



Next Generation Identification Audit

Policy Reference Guide



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III Participation Minimum Requirements

III Fingerprint Identification Matters

III Management Control

A single agency within each state must be responsible for ensuring that the standards of participation are met.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.4, A)

III Fingerprint Identification

The state must have a central repository for records with ten print identification capability, i.e., the ability to match ten print impressions. Although full technical fingerprint search capability is desirable, it is not a requirement.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.1, A)

Non-Unique and Missing SID Numbers

When the FBI processes a III state's first arrest fingerprint submission and the state's SID Number is missing or already in the III for another individual, the FBI will establish a new III record with an FBI pseudo-pointer and send the state a \$.A.RNP or a \$.A.RPR unsolicited message.

(III/NFF Operational and Technical Manual, Chapter 4, Sections 4.2.4 and 4.2.6)

Missed Identifications

When a state assigns a second SID Number to the same individual on a subsequent arrest, the III will transmit a \$.A.NMS unsolicited message to the state. For indexing purposes, the III will ignore the newest SID Number. However, the III will store the newest SID Number with the specific arrest cycle for which it was submitted and the existing SID Number indexed in the III will remain as the active state III pointer. Additionally, if a III state submits a subsequent fingerprint submission without a SID Number that is identified with a record containing the state's SID Number, the III will transmit a \$.A.NMS unsolicited message to the state indicating that a nonmatching SID Number condition exists. The existing SID Number will remain indexed in the III for the state. However, the III will not include a SID Number for the specific arrest cycle maintained at the FBI's CJIS Division. \$.A.NMS unsolicited messages are intended to alert SIBs of possible procedural problems at the state level.

(III/NFF Operational and Technical Manual, Chapter 5, Sections 5.6.1 and 5.6.3)

III Access for Non-Criminal Justice Applicant Purposes (Purpose Code I)

Authorized SIBs are permitted to use the III for interstate-approved non-criminal justice purposes that involve non-criminal justice employment and/or licensing background checks authorized by federal law, federal executive order, or a state statute approved by the U.S. Attorney General. Prior to performing a III record request using Purpose Code I, an SIB is required to perform a technical search at the state level to identify the applicant fingerprint submission with a criminal history record. If an identification is made, the

SIB may retrieve the record using Purpose Code I and then forward the record to its contributors or may forward the fingerprint submission to the FBI's CJIS Division for processing. If an applicant fingerprint submission is not identified with a record at the state, the state shall forward the fingerprint submission to the FBI's CJIS Division for processing. Purpose Code I may be used by only one authorized agency in each state, and each state must designate an authorized ORI(s) for Purpose Code I.

(III/NFF Operational and Technical Manual, Chapter 3, Sections 3.2.7 and 3.4.2, and Chapter 3, Section 3.4.5; and Chapter 6, Sections 6.2.1 and 6.2.2)

III Sole Source Submission

The state's central repository must serve as the sole conduit for the transmission of arrest, judicial, and correctional fingerprint impressions for criterion offenses within the state to the FBI's CJIS Division (for sole source submissions). Submission of related final disposition reports and expungements to the FBI's CJIS Division via the central repository is desirable. Sole source submission of information to the FBI's CJIS Division should not be unduly delayed by the state agency.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.1, B)

III Supporting Fingerprints

The state's central repository must maintain the subject's fingerprint impressions or a copy of them as the basic source document of each indexed record to support each arrest event in the IdHS.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.1, C)

III Continued Submission

The central repository must agree to continue submitting to the FBI's CJIS Division all criterion arrest, court, and correctional fingerprint impressions and, when possible, the related final disposition reports.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.1, D)

III Record Content and Maintenance

III Record Content

Each record maintained by the state must contain all known arrest, disposition, and custody/supervision data for that state.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.2, A)

III Record Expungement

The state must remove or expunge the SID Number from a III record when the corresponding record data no longer exists at the state level. An SIB must use the DRS maintenance message to initiate expungement of a state's entire III record. An SIB must not use the DRS maintenance message for partial expungement, i.e., the record contains an arrest cycle(s) that is not to be expunged. An SIB must submit paper documentation to the CJIS Division for partial expungements. Whenever a state record ceases to exist due to a court-ordered expungement or a purge, the state must remove its SID Number from the III and submit a DRS to expunge all arrest cycles from the III record, and any other associated data. The DRS maintenance message flags the state's SID Number as expunged and stops dissemination of the state's data based on either a III query, fingerprint submission, and/or document processing. If the FBI's CJIS Division expunges a state's record based on the receipt and processing of expungement documentation from the state (i.e., the state does not transmit a DRS deletion message), the FBI's CJIS Division will remove the SID Number and the III will advise the state of this action automatically. (*III/NFF Operational and Technical Manual*, Chapter 2, Section 2.2.2, B and Chapter 5, Section 5.4.1)

III Record Synchronization

The state must conduct a regularly scheduled audit to identify discrepancies and synchronize III records pointing to the state's database. Mandatory III audits are conducted twice a year and are generally scheduled for a Sunday in the spring and fall of each year. When a state agency enrolls in the III, the agency may opt for two additional audits, which are scheduled on a Sunday in the summer and in the winter, and are added to these state's schedule. Thirty days before the III synchronization, the III staff from the FBI's CJIS Division will forward an Nlets administrative message and/or e-mail to each state advising of the scheduled synchronization and III restricted service time. State personnel must return the certification of audit processing form within 90 days to ensure that the state processed the synchronization and corrected all record discrepancies. (*III/NFF Operational and Technical Manual*, Chapter 2, Section 2.2.2, C and Chapter 4, Sections 4.4.1 and 4.4.3)

III Record Maintenance

The state must maintain records at the highest possible level of completeness, accuracy, and timeliness.

(*III/NFF Operational and Technical Manual*, Chapter 2, Section 2.2.2, D)

Supplemental Identifiers

Although most supplemental identifiers are entered in the III as the result of fingerprint submissions, a state may have documentation not provided to the FBI that contains a new supplemental identifier(s) (e.g., aliases or additional dates of birth). This scenario may occur occasionally. III users must employ an EHN maintenance message when entering a supplemental identifier(s).

(*III/NFF Operational and Technical Manual*, Chapter 5, Section 5.2.1)

Record Consolidations

When the III detects two or more UCNs assigned to the same individual, the records will be consolidated and the III will send a \$.A.CON unsolicited message to the state(s) of record. The III adds the caveat, “SID Number Expunged - Reenter To Assume Control”, when it is necessary to delete the state’s SID Number from the retained III record and substitute an FBI pseudo-pointer for the state’s data. This occurs when (1) both records to be consolidated contain the state’s SID Number, or (2) the canceled record contains an FBI pseudo-pointer for the state’s data and the retained record contains the state’s SID number. Additionally, when the retained record contains an FBI pseudo-pointer for the state’s data and the cancelled record contains the state’s SID, the III will not add a caveat to the message, as the position of a SID Number in the \$.A.CON message should alert the state that its only SID Number has been purged from the III. The state must reenter its SID Number to regain control of its data, and can accomplish this by using the MRS modification message. The III adds the caveat “Modify FBI Number in Your File” when the canceled record contains the state’s SID Number and the retained record contains no arrest data for the state. The state must add the correct FBI Number to its record. A consolidation of state records is not necessary because the state has only one record for the individual.

(III/NFF Operational and Technical Manual, Chapter 5, Sections 5.6.1 and 5.6.2)

Non-Unique and Missing SID Number Maintenance

Upon receipt of the \$.A.RNP or \$.A.RPR unsolicited message, the state personnel must review the message and enter the correct SID Number into the III using the MRS modification message. The state must enter the FBI UCN in the state database prior to the submission of the MRS.

(III/NFF Operational and Technical Manual, Chapter 4, Sections 4.2.4 and 4.2.6)

Missed Identification Maintenance

Upon receipt of the \$.A.NMS unsolicited message, if the state determines that the existing SID Number is not the correct one, it should use an MRS modification message to correct the SID Number.

(III/NFF Operational and Technical Manual, Chapter 5, Sections 5.6.1 and 5.6.3)

III Record Response

III Record Response

The state must respond immediately via Nlets to III record requests with the record or an acknowledgment and a notice to indicate when the record will be provided.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.3, A)

Responding to Purpose Codes

Each state joining the III must provide its criminal history records for criminal justice purposes (Purpose Code C) and firearms-related purposes (Purpose Code F). If the state is a member of the Compact, it must provide its records for all purpose codes. Any III state providing its records for noncriminal justice purposes must provide all CHRI except that portion of the records that have been sealed at the state level. Screening of the FBI IdHS information and the state's CHRI is the responsibility of the receiving state. The term "Sealed Record Information" means: (A) with respect to adults, that portion of a record that is not available for criminal justice uses; not supported by fingerprints or other accepted means of positive identification; or subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a Federal or State statute that requires action on a sealing petition filed by a particular record subject; and (B) with respect to juveniles, whatever each State determines is a sealed record under its own law and procedure.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.4.8, Chapter 6, Section 6.1.2, Chapter 7, Section 7.5; and Title 42, U.S.C., § 14616, Article I (21))

III Literal Translation

The state must translate alphabetic and/or numeric codes contained in record responses to literal words or logical abbreviations so the responses are easily understood.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.3, B)

III Out-of-State and Federal Records

The state must not include in its III responses any out-of-state criminal history record information (including federal information) maintained in its files.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.3, C)

NFF Qualification Requirements

NFF Fingerprint Ident. Matters – Central Repository and Accountability

NFF Management Control

A single agency within each state must be responsible for ensuring that the standards of participation are met. An NFF state's Compact Officer shall be responsible for ensuring compliance with the NFF qualification requirements.

(III/NFF Operational and Technical Manual, Chapter 2, Section 2.2.4, A and Chapter 8, Section 8.2, IV, A)

NFF Collection and Maintenance of CHRI

An NFF state shall collect and maintain any appropriate CHRI, including dispositions, sealing orders, and expungements, relevant to each offender and the records maintained by that state.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, B)

NFF Sole Source Submission

An NFF state's central criminal history record repository shall serve as the sole conduit for the transmission of non-federal civil and arrest fingerprint impressions for criterion offenses within the state to the FBI (single source submission). A state may also, at its discretion, consent to process federal applicant fingerprint submissions through the repository in which the request originated. Arrest fingerprint impressions may include a fingerprint submission that supports or is linked to an arrest event (i.e., includes corrections.) The term "criterion offense" means any felony or misdemeanor offense not included on the list of nonserious offenses published periodically by the FBI.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, C; Title 42, U.S.C., § 14616, Article V (c))

NFF Supporting Fingerprints

An NFF state's central criminal history record repository shall maintain the subject's fingerprint impressions, or copies thereof, to support each indexed record and shall maintain fingerprint impressions, or copies thereof, supporting each arrest event in each such criminal history record.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, I)

NFF Master Fingerprint Impressions

An NFF state's criminal master fingerprint impressions maintained at its state central criminal history record repository shall include all ten fingers, noting amputation(s), scars, or missing fingers.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, J)

NFF Additional Fingerprint Impressions

central criminal history record repository to support individual arrest events may include less than all ten fingers.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, K)

NFF Testing Procedures

To limit adverse effects to the NFF system operations, an NFF state shall have written procedures requiring thorough testing of upgrades or modifications to its computer system(s) to detect software errors and/or related procedural problems, particularly on-line testing of these changes. An NFF state shall demonstrate adherence to the procedures by documenting the test results in writing.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, IV, C)

NFF Fingerprint Identification Matters – Fingerprint Processing

NFF Fingerprint Identification

An NFF state shall maintain a central criminal history record repository with full technical fingerprint search capability. An NFF state shall perform technical searches on both criminal and civil fingerprint impressions prior to their submission to the FBI. A technical search may consist of a name search with candidate verification by fingerprint comparison; short of that, a manual or AFIS search of the state master fingerprint file is required. When an individual is identified at the state level as having records previously indexed in the III, the NFF state shall notify the contributor of the search results and provide the CHRI if requested on the fingerprint submission. Note: If an NFF state outsources the national civil fingerprint-based background check process for a particular industry, the NFF state shall conduct only a state check; the national civil fingerprint-based background check and dissemination of the results is the responsibility of the contractor.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, A)

III Access for Non-Criminal Justice Applicant Purposes (Purpose Code I)

Authorized SIBs are permitted to use the III for non-criminal justice applicant purposes that involve non-criminal justice employment and/or licensing background checks authorized by federal law, federal executive order, or a state statute approved by the U.S. Attorney General. Prior to performing a III record request using Purpose Code I, an NFF SIB is required to perform a technical search at the state level to identify the applicant fingerprint submission with a state criminal history record. If an identification is made, the NFF SIB shall retrieve the record using Purpose Code I and then forward the record to its contributors. If an applicant fingerprint submission is not identified with a record at the state, the state shall forward the fingerprint submission to the FBI's CJIS Division for

processing. Purpose Code I may be used by only one authorized agency in each state, and each state must designate an authorized ORI(s) for Purpose Code I.
(*III/NFF Operational and Technical Manual*, Chapter 2, Section 2.4.5; Chapter 3, Sections 3.2.7 and 3.4.2; and Chapter 11, Sections 11.2.1 and 11.2.2)

NFF Criminal Fingerprint Image Quality

An NFF state's total percentage of NGI system rejects (L0008) due to low image quality on criminal fingerprint submissions shall not exceed 0.75 percent of the total criminal fingerprint submissions. The total percentage of service provider rejects (L0116, L0117, L0118) due to insufficient, indiscernible, erroneous or incomplete criminal fingerprint submission images shall not exceed 0.50 percent.

(*III/NFF Operational and Technical Manual*, Chapter 8, Section 8.2, I, D)

NFF Civil Fingerprint Image Quality

An NFF state's total percentage of NGI system rejects (L0008) due to low image quality on civil fingerprint submissions shall not exceed 5.00 percent of the total civil fingerprint submissions. The total percentage of service provider rejects (L0116, L0117, L0118) due to insufficient, indiscernible, erroneous or incomplete civil fingerprint submission images shall not exceed 0.50 percent.

(*III/NFF Operational and Technical Manual*, Chapter 8, Section 8.2, I, E)

NFF Previously Established SID Numbers

A traditional NFF state shall not forward criminal fingerprint impressions (other than FIS transactions) or related information to the FBI for individuals identified at the state level as having records previously indexed in the III as NFF records with the SID. Errors resulting from forwarding fingerprint submissions for previously indexed NFF records shall not exceed 2 percent of the total criminal fingerprint submissions. When an NFF state bureau submits a criminal ten print to the FBI's CJIS Division that is identified with the state's NFF record and the SID on the submission is the same as the SID indexed in the NFF record, the CJIS Division's staff sends an unsolicited message to advise the state that its SID is already established in the III and indicates by message type whether the record is single-source (\$.A.PES) or multi-source (\$.A.PEM).

An Alternate-NFF (A-NFF) state shall include the UCN on all criminal fingerprint impressions for individuals identified at the state level as having records previously indexed in the III as NFF records with the SID. The number of criminal fingerprint submissions for previously indexed NFF records that do not contain the UCN shall not exceed 2 percent of the total criminal fingerprint submissions.

(*III/NFF Operational and Technical Manual*, Chapter 8, Section 8.2, I, F and Chapter 14, Section 14.2.1)

NFF Continued Submission for Non-NFF Records

An NFF state shall continue submitting criminal fingerprint impressions for criterion offenses and related information for individuals for whom primary identification records were established by the FBI prior to the state's becoming an NFF participant and which are not identified by SIDs in the III by the state (i.e., the state has not taken responsibility for managing or controlling the III record). The III single-source or multi-source status indicator maintained in the state's file for each of the records is a flag used to determine how a future arrest tenprint needs to be submitted to the FBI. The state's file should not contain a III single-source or multi-source status indicator for any record that is not indexed in the III with its SID.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, G and Chapter 12, Section 12.4)

NFF Timely Submission

An NFF state's criminal fingerprint impressions shall be forwarded to the FBI within two (2) weeks of receipt at the state central criminal history record repository.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, H)

NFF Non-Unique SID Numbers

An NFF state shall submit to the FBI criminal fingerprint impressions containing a unique SID for each individual. The number of fingerprint submissions that contain nonunique SIDs shall not exceed 0.25 percent of the total criminal fingerprint submissions. According to III procedures, when a state's initial tenprint is either not identified, or is identified with a criminal record, and the SID is already on file for a different individual, the III will establish the state's data with a pointer to the FBI and send the appropriate unsolicited message: \$.A.RNP for "non-idents" or \$.A.RPR for "idents". Under NFF procedures, the FBI cannot substitute the record in its file because the FBI will not have the criminal history information. The FBI will generate a reject message to the submitting agency. Prior to rejecting the tenprint, the FBI ensures that the SID is read and entered as it appears on the tenprint submission. The state bureau must put a correct SID on the tenprint, correct the state database, and resubmit the tenprints to the FBI. The \$.A.RNP or \$.A.RPR unsolicited message is used to transmit this information, and an equivalent NGI error message (L0024) is also sent to the NFF state's AFIS.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, L; Chapter 14, Section 14.2.2; and Appendix L)

NFF Missed Identifications

An NFF state's missed identifications by its state central criminal history record repository resulting in the issuance of multiple SIDs for the same individual shall not exceed 2 percent of total criminal fingerprint submissions. When a criminal tenprint is identified by the FBI's CJIS Division with the state's NFF record and the SID on the tenprint is different than the SID indexed in the NFF record, the III will transmit a \$.A.NMS unsolicited message. If the SID on the tenprint is also indexed for a different individual, the III will attach a caveat to the \$.A.NMS message that identifies the other record. The FBI will also transmit an equivalent NGI error

message (L0038) to the state's AFIS. A \$.A.NMS message usually indicates that a III state did not positively identify an individual and assigned another SID to the individual; consequently, the CJIS Division identified the individual from a previous record.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, M; Chapter 14, Section 14.2.3; and Appendix K)

NFF Missing SID Numbers

An NFF state shall ensure that a SID is on each criminal fingerprint impression not identified at the state level and submitted to the FBI for establishment of an NFF record. Currently, a III participant's SID on a criminal ten print is not required to establish a new record nor for adding the state's data to an existing record. When a III participant's ten print does not contain a SID the FBI's CJIS Division establishes an FBI pseudo-pointer and sends to the state either a \$.A.RNP or a \$.A.RPR unsolicited message. Under the NFF Program, an NFF state is required to add the SID to establish a new record and to add its data to an existing record not already containing data for the state. If a SID is not present, the FBI's CJIS Division cannot add the ten print to the national indices; instead the CJIS Division's staff will return the print to the state bureau with an explanation attached. For the NFF state's ten prints submitted electronically to the NGI without a SID, the III system does not issue a \$.A.RNP or \$.A.RPR message. However, an NGI error message (L0023) is sent to the state's AFIS.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, N; Chapter 12, Section 12.3; and Appendix M)

NFF Processing FBI Fingerprint Search Results

In those instances when the criminal or civil fingerprint submission includes a request for the rapsheet and/or the results of the search, an NFF state shall either receive and forward electronic messages concerning the results of FBI fingerprint impression processing to its fingerprint contributors or shall print and mail these results. There are three options currently available for receiving responses for civil processes. The state may utilize: the electronic unsolicited III message reporting the results of civil fingerprint processing (\$.A.CFN, \$.A.CFR); the NGI SRE response which provides the identification results as communicated over the CJIS Wide Area Network; or the NGI system TOT which generates a manual response to an electronic fingerprint submission (EMUF).

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, I, O)

NFF Record Content and Maintenance

NFF Record Content

An NFF state's central criminal history record repository shall contain all known fingerprint-based arrests, final dispositions, and custody/supervision actions occurring in that state which are

reported to the state central criminal history record repository pursuant to applicable federal or state law for each NFF record.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, II, A)

NFF Record Expungement

An NFF state shall remove the SID from a III record when corresponding record data no longer exists at the state level within two (2) business days. Under the NFF Program, an NFF state does not send expungement documentation to the FBI for NFF records. When the state record ceases to exist because all of the data are either sealed or expunged, the state should transmit a DRS maintenance message to the III to expunge its SID.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, II, B and Chapter 14, Section 14.3)

NFF Record Synchronization

An NFF state shall conduct an audit of III record synchronization with the FBI at least twice a year to identify, analyze, and correct record discrepancies within 90 days of receipt of the audit medium from the FBI. An NFF state shall maintain the discrepancy reports resulting from the last two synchronization audits. States may opt to perform two additional audits per year.

Conducting the two additional audits is a significant quality control feature that is recommended by the FBI's CJIS Division for all states participating in the III and NFF Programs, especially if the states are experiencing excessive discrepancies caused by lost messages or other system problems. Thirty days before the III synchronization, the III staff from the FBI's CJIS Division will forward an Nlets administrative message and/or e-mail to each state advising of the scheduled synchronization and III restricted service time. State personnel must return the certification of audit processing form within 90 days to ensure that the state processed the synchronization and corrected all record discrepancies. During a subsequent audit, the FBI's CJIS Division audit staff verifies a sampling of discrepancies from the prior two audits to ensure that the NFF state has resolved all prior discrepancies.

(III/NFF Operational and Technical Manual, Chapter 4, Section 4.4.3; Chapter 8, Section 8.2, II, C; and Chapter 17, Section 17.2)

NFF Subsequent Criminal Print Identification

When a second and/or subsequent criminal fingerprint submission is identified with an Indexed record by a traditional NFF state, the state shall send an electronic CPI message to the FBI no later than 24 hours after the arrest is posted within the state's central criminal history record repository. The states may choose to transmit CPI messages online in real-time (as the "idents" are made) or batch the information and transmit it online each night. Inclusion of the arresting agency's ORI in the CPI message enables the III to include the ORI in wanted hit notifications it transmits to wanting agencies. Traditional NFF states must queue CPI messages when the III is out of service or in restricted service. Additionally, if the state switch is down but state processing continues, the state system must queue CPIs to transmit when the switch resumes. It is imperative that the FBI/III continue to receive CPI messages so that wanting and sexual

offender registry agencies can be notified when a traditional NFF state processes subsequent arrest fingerprints.

When a second and/or subsequent criterion criminal fingerprint submission is identified with an Indexed record by an A-NFF state, the state shall use the CAR TOT to send the arrest fingerprint images, any supplemental identifiers, and the UCN to the FBI no later than 24 hours after the arrest is posted within the state's central criminal history record repository.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, II, E and Chapter 13, Section 13.2)

NFF Supplemental Identifiers

An NFF state shall add supplemental identifiers to Indexed records when a second and/or subsequent criminal fingerprint impression is identified by the state and contains identifiers not previously recorded. Supplemental identifiers include scars, marks, tattoos, dates of birth, Social Security numbers, miscellaneous numbers, and aliases obtained after establishment of an offender's primary identification record by the FBI. Supplemental identifiers include information submitted through an EHN message.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, II, F and Chapter 13, Section 13.4)

NFF Criminal Fingerprint Image Updates

A traditional NFF state shall submit all criminal fingerprint impressions to the FBI for second and/or subsequent criterion offenses as FIS transactions. This does not apply for the A-NFF Program. The FIS transaction alerts the CJIS Division that the ten prints are being submitted solely for updating the fingerprint characteristics in the national index. Legacy NFF states are required to develop a strategic long range plan to submit all second and/or subsequent criminal fingerprint submission as FIS transactions.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, II, G and Chapter 13, Section 13.5)

NFF Record Maintenance

An NFF state shall maintain record completeness, accuracy, and timeliness at the highest level possible. An NFF state shall conduct required record file maintenance based upon receipt of unsolicited file maintenance messages from the FBI via the III interface. Unsolicited file maintenance messages may include advisories of state/FBI missed identifications or expungements of the state SID. The state shall conduct consolidations within two (2) business days of notification; other file maintenance shall be conducted within seven (7) business days of notification.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, II, D and H)

Record Consolidations

When the III consolidates two FBI records and at least one of the records is indexed with a state's SID, the III replaces the SID with an FBI pointer in the retained record and sends the state a \$.A.CON unsolicited message. This procedure enables a requester to obtain the FBI's consolidated record until the state consolidates its state records and resumes control by reentering its SID via an MRS message. However, under the NFF Program, when an NFF record is involved in the consolidation, an FBI pointer cannot be substituted because the FBI will not have all the ten prints and additional information to support the records. When the FBI consolidates two records and both records contain a unique SID for an NFF state, the III retains the state's SID. When the FBI consolidates two records and one of the records is an NFF record and the other one has an FBI pointer for the state's data, the SID from the NFF record will be retained. At the state's request, the FBI will provide the ten prints of the FBI-supported record so that the state bureau can enter the data for the ten prints it does not have and assume control of the data. For each of these cases, the state should flag its records as undergoing file maintenance and provide the proper response to any requester until the records are consolidated. If a state consolidates its records promptly, flagging the applicable records is not necessary. When the FBI consolidates a record that is being retained which contains no data for the associated NFF state, and the record to be deleted has the NFF state's SID, the FBI will index in the retained record the SID from the deleted NFF record. The FBI will send a \$.A.CON message to advise the state to modify the FBI UCN in its files.

(III/NFF Operational and Technical Manual, Chapter 14, Sections 14.5.1 – 14.5.4)

Previously Established SID Number Maintenance

After verifying the information associated with \$.A.PES or \$.A.PEM unsolicited messages, the NFF state must ensure the single source and multi-source status flags are set correctly to avoid future PES/PEM errors.

(III/NFF Operational and Technical Manual, Chapter 14, Section 14.2.1)

Non-Unique SID Number Maintenance

Upon receipt of a \$.A.RNP or \$.A.RPR unsolicited message, the state bureau must put a correct SID on the ten print, correct the state database, and resubmit the tenprints to the FBI. The contributor will not receive a response unless the NFF state reprocesses the ten print. The NFF state must then provide the contributor with the response.

(III/NFF Operational and Technical Manual, Chapter 14, Section 14.2.2)

Missed Identification Maintenance

The NFF state must resolve errors within 2 business days when notified via a \$.A.NMS unsolicited message. After the NFF state verifies the consolidation associated with the \$.A.NMS unsolicited message, the NFF state must send a CPI maintenance message to the CJIS Division.

(III/NFF Operational and Technical Manual, Chapter 14, Section 14.2.3)

Missing SID Number Maintenance

When an NFF state receives an L0023 NGI error message, the NFF state must add a correct SID and resubmit the ten-print.

(III/NFF Operational and Technical Manual, Chapter 12, Section 12.3 and Appendix M)

NFF Record Response

NFF Record Response

An NFF state's automated criminal history record system shall have sufficient capability to provide a mean response time of 15 seconds. An NFF state shall respond within a mean of 15 seconds to III record requests via Nlets with the record or an acknowledgment and a notice of when the record will be provided. When an NFF state's system cannot provide on-line record responses within ten (10) minutes, the state shall assign personnel as necessary to resolve record processing problems and to restore the system's capacity to provide timely on-line responses.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, III, A, B, C)

NFF Literal Translation

An NFF state shall include literal translations of all alphabetic and/or numeric codes in its record responses so that the record responses can be readily understood.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, III, D)

NFF Out-of-State and Federal Records

An NFF state shall not include in its III record response any out-of-state and/or federal CHRI maintained in its files.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, III, E)

NFF Responding to Purpose Codes

An NFF state's central criminal history record repository shall provide its indexed criminal history records in response to all authorized requests made through the NFF and III for criminal justice purposes and, when based on positive identification, for noncriminal justice purposes as authorized by the Compact. States participating in the NFF Program must provide their records for all approved purpose codes and any additional purpose codes that may be authorized for the Program in the future. Responses to III name searches are permitted under the Compact Council Fingerprint Submission Requirements Rule.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, III, F and Chapter 9, Section 9.2.1)

NFF Record Response Content for Noncriminal Justice Purposes

In responding to a III record request for a noncriminal justice purpose, an NFF state shall provide the entire record it maintains on the record subject, except for information that is sealed in accordance with the definition of “Sealed Record Information” set out in Article I (21) of the Compact. The term “Sealed Record Information” means: (A) with respect to adults, that portion of a record that is not available for criminal justice uses; not supported by fingerprints or other accepted means of positive identification; or subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a federal or state statute that requires action on a sealing petition filed by a particular record subject; and (B) with respect to juveniles, whatever each state determines is a sealed record under its own law and procedure.

(III/NFF Operational and Technical Manual, Chapter 8, Section 8.2, III, G and Title 42, U.S.C., § 14616, Article I (21))

Noncriminal Justice Access to CHRI

Criminal History Record Information

The Compact (34 U.S.C. § 40316, Article I) and 28 CFR § 20.3(d) define CHRI as: information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release; the term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system. The definition of CHRI applied within the context of this policy resource is from the perspective of CHRI made available through the FBI's NGI System/III for noncriminal justice purposes.

Information is considered FBI CHRI when:

- It is transferred or reproduced directly from FBI CHRI and associated with the subject of the record. This includes information such as conviction/disposition data, as well as identifiers used to index records regardless of format. Examples of formal and informal products or verbalizations include, but may not be limited to: correspondence such as letters and e-mails; documents such as forms and hand-written notes; conversations either in person or by telephone; and data fields such as those stored in database tables or spreadsheets.
- It confirms the existence or nonexistence of FBI CHRI. This FBI policy is derived from 28 CFR§ 20.2l(c)(2), which states that no agency or individual shall confirm the existence or nonexistence of CHRI to any person or agency that would not be eligible to receive the information itself.

Information is not considered FBI CHRI when:

- It is obtained, using the FBI CHRI as a lead, from the source record owners such as local courts or other state criminal history record repositories. Examples include obtaining information directly from another state repository, arresting agency, or court to conduct additional research, such as obtaining missing dispositions. As a prerequisite, both the process used to obtain the source record information and the resulting source record information itself must not directly reference an FBI-maintained record or reference the national FBI background check.
- An individual self-discloses information from his or her criminal history record. For example, an individual advises an agency on an application that he or she was previously arrested for an offense.
- It only contains civil information. While civil information is not FBI CHRI, it is still considered a category of criminal justice information (CJI) per the *CJIS Security Policy (CJISSECPOL)*. As such, the CJI must still be protected in accordance with the *CJISSECPOL* due to the inclusion of personally identifiable information (PII).

(Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 2, Definition of CHRI)

Definition of Purpose and Need

Multiple policy requirements for use and dissemination of CHRI contain the term “purpose” or “need.” A purpose or need is a request for CHRI to adjudicate a specific application for a noncriminal justice purpose (e.g., license, position of employment, benefit, etc.) that is known at the time the request is made, pursuant to an approved statutory authority, and based on the positive identification via fingerprint submission of the applicant. The basic parameters for use of CHRI consists of (chronologically): (1) authority for access, (2) application and fingerprint submission, (3) receipt of CHRI, (4) adjudication, and (5) closing or maintenance activities. (Compact Council’s Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 2, Purpose of Criminal History Record Request)

Authorized Use of CHRI

Authorized Requests

The III System provides a means of conducting national criminal history record searches for noncriminal justice purposes as authorized by federal statutes, federal Executive Orders, and state statutes approved by the Attorney General of the United States pursuant to Public Law 92-544. Each statutory authority defines the specific purposes (applicant types) for which CHRI may be requested and used. To ensure that a specific purpose is authorized for a national background check, an agency should first determine if there is an approved statutory authority. Prior to the submission of fingerprints for a specific purpose, a state or federal agency must coordinate with the FBI to determine if there is statutory authority.

(Compact Council’s Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 2, Statutory Authority)

The III shall be accessed only for an authorized purpose. Further, CHRI shall only be used for an authorized purpose consistent with the purpose for which III was accessed. (*CJIS Security Policy*, Version 6.0, Section 4.2.1.)

Each Compact officer shall establish procedures to ensure that records obtained under the Compact are used only for authorized purposes.
(Title 34, U.S.C., § 40316, Article IV (c))

Access to the III System using name-based queries and record request messages is not permitted for noncriminal justice purposes, unless authorized pursuant to federal statutory authority or Council regulations promulgated based upon federal statutory authority. Note, the NGI audit assesses name-based III access for the following authorized noncriminal justice Purpose Codes: A (administrative file maintenance), H (public/tribal housing), I (interstate-approved noncriminal justice employment and/or licensing), S (national security clearances), V (visa applicants), and X (exigent procedures). (Compact Council’s Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 6, Use of name-

based III access for noncriminal justice purposes; and *III/NFF Operational and Technical Manual*, Sections 3.2.2, 3.2.6, 3.2.7, 3.2.10, 3.2.11, 3.2.12)

The III has single-source and multi-source test records established for each III state. Agencies should use these records for testing and training instead of actual records. (*III/NFF Operational and Technical Manual*, Section 3.4.2 and Appendix D)

The NGI String 8 Test Environment allows authorized users to submit electronic searches, maintenance requests, and queries and receive responses and/or notifications as defined in the Electronic Biometric Transmission Specifications (EBTS). The String 8 Test Environment provides the ability for authorized users to test transactions and receive responses.

(Compact Council Meeting, November 2022, Topic 19)

Authorized agencies must not use the III for remotely accessing a record to be reviewed and/or challenged by the subject of the record.

(*III/NFF Operational and Technical Manual*, Section 1.1.4)

Anticipated Need

An applicant's criminal history record cannot be requested based upon a future, anticipated need (i.e., need does not actually exist at the time of fingerprint submission). (Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 3, Multiple Purposes Unknown at the Time of a Single Civil Fingerprint Submission)

Simultaneous Needs

If an applicant for a position requiring an FBI criminal history record check is aware at the time of fingerprinting that he or she will be working or volunteering for a different position (i.e., multiple needs actually exist at the time of fingerprint submission), then a single set of fingerprints may be submitted and the CHRI may be used for those multiple purposes.

(Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 3, Multiple Purposes Known at the Time of a Single Civil Fingerprint Submission)

Reuse

Criminal history record information contained in the III System may be made available to federal agencies authorized to receive it pursuant to federal statute or Executive order and for use in connection with licensing or employment, pursuant to Public Law 92-544 or other federal legislation, and for other uses for which dissemination is authorized by federal law. Criminal history records received from the III System shall be used only for the purpose requested and a current record should be requested when needed for a subsequent authorized use.

(Title 28, CFR, § 20.33 (a) and (d))

The FBI is authorized to approve procedures relating to the exchange of identification records. Under this authority, the FBI CJIS Division has made identification records available for noncriminal justice purposes. Records obtained under this authority may be used solely for the purpose requested.
(Title 28, CFR, § 50.12 (b))

Any record obtained under the Compact may be used only for the official purposes for which the record was requested. Each Compact officer shall establish procedures to require that subsequent record checks are requested to obtain current information whenever a new need arises.
(Title 34, U.S.C., § 40316, Article IV (c))

There may be limited instances when FBI CHRI may be reused. The primary factors when considering the circumstances that may permit the reuse of FBI CHRI include: the statutory authority being used to submit the fingerprints; the type of license/position of employment/benefit being applied for; and the application/adjudication process. It is important to note that this type of acceptable re-use is infrequent and dependent upon the specific scenario involved. As such, re-use of this nature must be closely coordinated with the FBI prior to implementation. For example, a person applies to be a substitute teacher with public School Board A. School Board A completes the fingerprint process and submits the fingerprints pursuant to an approved state statute that authorizes background checks for school employment purposes. Then, one month later, the individual also applies to be a substitute teacher with public School Board B. School Board B requests a copy of the FBI CHRI from School Board A which provides it. In this case, since School Board A and School Board B are both covered by the same statute and using FBI CHRI for a similar applicant type within a relatively short period of time, these can be considered to be for the same purpose.
(Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 3, Multiple Purposes Unknown at the Time of a Single Civil Fingerprint Submission)

Dissemination of FBI CHRI to related agencies for multiple needs/purposes. This type of dissemination of FBI CHRI occurs when multiple agencies are involved in making fitness determinations for separate but related needs associated with multiple applications for specific authorized noncriminal justice purposes, such as a license, position of employment, or benefit. This type of dissemination directly correlates to the reuse of FBI CHRI for related needs as described in the Use of FBI CHRI for Noncriminal Justice Purposes Online Policy Resource. For example, if established requirements are met, there are limited instances when FBI CHRI may be disseminated between agencies pursuant to the Pub. L. 92-544 Article IV sharing initiative or the National Child Protection Act/Volunteers for Children Act (NCPA/VCA) Volunteer and Employee Criminal History System (VECHS) program. However, just as FBI CHRI must not be reused for subsequent unrelated needs by the original requestor/recipient, it is imperative to recognize that FBI CHRI must also not be disseminated to another recipient for subsequent unrelated reuse. In addition, FBI CHRI may not be disseminated to another recipient for future anticipated uses, regardless of whether or not the needs are formally related.

(Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 5, Related Agencies)

Implementation

The III System provides a means of conducting national criminal history record searches for noncriminal justice purposes as authorized by federal statutes, federal Executive Orders, and state statutes approved by the Attorney General of the United States pursuant to Public Law 92-544. Prior to the submission of fingerprints for a specific purpose, a state or federal agency must coordinate with the FBI to determine the requirements for submission (e.g., system changes, issuance of an ORI, fingerprint submission procedures, etc.).

(Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 2, Statutory Authority)

Primary examples of implementation requirements assessed by the NGI audit include:

National Child Protection Act/Volunteers for Children Act (NCPA/VCA)

States must have a statute or regulation in place that establish procedures for use of the NCPA/VCA.

(Title 34, U.S.C. § 40102(a)(1) and letter to all CSOs and SIB representatives dated 2/11/2019)

NCPA/VCA Volunteer and Employee Criminal History System (VECHS) Program

A user agreement must be executed with each participating Qualified Entity (both governmental and nongovernmental entities). A consent form (waiver) must be signed by every employee or volunteer subjected to the criminal history record check and the waiver must be kept on file. The terms of the waiver must include an acknowledgment that the state is specifically authorized to disseminate the resulting CHRI, if any, to the participating Qualified Entity. The waiver may further authorize the participating Qualified Entity to provide the CHRI to another participating Qualified Entity. (Letters to all CSOs and SIB representatives dated 11/2/2006 and 5/12/2008)

Serve America Act

A unique ORI or an existing ORI must be designated for use under the Serve America Act.

(Letter to all CSOs and SIB representatives dated 10/31/2011)

Patient Protection and Affordable Care Act, Section 6201

Participating states may request unique ORIs or designate existing ORIs for exclusive use and all fingerprints submitted under this authority must employ the program-designated ORI.

(Letter to all CSOs and SIB representatives dated 8/26/2011)

III Access for Exigent Circumstances (Purpose Code X)

For purposes approved by the Compact Council, a delayed submission of fingerprints may be permissible under exigent circumstances. A preliminary III name-based check may be made pending the receipt of the delayed submission of the fingerprints. Once a specific proposal has been approved by the Compact Council, another state may apply for delayed fingerprint submission consistent with the approved proposal by submitting the application to the FBI Compact Officer. The Compact Council has approved the following proposals for delayed submission of fingerprints: Florida's Emergency Child Placement; Transportation Security Administration; Federal Emergency Management Agency; Emergency and Disaster Procedures; Tennessee's Families First Kinship Care Program; Nevada's Clark County Child Haven Emergency Shelter; Bureau of Indian Affairs; Oklahoma; and Colorado.

(Title 28, CFR, §§ 901.2 and 901.3; Compact Council approvals published in the Federal Register: 66 FR 28004, 68 FR 47369, 68 FR 54922, 70 FR 36025, 75 FR 12803, 81 FR 4067, 86 FR 63076, 86 FR 63077; Compact Council Meetings: November 2005, Topic #10 and November 2007 meeting minutes, Page 17)

Before an agency may use III Purpose Code X, FBI CJIS Division staff must preapprove its use.

(III/NFF Operational and Technical Manual, Section 3.2.12)

Authorized noncriminal justice governmental agencies with direct access to the III System for the purpose of conducting the preliminary name-based checks must be assigned and use a special category ORI with the alpha character "T" in the ninth position.

(Letter to all CSOs and SIB representatives dated 2/15/2019)

Fingerprints must be submitted within the time frame specified by the Compact Council (15 calendar days for most approved proposals). The term "time frame" means the number of days that elapse between the date on which the name search was conducted and the date on which the state repository either positively identifies the fingerprint subject or forwards the fingerprints to the FBI or the date a Federal agency forwards the fingerprints to the FBI.

(Title 28, CFR, § 901.3 (c))

Pursuant to Florida's Emergency Child Placement proposal, if any subject where a child is placed refuses to submit a fingerprint card, the child will not be placed or will be removed. Accordingly, the state should begin the process of removing the child from the home since the adult member of the household refused to be fingerprinted. However, the adult member of the household may voluntarily remove him/herself from the home during the time the child is placed in the home.

(Compact Council's Noncriminal Justice Online Policy Resource, III Access for Exigent Circumstances (Purpose Code X), Q and A's Section)

III Access for Interstate-Approved Noncriminal Justice Purposes (Purpose Code I).

III Query Record (QR) record request messages using Purpose Code I shall be made only after positive fingerprint identification by the SIB.

Biographic Verification Service

Poor image quality may result in the rejection of the fingerprint submission (L0008 error message). Should this occur, agencies are entitled to resubmit a one-time free of charge transaction, containing a new collection of fingerprints. For fingerprint submissions that are rejected a second time due to image quality, the authorized agency may be able to submit a CJIS Biographic Verification Service request.

(CJIS Information Letter 21-1 dated June 2021 and Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 4, Resubmission of fingerprints rejected for image quality)

Authorized Dissemination of CHRI

Authorized Recipients

The Attorney General shall acquire, collect, classify, and preserve identification, criminal identification, crime, and other records and exchange such records and information with authorized officials of the Federal Government, including the United States Sentencing Commission, the States, including State sentencing commissions, Indian tribes, cities, and penal and other institutions. The exchange of records and information is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(Title 28, U.S.C., § 534 (a)(4) and (b))

Criminal history record information contained in the III System may be made available to federal agencies authorized to receive it pursuant to federal statute or Executive order and for use in connection with licensing or employment, pursuant to Public Law 92-544 or other federal legislation, and for other uses for which dissemination is authorized by federal law. The exchange of criminal history record information is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(Title 28, CFR, § 20.33 (a) and (b))

The FBI is authorized to approve procedures relating to the exchange of identification records. Under this authority, the FBI CJIS Division has made identification records available for noncriminal justice purposes. Records obtained under this authority cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.

(Title 28, CFR, § 50.12 (b))

Each Compact officer shall establish procedures to ensure that records obtained under the Compact are used only by authorized officials.

(Title 34, U.S.C., § 40316, Article IV (c))

The III System provides a means of conducting national criminal history record searches for noncriminal justice purposes as authorized by federal statutes, federal Executive Orders, and state statutes approved by the Attorney General of the United States pursuant to Public Law 92-544. Each statutory authority must include the authorized recipient. (Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 2, Statutory Authority)

As with the use of FBI CHRI, parameters for dissemination are derived from the specific federal statutory authority leveraged to obtain the FBI CHRI. This means that FBI CHRI may only be disseminated to entities that are authorized by the federal statutory authority used to submit a fingerprint check. For example, some statutory authorities limit dissemination to governmental agencies (e.g., state's Department of Human Services pursuant to Pub. L. 92-544), while other statutory authorities allow for dissemination to private entities (e.g., private entities under contract with the state agency that is responsible for licensing or approval of foster or adoptive parents pursuant to Section 153 of the Adam Walsh Child Protection and Safety Act of 2006 [AWA]). (Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 4, General Considerations)

Receiving Departments

States should designate primary authorized recipients responsible for accessing or receiving FBI CHRI directly from the state repository for noncriminal justice purposes. These agencies typically have statutory authority or regulatory obligations associated with making fitness determinations and/or providing oversight of the employment or licensing processes for particular categories of applicants. States need to maintain visibility on the full spectrum of primary agencies to which they disseminate FBI CHRI, as well as the specific purposes/authorities for which those primary agencies receive FBI CHRI. This is especially significant given the requirements for states to execute agency user agreements and establish formal noncriminal justice audit programs in accordance with the CJISSECPOL. States must ensure that primary receiving agencies fall within parameters established by the federal statutory authorities being leveraged for national criminal history checks.

Depending upon the specific procedures used by a state, there may be multiple primary agency types with access to FBI CHRI for a particular type of national criminal history check. For example, while one state's procedures may only include disseminating FBI CHRI directly to a Department of Education for background checks of teachers, another state's procedures may include dissemination of FBI CHRI directly to each local county school board. Still another state's procedures may include simultaneously disseminating FBI CHRI directly to both the Department of Education and a local county school board.

The term "agency" encompasses offices, departments, bureaus, and other subdivisions associated with a particular agency's organizational structure. Although baseline dissemination requirements for FBI CHRI are centered at the department and agency levels, as a best business practice, states should limit access to the minimum necessary sub-offices and personnel within a department or agency that are actually required for a

particular use. While authorized receiving agencies may exercise some level of discretion and freedom of maneuver to distribute FBI CHRI within their organizational structure, they should be able to demonstrate a reasonable need for doing so. For example, a local county school board may be designated as an authorized recipient of FBI CHRI for the purpose of conducting background checks for prospective teachers. FBI CHRI is stored as part of an electronic personnel records management system accessible by all school board employees. Although the school board is an authorized recipient, it is in the agency's best interests to limit access to FBI CHRI on the system to only the personnel within the human resources department responsible for making fitness determinations. This will limit the school board's exposure to the inherent risks associated with unauthorized dissemination of FBI CHRI.

Many statutory authorities leveraged for national criminal history record checks limit dissemination to governmental agencies. Most governmental agencies are readily identified, such as those statutorily designated, funded, and organized as part of a state's executive, legislative, and judicial branches. However, governmental entities, such as commissions and boards that may be comprised of political appointees, elected officials, and/or officials from private industry, may also qualify as authorized recipients of FBI CHRI. Examples could include school boards and lottery commissions.

(Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 4, Receiving Departments)

Related Agencies

Two primary categories of related agency exist with respect to dissemination of FBI CHRI: (1) related agencies for a single need/purpose, and (2) related agencies for multiple needs/purposes. The categories are derived from historical definitions of related agency doctrine as well as standing audit practices and legal interpretations. The topic of related agencies for a single need/purpose is presented directly below. The topic of related agencies for multiple needs/purposes is presented in this document under the main heading "Authorized Use of CHRI" and sub-heading "Reuse."

- *Dissemination of FBI CHRI to related agencies for a single need/purpose.* This type of dissemination of FBI CHRI occurs when multiple agencies are involved in making a single fitness determination associated with an application for a specific authorized noncriminal justice purpose, such as a license, position of employment, or benefit. In many instances, this type of related agency is a secondary recipient of FBI CHRI from a primary agency that receives FBI CHRI directly from the state level. The intent is to allow some level of flexibility within the allowable parameters established by the federal statutory authority being leveraged for the national criminal history check. For example, with the state's consent, the Department of Education and local county school boards are both involved in adjudication of teacher employment applications. In addition, on an ad-hoc basis, some of these local county school boards make FBI CHRI available to their local Sheriff's Office in order to answer questions regarding specific charges on criminal history records. Another example includes, with the state's

consent, the Bureau of Professional Licensing and the Real Estate Commission are both involved in adjudication of real estate license applications.

Just as with the primary receiving agency, any related secondary recipient must also be authorized relative to the federal statutory authority used to obtain FBI CHRI. For example, agencies related for the purpose of adjudicating an employment application for child day care pursuant to Pub. L. 92-544 must be governmental. Note that even though a private employer, such as a day care center, may be perceived as having a commonality of purpose, FBI CHRI may not be disseminated to them by the governmental agency. States should be able to demonstrate a reasonable need for which they have designated agencies as related for the purpose of adjudicating a particular type of applicant.

In limited circumstances, government agencies may also be related for the purpose of simply serving as a pass-through for fingerprints and receipt of FBI CHRI. This typically occurs in situations when a criminal justice agency, such as a police department, performs this specific function on behalf of an authorized recipient. The premise is that “access” to FBI CHRI (view or make use of) is limited to such an extent to essentially consider it negligible for the purposes of formally categorizing it as access.

(Compact Council’s Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 5, Related Agencies)

Authorized Entities with Oversight Authority

Other authorized entities also include agencies which require residual access based on oversight authority and responsibility, such as the review of case files by an inspector general's office or regulatory auditors from outside the receiving agency and/or entity. Such access should be limited to only the minimum level necessary to accomplish oversight responsibilities, and controls should be established to reasonably prevent unauthorized disclosure of FBI CHRI.

(Compact Council’s Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 9, Authorized Entities with Oversight Authority)

Notifications to Entities Not Authorized to Receive FBI CHRI

It is acceptable to notify an entity of the outcome of an applicant's fitness determination when the entity is not otherwise authorized access to FBI CHRI pursuant to the federal statutory authority being leveraged for the national criminal history check. Notifications must only contain generic "red light/green light", or "pass/fail" language centered on the outcome of the fitness determination. Notifications cannot contain FBI CHRI, to include confirming the existence or nonexistence of FBI CHRI, or reference that a national FBI background check was conducted. However, it is acceptable to cite the specific statutory authority used to conduct the national background check.

For example, a private day care center is not an authorized recipient of FBI CHRI received pursuant to an approved Pub. L. 92-544 state statute but may need to receive notification regarding an individual who is seeking employment at the day care center.

The state's Department of Human Services can notify the private day care center of the outcome of the adjudication. Below are examples of language for unacceptable notifications, as well as acceptable notifications:

Unacceptable Notification Language Examples:

- Based on the FBI criminal history check, the individual fails to meet the criteria for employment or licensing.
- The national background check results indicate the individual fails to meet the criteria for employment or licensing.
- An FBI fingerprint-based background check identified the individual <does/does not> meet the criteria for employment or licensing.
- The outcome of the FBI background check is: <Pass/Fail>
- The individual was convicted of <insert arrest charge that was directly obtained from the FBI background check> and fails to meet the criteria for employment or licensing. [Note: Any information that is obtained from the FBI background check alone and not from secondary sources is considered FBI CHRI and may not be disclosed in a notification.]

Acceptable Notification Language Examples:

- Based on the criminal history check, the individual fails to meet the criteria for employment or licensing.
- The background check results indicate the individual fails to meet the criteria for employment or licensing.
- A background check identified the individual <does/does not> meet the criteria for employment or licensing.
- The outcome of the background check is: <Pass/Fail>.
- A background check was conducted pursuant to <insert statutory authority (e.g., NCPANCA, Pub. L. 92-544 state statute)> and the results indicate the individual <does/does not> meet the criteria for employment or licensing.
- The individual was convicted of <insert arrest charge that was obtained from the individual's self-disclosure or from sources other than the FBI background check> and fails to meet the criteria for employment or licensing.

(Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 9, Notifications to Entities Not Authorized to Receive FBI CHRI)

Public Access

FBI CHRI must not be disseminated to the general public. This includes maintaining FBI CHRI in formats that are accessible by the public or within records that are subject to release through public record requests. However, FBI CHRI may be disclosed as part of the adjudication process or during a hearing that is open to the public if the agency demonstrates: (1) the administrative process or hearing is based on formally established procedures; (2) the applicant is aware prior to the administrative process or hearing that FBI CHRI may be disclosed; (3) the applicant is not prohibited from being present during the administrative process or hearing; and (4) FBI CHRI is not disclosed during the administrative process or hearing if the applicant withdraws from the process. For

example, a board or commission may be authorized to access FBI CHRI and, as part of regularly scheduled meetings, applicant appeals are discussed as standard agenda items. Even when the specific conditions are met to allow disclosure during an administrative or public hearing, the most preferable method for introducing FBI CHRI is to enter into a closed session which limits participation by the public at large. Authorized agencies should be able to reasonably demonstrate how the prerequisite criteria are being met for audit purposes.

(Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 11, Public Access)

State Geographical Boundaries/Jurisdictional Control

Agencies outside of a state's geographical boundaries/jurisdiction cannot be designated as related agencies. Each state has the authority to determine whether to conduct particular types of noncriminal justice background checks, and each state is responsible for establishing the mechanisms and procedures for those checks within its jurisdiction. In addition, each state possesses limited authority to meet obligations for maintaining appropriate controls, such as user agreements and audits, outside of its jurisdiction, especially with respect to another state's governmental agencies. In conjunction with the more obvious jurisdictional concerns associated with one state's governmental agency leveraging another state's statutes under Pub. L. 92-544, similar jurisdictional concerns also exist with the use of other statutory authorities such as the AWA or the NCPANCA. Examples of unauthorized dissemination include:

- One state governmental agency sharing FBI CHRI with another state's governmental agency for adoption purposes when the child and prospective parents reside in different states, even if both states have approved Pub. L. 92-544 state statutes.
- Criminal history sharing initiatives involving participation in national interstate compacts, associations, or databases such as those for child placement or employment/licensing in the health care industry.

This dissemination restriction is not intended to prohibit a state from making FBI CHRI available in very limited situations to nongovernmental entities outside of the state's geographical boundaries. For dissemination to occur beyond a state's geographical boundaries, two conditions must exist: (1) there must be an approved statutory authority which allows nongovernmental entities access to FBI CHRI within the state's geographical boundaries and (2) the state must establish the same formal security controls over the out-of-state nongovernmental entities that are required to be in place for the in-state nongovernmental entities, such as user agreements and audits. Below is an example of authorized dissemination:

- A state leveraging an out-of-state private contractor for record archiving and destruction, since access to FBI CHRI by private contractors is authorized pursuant to 28 CFR Part 906, and jurisdictional authority for controls such as audits would be formally established through implementation of the Security and Management Control Outsourcing Standard for Non-Channeling.

(Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 11, State Geographical Boundaries/Jurisdictional Control)

Dissemination of FBI CHRI to the Subject of the Record

Agencies may choose to disseminate or disclose fingerprint-based FBI CHRI obtained for noncriminal justice purposes to the subject of the record. This includes FBI CHRI obtained pursuant to a Purpose Code I query when the state makes a positive identification at the state level to a criminal history record indexed in the III. Providing FBI CHRI directly to the individual may avoid the delay of an individual requesting his/her CHRI pursuant to 28 CFR §§ 16.30-16.34 and may provide the individual a more timely opportunity to complete or challenge the FBI identification record. It is important to note that dissemination of FBI CHRI to the individual may be denied or limited at the state or federal agency's discretion. An agency may choose to provide the FBI identification record to the individual, may choose to allow the individual to only review the record, or may choose to require the individual to request the record pursuant to 28 CFR §§16.30-16.34.

When name-based queries of the III are authorized for noncriminal justice purposes, it is recommended that agencies not disclose or disseminate FBI CHRI to the individual, and instead refer the individual to 28 CFR §§16.30-16.34. Due to the lack of positive identification with name-based queries, a risk exists that the individual may receive FBI CHRI of another person.

(Compact Council's Noncriminal Justice Online Policy Resource, *Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 12, Privacy Guidance for Dissemination of FBI CHRI to the Subject of the Record)

Reason Fingerprinted Field

The Privacy Act of 1974 requires the FBI's CJIS Division to maintain an audit trail of the purpose for each disclosure of a criminal history record and the recipient of each record. Therefore, all III record request messages must include the purpose for which the subject's record information is to be used.

(Title 5, U.S.C., § 552a (c)(1)(A) and *III/NFF Operational and Technical Manual*, Section 3.2.1)

The FBI is required to keep an accurate accounting of the purpose of each disclosure of a criminal history record. Therefore, fingerprint-based requests for FBI CHRI must include in the Reason Fingerprinted field the purpose and/or statutory authority for which the FBI CHRI is to be used as previously determined by the FBI. If a specific Reason Fingerprinted field value has been designated (i.e., via a CSO/SIB letter, Public Law 92-544 statutory approval letter, etc.), the provided Reason Fingerprinted field value must be utilized.

(Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 8, Reason Fingerprinted)

If an applicant for a position requiring an FBI criminal history record check is aware at the time of fingerprinting that he or she will be working or volunteering for a different position (i.e., multiple needs actually exist at the time of fingerprint submission), then a single set of fingerprints may be submitted and both legal authorities may be cited in the Reason Fingerprinted field.

(Compact Council's Noncriminal Justice Online Policy Resource, *Use of FBI Criminal History Record Information for Noncriminal Justice Purposes*, Page 3, Multiple Purposes Known at the Time of a Single Civil Fingerprint Submission)

The Reason Fingerprinted field is used to indicate the purpose of a civil or applicant fingerprint card submission. The submitting agency should indicate the specific statutory authority authorizing the fingerprint submission in this field. The use of Reason Fingerprinted field requires coordination with FBI prior to use.

(*Electronic Biometric Transmission Specification*, Version 11.2, Page C-33, RFP 2.037 Reason Fingerprinted)

To be charged at the volunteer user fee rate, the word "volunteer" must appear in the Reason Fingerprinted field.

(*Electronic Biometric Transmission Specification*, Version 11.2, Page C-40, TSR 2.043 Type of Search Requested)

III Purpose Codes

The Privacy Act of 1974 requires the FBI's CJIS Division to maintain an audit trail of the purpose for each disclosure of a criminal history record and the recipient of each record. Therefore, all III record request messages must include the purpose for which the subject's record information is to be used. The NGI audit assesses name-based III access for the following authorized noncriminal justice Purpose Codes: A (administrative file maintenance), H (public/tribal housing), I (interstate-approved noncriminal justice employment and/or licensing), S (national security clearances), V (visa applicants), and X (exigent procedures). (Title 5, U.S.C., § 552a (c)(1)(A) and *III/NFF Operational and Technical Manual*, Sections 3.2.1, 3.2.2, 3.2.6, 3.2.7, 3.2.10, 3.2.11, 3.2.12)

Reasons

All users are required to provide the reason for all III transactions upon request by the NCIC System managers/representatives, CSA representatives, and local agency administrators. While the purpose code provides some lead information, it only provides a minimal audit trail. Requiring the reason for all III inquiries will assist in ensuring that III transactions are run for authorized purposes and that purpose codes are correctly used. (*III/NFF Operational and Technical Manual*, Sections 3.2.1)

In addition to the use of purpose codes and logging information, all users shall provide a reason for all III inquiries whenever requested by NCIC System Managers, CSAs, local agency administrators, or their representatives. (*CJIS Security Policy*, Version 5.9.3, Section 4.2.5.1 Justification)

While the use of the purpose code and Reason Fingerprinted field provide the FBI with basic information regarding the reason for the request, they only provide a minimal audit trail. Therefore, all users are also required to provide the specific reason for all name-based and fingerprint-based III transactions upon request by CJIS Systems managers, administrators, and representatives. Requiring the specific reason for all III inquiries assists the FBI in ensuring III transactions are conducted for authorized purposes and purpose codes and Reason Fingerprinted field values are being correctly used.

(Noncriminal Justice Online Policy Resource, *Purpose for Disclosure of FBI Criminal History Record Information – Reason for Request*, Page 1, Background and Discussion)

Although agencies must be able to provide CJIS Systems managers, administrators, and representatives some level of specificity about the requests for CHRI in order for them to be “known,” there is no direct requirement for an agency to maintain “case files” or other documents in order to support requests for CHRI. In order to meet the requirements for providing a specific reason for requests for CHRI, agencies must have a reasonable level of knowledge of the subject and the specific reason for requesting CHRI for that subject and be able to provide sufficient supporting information, regardless of format. While this is typically accomplished by providing a copy of an application corresponding to a request for CHRI, there are other means by which agencies are able to meet this requirement. A few examples of items that may be used to provide supporting information include: information contained in a personnel database or other information system, copies of online registrations, e-mails showing the purpose or the applicant’s position, and supporting statements from applicable officials.

(Noncriminal Justice Online Policy Resource, *Purpose for Disclosure of FBI Criminal History Record Information – Reason for Request*, Page 3, Documentation of reason for request)

Applicant Notification

Privacy Act Statement

Subsection (e)(3) of the Privacy Act (Title 5, U.S.C., § 552a) provides the basis for the requirement to provide an FBI Privacy Act statement to individuals when noncriminal justice fingerprints are collected for submission to the NGI system. The FBI requires that agencies use the current (i.e. 2013 or later) FBI Privacy Act statement. If the agency does not use the exact language of the FBI Privacy Act statement, it must use language that is substantively similar to the FBI language. At a minimum, the language must address (1) the submission of the fingerprints and associated information to the NGI system; (2) the searching of the fingerprints against the civil, criminal, and latent repositories¹; and (3) the continual comparison of the fingerprints to other fingerprints submitted to or retained by the NGI system².

The FBI has advised that the Privacy Act statement must be provided in writing and that the notice may be provided in hard copy or in electronic format. The FBI requires that contributing agencies have a verifiable process in place to ensure that all individuals have received the requisite Privacy Act statement. Simply providing a general notice, such as a poster on a wall or a notice on a website, will not be sufficient. The Privacy Act statement should be provided before or at the time of collection of the fingerprints in order to ensure informed consent and a copy should be provided to the individual if he or she requests it.

(National Crime Prevention and Privacy Compact Council Meeting, November 2019,
Topic #4, *Privacy Notice Fundamentals*, Pages 2-5)

¹ If an agency opts out of civil fingerprint submissions to NGI cascading against the Unsolved Latent File, then the language does not need to address searching of fingerprints against the latent repository.

² If an agency does not retain civil fingerprints in NGI, then the language does not need to address the continual comparison of the fingerprints to other fingerprints submitted to or retained by the NGI system.

Record Access and Amendment

The FBI is authorized to approve procedures relating to the exchange of identification records. Under this authority, the FBI CJIS Division has made identification records available for noncriminal justice purposes. Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in Title 28, CFR, § 16.34.

(Title 28, CFR, § 50.12 (b))

Agencies must be certain to provide written notice to the applicant regarding the procedures for accessing and amending his or her criminal history record. All applicants must be provided with such notice, regardless of whether the applicant, in fact, has any criminal history record information in NGI. Agencies must have a verifiable process in place to comply with this requirement.

(National Crime Prevention and Privacy Compact Council Meeting, November 2019,
Topic #4, *Privacy Notice Fundamentals*, Pages 5-7)

Noncriminal Justice Agency Audits

Each CJIS Systems Agency, in coordination with the State Identification Bureau, shall establish a process to periodically audit all noncriminal justice agencies with access to Criminal Justice Information in order to ensure compliance with applicable statutes, regulations and policies.

(*CJIS Security Policy*, Version 5.9.3, Section 5.11.2)

User Fee

Criminal Justice Employment (No Fee)

Criminal history record information contained in the III System and the FIRS may be made available to criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies. (Title 28, CFR, § 20.33 (a)(1))

The Miscellaneous Applicant Civil (MAP) TOT is used for no-charge submissions for non-federal law enforcement and criminal justice employment.
(*Electronic Biometric Transmission Specification*, Version 11.2, Page 24, 3.1.1.14)

The Miscellaneous Applicant Civil (MAP) TOT should be used in the following instances:

- Sworn and non-sworn employees of criminal justice agencies.
- Those under contract with criminal justice agencies who perform an administration of criminal justice function.¹ Examples are:
 - A psychologist employed by a court in a small jurisdiction for defendant fitness determinations
 - Personnel responsible for site security of federal office buildings and courthouses.
- Individuals under contract with a criminal justice agency who perform a service unrelated to the administration of criminal justice. An example is an air conditioning technician with unsupervised access to the facility.

The Non-Federal Applicant User Fee (NFUF) Type of Transaction (TOT) applies to instances when the entire administration of criminal justice functions have been outsourced. Examples are private prisons and emergency dispatch centers.

¹ The definition of “administration of criminal justice” appearing at Title 28, CFR, Section 20.3 (b) includes “Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.” However, it is recognized that there are other services which must be performed in support of these nine identified functions and hence, would also be considered an administration of criminal justice function. For example, personnel who transport, feed, provide medical (including psychiatric) care, teach, and otherwise engage in the rehabilitative process also perform an administration of criminal justice function, although their functions are only implicitly contained within the regulatory definition.

(*Criminal Justice Contract Employee Fingerprint Submission Summary Sheet* dated 9/2/2003)

Law enforcement and criminal justice agencies should use the MAP TOT to submit fingerprints for the following valid reasons only:

- No charge/nonfederal law enforcement and criminal justice employment applicants (sworn and nonsworn employees).
- Those under contract with law enforcement and criminal justice agencies:
 - performing an administration of a criminal justice function.
 - performing a service unrelated to the administration of a criminal justice function with unsupervised access.

(*CJIS Information Letter* 07-1 dated 1/8/2007)

The Federal Applicant No Charge (FANC) transaction pertains to an individual who is fingerprinted in connection with applying for criminal justice employment with the federal government. When this TOT is used, there is no charge assessed to the contributor. Federal

agencies that are considered “User Fee” contributors must not use this TOT, but use the Federal Applicant User Fee (FAUF) TOT instead.

(Electronic Biometric Transmission Specification, Version 11.2, Page 23, 3.1.1.7)

Volunteer (Reduced Fee)

In the case of a background check conducted with fingerprints on a person who volunteers with a qualified entity, the fees collected by the FBI may not exceed eighteen dollars, or the actual cost, whichever is less.

(Title 34, U.S.C., Section 40102 (e))

The Type of Search Requested field shall be set to “V” to indicate civil fingerprints are being submitted for volunteers who qualify for the reduced user fee rate (applicable to the Non-Federal Applicant User Fee and Non-Federal User Fee Expedite type of transactions).

(Electronic Biometric Transmission Specification, Version 11.2, Page C-40, TSR 2.043 Type of Search Requested)

Interstate Photo System

Policy Development

The law enforcement agency is responsible for developing appropriate policy for the use of the NGI IPS, in accordance with the applicable laws and policies of its jurisdiction, ensuring compliance with the *Next Generation Identification Interstate Photo System Policy and Reference Guide* and the *Criminal Justice Information Services Systems User Agreement*. (*Next Generation Identification Interstate Photo System Policy and Reference Guide*, Version 1.2, Section 4)

Facial Recognition Training

Law enforcement users must complete approved facial recognition training in compliance with national scientific guidelines prior to conducting facial recognition searches of the NGI IPS. Training must be consistent with the guidelines outlined in the Facial Identification Scientific Working Group documents which can be found under the “Training” category located at fiswg.org. The state Criminal Justice Information Services Systems Officer is responsible for ensuring that its users complete the required facial recognition training.

The FBI’s Criminal Justice Information Services Division, Biometric Training Team, offers facial recognition training to external law enforcement and national security agency personnel. This training is consistent with the Facial Identification Scientific Working Group training and provides the recommended elements of training to achieve competency in performing facial comparisons. Law enforcement users are not required to take the facial recognition training offered by the FBI; however, law enforcement users must select and complete facial recognition training that is consistent with the Facial Identification Scientific Working Group guidelines and recommendations.

(*Next Generation Identification Interstate Photo System Policy and Reference Guide*, Version 1.2, Section 4.1.1)

Authorized Searches

The NGI IPS provides an investigative service to conduct facial recognition searches for active law enforcement investigations. Currently, this service is limited to law enforcement agencies. A law enforcement agency is defined as an organizational unit, or subunit, of a federal, state, local, tribal, or territorial government with the principal functions of prevention, detection, and investigation of crime, apprehension of alleged offenders, and enforcement of laws.

(*Next Generation Identification Interstate Photo System Policy and Reference Guide*, Version 1.2, Section 4)

The Facial Recognition Search Request (FRS) type of transaction allows authorized federal, state, local, tribal, and territorial law enforcement agencies to submit an investigative search to the NGI IPS using criminal investigatory photos known as “probe” photos, against the NGI IPS. Probe photos are face photos lawfully obtained pursuant to an authorized criminal investigation. The submission of photos of individuals exercising rights guaranteed by the First Amendment (e.g., lawful assembly) unless pertinent to and within the scope of an authorized law enforcement activity is prohibited. The *Next Generation Identification Interstate Photo System Policy and*

Reference Guide also prohibits submission of photos collected as a result of a search in violation of the Fourth Amendment.

(Next Generation Identification Interstate Photo System Policy and Reference Guide, Version 1.2, Section 4.1)

Use of Search Results

The candidate photos returned to the law enforcement agency are provided as investigative leads only and are not a positive identification. Although facial recognition technology has become increasingly accurate, authorized users of the NGI IPS are prohibited from relying solely on the candidate photos to conduct law enforcement action. The candidate photos must be considered investigative leads only, in conjunction with other relevant information and evidence related to the criminal investigation. Additional investigation must be performed, and other indicators and factors must be considered by the submitting agency prior to making an identification or arrest. *(Next Generation Identification Interstate Photo System Policy and Reference Guide, Version 1.2, Section 4.1)*

Reasons

The Privacy Act of 1974 requires the FBI's Criminal Justice Information Services Division to maintain an audit trail of the purpose for each disclosure of a criminal history record and the recipient of each record. In addition to the Type of Transaction Field requirement for each NGI transaction, all users are required to provide the reason for all NGI transactions upon request by NGI System managers/representatives, Criminal Justice Information Services Agency representatives, and local agency administrators. While the NGI Type of Transaction Field provides some lead information, it only provides a minimal audit trail. Requiring the reason for all NGI inquiries will assist in ensuring that NGI transactions are run for authorized purposes and that NGI Type of Transaction Field values are correctly used. This requirement is derived from the corresponding requirement to provide the reason for all Interstate Identification Index transactions.

(Interstate Identification Index / National Fingerprint File Operational and Technical Manual, 2017, Section 3.2.1)

Acronyms, Initialisms, and Codes

Acronym, Initialism, Code	Term
\$.A.CFN	III Unsolicited Message – Applicant Fingerprint Submissions Not Identified
\$.A.CFR	III Unsolicited Message – Applicant Fingerprint Submissions Identified
\$.A.CON	III Unsolicited Message – FBI UCN Consolidation
\$.A.NMS	III Unsolicited Message – Nonmatching SID Ignored
\$.A.PEM	III Unsolicited Message – Advise NNF State of Erroneous Multi-Source Submission
\$.A.PES	III Unsolicited Message – Advise NNF State of Erroneous Single-Source Submission
\$.A.RNP	III Unsolicited Message – SID Rejected-No Prior III Record
\$.A.RPR	III Unsolicited Message – SID Rejected-Prior III Record
Adam Walsh Act	Adam Walsh Child Protection and Safety Act
AFIS	Automated Fingerprint Identification System
A-NFF	Alternate NFF
CAR	NGI Type of Transaction – Criminal Answer Required
CFR	Code of Federal Regulations
CHRI	Criminal History Record Information
CJIS	Criminal Justice Information Services
Compact	National Crime Prevention and Privacy Compact
CPI	III Maintenance Message – Criminal Print Ident
CSO	CJIS Systems Officer
DRS	III Maintenance Message – Delete Record SID
EHN	III Maintenance Message – Enter Supplemental Identifiers
EMUF	NGI Type of Transaction – Electronic In/Man. Out User Fee Submission
FIS	NGI Type of Transaction – Biometric Image Submission
Ident	Identified or Identification
IdHS	Identity History Summary
III	Interstate Identification Index
L0008	NGI Transaction Error Message – Characteristics quality low
L0023	NGI Transaction Error Message – SID required
L0024	NGI Transaction Error Message – SID already exists for NFF submission
L0038	NGI Transaction Error Message – SID already exists from NFF state
L0116	NGI Transaction Error Message – Fingerprint Pattern Quality Error
L0117	NGI Transaction Error Message – Fingerprint Pattern Area Error
L0118	NGI Transaction Error Message – ITN Image Quality/Sequence Error

MRS	III Maintenance Message – Modify Record SID
NCIC	National Crime Information Center
NCPA/VCA	National Child Protection Act/Volunteers for Children Act
NFF	National Fingerprint File
NGI	Next Generation Identification
Nlets	International Justice and Public Safety Network
ORI	Originating Agency Identifier
Serve America Act	Edward M. Kennedy Serve America Act
SIB	State Identification Bureau
SID	State Identification Number
SRE	NGI Type of Transaction – Submission Results-Electronic
U.S.C.	United States Code
UCN	Universal Control Number
UCN	Universal Control Number
VECHS	Volunteer and Employee Criminal History System
WAN	Wide Area Network