
 Who gets a background and license?

- Key Employees of the gaming operation
- Primary Management Officials of the gaming operation




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 What is CJ and why is it important

- Criminal Justice Information (CJI) is the term used to refer to all of the FBI Criminal Justice Information Services (CJIS) provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.
- Part of the CJ information is the CHRI report used for key employee and primary management official licensing.

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 What is a CHRI?

**Criminal History Record Information**  
**Often referred to as a**  
**“RAP sheet”**

CHRI, a subset of CJI, is information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release.

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DDM4  **FBI Fingerprints**

- The FBI authorizes NIGC to disseminate CHRI to tribal gaming authorities solely for determining a PMO or KE applicant's eligibility for a gaming license.
- The FBI limits the dissemination of CHRI obtained through NIGC for only those applicants who will be employees of the gaming operation.
- CHRI must be reviewed before a final licensing decision is made.




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 **What else is considered CHRI?**

Letters, emails, documents, notes, conversations in person/phone, and databases (including spreadsheets or tables) that contain:

- Information transferred or reproduced directly from CHRI.
- Information that confirms the existence or nonexistence of CHRI.

Regardless of its form, use, or method of dissemination, CHRI requires protection throughout its life cycle

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 **Applicant's CHRI Rights**

***PRIOR TO FINGERPRINTING***

- Ensure applicant receives and acknowledges the Noncriminal Justice Applicant's Privacy Rights Notice.  
[www.fbi.gov/services/cjis/compact-council/guiding-principles-noncriminal-justice-applicants-privacy-rights](http://www.fbi.gov/services/cjis/compact-council/guiding-principles-noncriminal-justice-applicants-privacy-rights)
- Ensure applicant receives and acknowledges the FBI Privacy Act Statement.  
[www.fbi.gov/services/cjis/compact-council/privacy-act-statement](http://www.fbi.gov/services/cjis/compact-council/privacy-act-statement)

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## Slide 7

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**DDM4** Updated Slide  
Dinkins, Dana M., 5/3/2019

 Applicant's CHRI Rights cont.

**CHRI POLICY**

- TGRA must have a policy through which applicants may request and receive a copy of their CHRI.
- Applicants must be given time to correct or challenge information in the CHRI before the license eligibility determination is made.

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 CHRI Use Restrictions

- **Do not disseminate any form of CHRI outside of those directly involved in the licensing process at the Tribe and NIGC.**
- In most instances, CHRI obtained for PMO or KE licensing purposes cannot be provided to other entities for other purposes. CHRI cannot be provided to tribal leadership, other tribal agencies, state agencies, human resources, external auditors\*, etc., for other purposes such as to save money or to meet tribal state gaming compact requirements.

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 Recent Notices from NIGC

- July 1, 2019 – Letter summarizing information above.
- July 19, 2019 – Letter requiring immediate discontinuation of fingerprinting of TGRA employees and Commissioners.

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 **Not Licensed by Tribe**

- 558.3(d) – If the tribe does not license an applicant:
  - Notify NIGC no license was issued; and
  - Forward the eligibility determination and NOR.

The background, eligibility determination and NOR are complete, but for any reason the applicant was not licensed, you must notify NIGC.

Can I still send in a NOR indicating not licensed even if we did not reach the eligibility determination stage? Yes, if you want to.

It will not consider it a missing NOR for 556 & 558 purposes if you do not.

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 **CJIS Security Policy**

- More information on the Compact Council
  - <https://www.fbi.gov/services/cjis/compact-council>
- For a copy of the CJIS Security Policy
  - <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>

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 **CJIS Security Policy – Key Documents**

- Appendix G: Best Practices
  - Cloud, Mobile Devices, Encryption, BYOD, Setting Access and Incident Response.
- Appendix J of the Security Policy: Non-Criminal Justice Agency Supplemental Guidance
  - Lists out the main sections of the policy that apply to NCJAs.

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 **CJIS Security Policy – Key Areas**

- Agreements
- Dissemination
- Security Awareness Training
- Incident Response
- Auditing and Accountability
- Access Control
- Media Protection
- Physical Protection

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 **Encryption**

- Criminal Justice Information (CJI) must be encrypted:
  - When stored (at rest) outside the boundary of a physically secure location
    - When encryption is used for CJI at rest, it must be it must be FIPS 140-2 certified and use a symmetric cipher of at least 128 bit in strength or use the AES symmetric cipher at 256 bit strength.
  - Immediately when transmitted outside the boundary of a physically secure location (two exceptions: 5.13.1.2.2 and 5.10.2)
    - When encryption is used for CJI in transit, it must be FIPS 140-2 certified and use a symmetric cipher of at least 128 bit.

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 **Encryption Exceptions**

- CJIS Security Policy Exceptions for Encryption In Transit
  - Two exceptions as written in sections 5.13.1.2.2 and 5.10.2 are detailed as follows:
    - Any cellular device used to transmit CJI via voice is exempt from the encryption and authentication requirements when an officer determines there is an immediate need for the CJI to further an investigation or situations affecting the safety of an officer or the general public.
    - CJI transmitted via a single or multi-function device (fax) over a standard telephone line is exempt from encryption requirements.

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 **Outsourcing Agreements**

- In order for any third party (including Tribe's IT) to have unescorted access to CHRI you must have an Outsourcing Agreement:
  - Send letter to CJIS Compliance Officer requesting approval.
  - Execute Contract.
  - Inspect in 90 days.

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 **Important Point to Remember**

Over the next two years, the NIGC and the FBI will be working to migrate the NIGC's policies on the use and dissemination of CHRI from our last/previous agreement with the FBI established in 1993 to include additional applicable standards and protocols established under the National Crime Prevention and Privacy Compact Act of 1998, the National Crime Prevention and Privacy Compact Council and the CJIS Security Policy.

9/24/2019 20

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 **The Cloud**

- At <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>:
  - Cloud Computing Report
    - Recommendations for Implementation
  - Cloud Report
- Appendix G of CJIS SP
  - See Cloud Computing

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 Recent Technological Challenges

- Outages in electronic FP connectivity
- Planned upgrade to hardware and software

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 Questions?

Contact Information:  
[TrainingInfo@nigc.gov](mailto:TrainingInfo@nigc.gov)



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