> <p>4. The Authorized Recipient's personnel supervise or work directly with the IT contractor personnel;</p> <p>5. The Authorized Recipient maintains complete, positive control of the IT contractor's access to the computer system and CHRI contained therein; and</p> <p>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.</p>
<p>Slide 17</p>	 <p>National Indian Gaming Commission</p> <p>The FBI Compact Officer will permit TGRA, who are awaiting FBI Compact Officer approval of their request(s) to proceed with allowing contractors to perform the necessary equipment/system upgrades that require access to CHRI.</p>	<p>PARTICIPANT GUIDE</p> <p>Based on correspondence from the FBI Compact Officer dated March 4, 2021, the FBI Compact Officer will permit TGRA, who are awaiting FBI Compact Officer approval of their request(s) to proceed with allowing contractors to perform the necessary equipment/system upgrades that require access to CHRI.</p> <p>The FBI Compact Officer understands some TGRA have been unable to proceed with performing necessary equipment/system upgrades to ensure effective, efficient, and secure processing, as they have not received approval from the FBI Compact Officer to outsource the noncriminal justice administrative functions requiring access to criminal history record information.</p>
<p>Slide 18</p>	 <p>National Indian Gaming Commission</p> <p>NIGC CJIS Resource Page: https://www.nigc.gov/compliance/CJIS-Training-Materials</p>	<p>PARTICIPANT GUIDE</p> <p>The NIGC has spent the last year providing CJIS training and has a multitude of resources are available at https://www.nigc.gov/compliance/CJIS-Training-Materials</p> <p>If you need more information regarding technical assistance and training please contact your region office or email us at traininginfo@nigc.gov</p>
<p>Slide 19</p>	 <p>National Indian Gaming Commission</p> <p>Questions?</p>	<p>PARTICIPANT GUIDE</p> <p>Thank you for attending this training. Please take the survey after this event. We value your input and feedback.</p>