

Sample 90 day audit checklist for contractor access to FBI CHRI from the NIGC

#	QUESTION	YES	NO	N/A	STANDARD	COMMENT
2.0 Responsibilities of the Authorized Recipient						
1.	Prior to engaging in outsourcing any Noncriminal Justice Administrative Functions, did the TGRA request and receive written permission from the FBI Compact Officer? ¹	___	___	___	OS 1.01 OS 1.10 OS 2.01 OS 3.09	
2.	Did the TGRA execute the outsourcing agreement prior to providing the Contractor access to CHRI? ²	___	___	___	OS 2.02	
3.	Did the agreement incorporate by reference and attach the Outsourcing Standards to it?	___	___	___	OS 2.02	
4.	Did the TGRA specify the terms and conditions of the Contractor’s duties requiring access to CHRI?	___	___	___	OS 2.03	
5.	Did the TGRA limit the Contractor’s use of CHRI to the purposes for which it was provided?	___	___	___	OS 2.03	
6.	Did the TGRA limit the Contractor’s retention of the CHRI to a period of time established by the TGRA?	___	___	___	OS 2.03	
7.	Did the TGRA prohibit the Contractor’s dissemination of CHRI, except as specifically authorized by federal law, regulations, and standards? If specifically allowed, see OS 3.08, 5.01, 5.02 and 5.03.	___	___	___	OS 2.03 OS 3.08 OS 5.01 OS 5.02 OS 5.03	
8.	Did the TGRA ensure the security and confidentiality of the CHRI to include confirmation that the Contractor’s personnel have been authorized by the TGRA to access the CHRI?	___	___	___	OS 2.03	

¹ The FBI Compact Officer has granted a temporary approval to TGRAs awaiting FBI Compact Officer 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 Compact Officer on their proposed outsourcing contract(s). See <https://www.nigc.gov/images/uploads/20210409JOBALIDContractorFunctionsAndContractorAccessToCHRI.pdf>

² See Footnote 1. List date access began, date contract was executed and date Compact Officer approval was requested and received, if applicable.

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9.	Did the TGRA provide for audits of the Contractor’s use and handling of the CHRI as well as sanctions against the Contractor for noncompliance? The TGRA is responsible for the actions of the Contractor and shall monitor the Contractor’s compliance to the terms and conditions of the Outsourcing Standard (e.g. TGRA audit policies).	_____	_____	_____	OS 2.03 OS 2.05	
10.	Did the TGRA provide conditions for the termination of the agreement?	_____	_____	_____	OS 2.03	
11.	Did the TGRA ensure that Contractor personnel comply with the Outsourcing Standard? The TGRA is responsible for the actions of the Contractor and shall monitor the Contractor’s compliance to the terms and conditions of the Outsourcing Standard (e.g. TGRA audit policies).	_____	_____	_____	OS 2.03 OS 2.05 OS 3.01 OS 3.02 OS 3.03 OS 3.04	
12.	Did the TGRA conduct criminal history record checks of Contractor personnel if located within states having passed legislation authorizing or requiring civil fingerprint-based background checks for personnel with access to CHRI? The TGRA shall conduct criminal history record checks of Contractor personnel having access to CHRI if such checks are authorized under an existing federal statute, executive order, or state statute approved by the United States Attorney General under Public Law 92-544. If applicable, the national criminal history record checks of the Contractor personnel with access to CHRI cannot be outsourced and must be performed by the TGRA.	_____	_____	_____	OS 2.03(a) OS 6.01	
13.	Does the TGRA maintain updated records of Contractor personnel who have access to CHRI and update those records within 24 hours when changes to the access occur?	_____	_____	_____	OS 2.03(a)	
14.	Has the TGRA developed and implemented a process to ensure that the Contractor maintains site security?	_____	_____	_____	OS 2.03(b) OS 3.05 OS 4.01	

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15.	Has the TGRA, within 60 calendar days of notification from the NIGC or FBI, notified the Contractor regarding changes or updates to the Outsourcing Standard and/or CJIS Security Policy?	_____	_____	_____	OS 2.03(c)	
16.	Has the TGRA ensured the most recent updated versions of the Outsourcing Standard are incorporated by reference at the time of the contract, contract renewal, or within the 60 calendar day notification period, whichever is sooner?	_____	_____	_____	OS 2.03(c) OS 2.03(d)	
17.	The Authorized Recipient shall understand the communications and record capabilities of the Contractor. Did the TGRA request and approve a topological drawing which depicts the interconnectivity of the Contractor's network configuration as it relates to the outsourced noncriminal justice administrative function(s)?	_____	_____	_____	OS 2.04	
18.	Did the TGRA certify to the FBI Compact Officer that an audit was conducted with the Contractor within 90 days of the date the Contractor first received CHRI? See #49 and #50. If the outsourcing contract was terminated early, did the TGRA provide written notice of the termination to the FBI Compact Officer?	_____	_____	_____	OS 2.05 OS 2.06	
19.	Has the TGRA appointed an ISO as the security point of contact for the FBI CJIS ISO and NIGC CSA ISO (e.g. position description, formal appointment, etc.)?	_____	_____	_____	OS 2.07	
20.	Does the TGRA appointed ISO document technical compliance with the Outsourcing Standard (e.g. CJIS Security Policy 5.4.3, Audit Monitoring, Analysis and Reporting)?	_____	_____	_____	OS 2.07(b)	

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21.	Has the TGRA appointed ISO established a security incident response and reporting procedures to discover, investigate, document, and report on major incidents that significantly endanger the security or integrity of FBI CHRI from the NIGC?	_____	_____	_____	OS 2.07(c)	
22.	Has the TGRA developed written procedures to immediately (within one hour) notify the FBI CJIS ISO and NIGC CSA ISO of any PII breach?	_____	_____	_____	OS 2.08	
23.	Has the TGRA developed and implemented written procedures to provide a written report of any PII breach (to include unauthorized access to CHRI by the Contractor) to the FBI CJIS ISO and NIGC CSA ISO within 5 calendar days of receipt of the initial report of the PII breach? The written report must include corrective actions taken by the TGRA and, if necessary, the Contractor to resolve such PII breach.	_____	_____	_____	OS 2.08	
3.0 Responsibilities of the Contractor						
24.	Did the Contractor implement a security program to comply with the Outsourcing Standard and the CJIS Security Policy?	_____	_____	_____	OS 3.02 OS 3.03	
25.	Did the TGRA provide written approval to the NIGC CSA ISO or the FBI Compact Officer for the Contractor's security program?	_____	_____	_____	OS 3.02	
26.	If the training requirement is not retained by the TGRA, has the Contractor developed, documented, administered and maintained a security training program to comply with the Outsourcing Standard and CJIS Security Policy?	_____	_____	_____	OS 3.04	
27.	If the training requirement is not retained by the TGRA, has the TGRA provided the Contractor with written approval for the security training program?	_____	_____	_____	OS 3.04 OS 3.06	

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28.	If the training requirement is not retained by the TGRA, did the Contractor, no later than the anniversary date of the contract, certify in writing to the TGRA that annual refresher training was completed for those Contractor personnel with access to CHRI?	_____	_____	_____	OS 3.04	
29.	Does the Contractor maintain CHRI only for the period of time necessary to fulfill its contractual obligations but not to exceed the period of time established by the TGRA?	_____	_____	_____	OS 3.07	
4.0 Site Security						
30.	Has the TGRA ensured that the Contractor's site(s) is a physically secure location to protect against any unauthorized access to CHRI (e.g. inquiry, records examination, site inspection (as applicable or reasonably feasible))?	_____	_____	_____	OS 4.01	
6.0 Personnel Security						
31.	Has the Contractor ensured that each employee performing work under the contract is aware of the requirements of the Outsourcing Standard and the state and federal laws governing the security and integrity of CHRI?	_____	_____	_____	OS 6.02	
32.	Has the Contractor confirmed in writing that each employee has certified in writing that they understand the Outsourcing Standard requirements and laws that apply to their responsibilities?	_____	_____	_____	OS 6.02	
33.	Does the Contractor maintain up-to-date records of personnel who have access to CHRI and provides updates to the TGRA with 24 hours when additions or deletions occur?	_____	_____	_____	OS 6.03	
7.0 System Security						
34.	Does the Contractor's security system comply with the CJIS Security Policy in effect at the time of the Outsourcing Standard was incorporated into the contract and successor versions of the policy?	_____	_____	_____	OS 7.01	

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35.	Did the Contractor implement devices to provide a point of defense and a controlled and audited access to CHRI, both from the inside and outside the networks?	___	___	___	OS 7.01(a)	
36.	Did the Contractor implement data encryption for CHRI in transit pursuant to the requirements in the CJIS Security Policy?	___	___	___	OS 7.01(b)	
37.	Did the Contractor provide for the secure storage and disposal of all hard copy and media associated with the system to prevent access by unauthorized personnel? Refer to the CJIS Security Policy to address: physically secure location; sanitization procedures for all fixed and non-fixed storage media; and storage procedures for all fixed and non-fixed storage media.	___	___	___	OS 7.02	
38.	To prevent and or detect unauthorized access to CHRI in transmission or storage, are Contractor personnel assigned a unique identifying number?	___	___	___	OS 7.03	
8.0 Security Violations						
39.	Has the TGRA developed and implemented a written policy for discipline of Contractor personnel who violate the security provisions of the contract, which includes the Outsourcing Standards incorporated by reference?	___	___	___	OS 8.01(a)	
40.	Has the TGRA developed and implemented a written incident reporting plan for security events, to include violations and incidents?	___	___	___	OS 8.01(a)	
41.	Does the Contractor have a written process to suspend any employee who commits a security violation, upon detection, from assignments in which they have access to CHRI under the contract?	___	___	___	OS 8.01(b)	
42.	Has the Contractor implemented a written processes to immediately (within 1 hour of discovery) notify the TGRA, the NIGC CSA ISO or FBI CJIS ISO of any security violation to include unauthorized access to CHRI?	___	___	___	OS 8.01(c)	

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43.	<p>Has the Contractor implemented a written process to, within five calendar days of such discovery, provide the TGRA, the NIGC CSA ISO or the FBI CJIS ISO a written report documenting the security violation, corrective actions taken by the Contractor to resolve such violation, and the date, time and summary of the violation?</p> <p>If the Contractor refuses to or is incapable of taking corrective actions to successfully resolve a security violation, the TGRA shall terminate the contract and provide written notice to the NIGC ISO and FBI Compact Officer. See OS 8.04 (a-c) for the notification requirements.</p>	_____	_____	_____	OS 8.01(c) OS 8.02(c)	
44.	<p>Has the TGRA implemented a written process to immediately (within 4 hours) notify the NIGC CSA ISO and FBI Compact Officer of any security violation or termination of the contract, to include unauthorized access to CHRI made available pursuant to the contract?</p>	_____	_____	_____	OS 8.01(d)	
45.	<p>Has the TGRA implemented a written process to, within five calendar days of any security violation (to include unauthorized access to CHRI by the Contractor), provide the NIGC CSA ISO and the FBI Compact Officer a written report documenting the corrective actions taken by the Contractor and the TGRA to resolve such violation?</p> <p>If the Contractor refuses to or is incapable of taking corrective actions to successfully resolve a security violation, the TGRA shall terminate the contract and provide written notice to the NIGC ISO and FBI Compact Officer. See OS 8.04 (a-c) for the notification requirements.</p>	_____	_____	_____	OS 8.01(d) OS 8.02(c) OS 8.03 OS 8.04 OS 8.05 OS 8.06	
9.0 PII						
46.	<p>Does the Contractor have a written process to notify authorized individuals of their right to report PII breaches directly to the FBI should they believe their information has been mishandled or compromised?</p>	_____	_____	_____	OS 9.02	

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47.	Does the Contractor have a written process to immediately (within 1 hour of discovery) notify the TGRA, the NIGC CSA ISO or the FBI CJIS ISO of any PII breach or potential PII breach?	_____	_____	_____	OS 9.03	
48.	Does the Contractor have a written process to, within five calendar days of such discovery, provide the TGRA, the NIGC CSA ISO or the FBI CJIS ISO a written report documenting such violation and corrective actions taken to resolve such violation, to include the date, time, and summary of the notification to resolve such breach?	_____	_____	_____	OS 9.03	

90 day Audit Certification

49.	The TGRA is responsible for the actions of the Contractor and shall monitor the Contractor's compliance to the terms and conditions of the Outsourcing Standard. Has the Contractor complied with the terms and conditions of the Outsourcing Standard as documented on this sample 90 day audit checklist?	_____	_____	_____	OS 2.05	
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50. Based on the certification made in the preceding question, the undersigned certifies this audit was conducted with the Contractor within 90 days of the date the Contractor first received CHRI.

TGRA Authorized Official – Printed/Signature

Date _____

Contractor Authorized Official - Printed/Signature

Date _____