

Use and Secure Policy for National Criminal History Record Information (CHRI)

GENERAL ADMINISTRATION

I. Purpose

Humboldt Community School District may use the national Criminal History Record information (CHRI) obtained from the Federal Bureau of Investigation (FBI) via the Iowa Division of Criminal Investigation (DCI) only for the specific purpose of evaluating licensed employees within our school district. CHRI may not be reused for any other purpose.

II. Authority

Humboldt Community School District has the authorization to submit fingerprints to the Iowa DCI under NCPA/VCA for employment purposes. The Iowa User Agreement has been executed between Humboldt Community School District and the Iowa DCI.

III. Primary Point of Contact (POC) and/or Qualified Entity (QE) Head

Humboldt Community School District's primary POC is the point of contact with the Iowa DCI through which all communication with the Iowa DCI regarding fingerprint submissions, FBI results, audits, security requirements, etc. is conducted. The POC will maintain all Authorized Personnel Lists, ensure compliance with all requirements and cooperate in audits conducted by the Iowa DCI and/or FBI. If the POC is unavailable, the QE Head will act as the POC.

IV. Authorized Personnel

Humboldt Community School District's Authorized Personnel is any individual within the agency that has access to the FBI results. Such access may be verbal, physical or logical access to the information. The CJIS Security Awareness Training through CJIS Online is required to be taken within six months of having access to CHRI and every two years thereafter. Humboldt Community School District's Authorized Personnel List will be maintained as necessary and provided to the Iowa DCI during assigned audits or as requested. Individuals listed on the current Authorized Personnel List are the only individuals authorized to access, discuss, use, handle, disseminate, file, log and destroy the CHRI. Authorized Personnel are aware of other Authorized Personnel and will ensure that CHRI is not disseminated outside of Authorized Personnel. To prevent tampering, all terminated personnel, the public, all outside persons and entities are prohibited from handling or having any access to CHRI for any reason. Secondary dissemination to an outside agency is prohibited.

Only Authorized Personnel have access to the electronic secured database where CHRI is electronically stored. To prevent tampering or unauthorized access, once the Authorized Personnel is done entering or reviewing information they must lock the database and log off the computer. Records prior to the implementation of the electronic database are kept in a filing cabinet. To prevent unauthorized access or tampering, the filing cabinet and drawers which houses the fingerprints are locked throughout the day and the key is secured with the POC.

Use and Secure Policy for National Criminal History Record Information (CHRI)

FINGERPRINT SUBMISSIONS

V. Fingerprint Card Processing

Humboldt Community School District requires that all applicants provide a valid, unexpired form of government-issued photo identification during the application process and prior to fingerprinting to verify their identity. The Applicant will go to their local law enforcement agency or other persons who are properly trained to have their fingerprints rolled on the Applicant fingerprint card that Humboldt Community School District has obtained from the Iowa DCI. The applicant will complete and sign the Waiver Agreement and Privacy Act Statement prior to their fingerprints being submitted to the Iowa DCI.

Humboldt Community School District will ensure that the fingerprint card has been completed properly, including the Reason Fingerprinted and OCA, and will mail the fingerprint card to the Iowa DCI, along with a completed Billing Form and the appropriate fees. Chain of custody procedures are maintained to protect the integrity of the applicant's fingerprints prior to submission to the Iowa DCI.

PRIVACY & SECURITY

VI. Handling/Retention of CHRI

The FBI results based on fingerprints submitted are mailed to the POC in a sealed envelope from the Iowa Department of Public Safety/Division of Criminal Investigation. This mail should be considered to contain CHRI and should only be provided directly to Authorized Personnel or the POC. Only Authorized Personnel will open mail that contains CHRI.

During the course of suitability determination, here are the steps that Authorized Personnel will follow:

- Before suitability is determined, CHRI is stored in a locked drawer for Authorized Personnel to review and make a suitability determination.
- After suitability is determined, CHRI is stored in a separate employee fingerprinting file. These records cannot be released for any public records request.
- After the final determination is rendered, the FBI results are filed electronically. CHRI results are retained as determined in Policy Code No. 708 subcategory "Nonpayroll Personnel Records".

VII. Communication

Authorized Personnel may discuss the contents of the FBI results with the applicant in a private secure place and extreme care should be taken to prevent overhearing, eavesdropping or interception of communication. The applicant may not be given a copy of the record or allowed to take a picture of it with an electronic device. The record is for Humboldt Community School District's use only. Employees will not confirm the existence or non-existence of an individual's criminal history record to the public or to any unauthorized individual.

Use and Secure Policy for National Criminal History Record Information (CHRI)

The applicant must be informed that if he/she wishes to challenge the content of the record, they can contact the FBI to obtain their own copy of their FBI record at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>

Humboldt Community School District provides all applicants the right to review and challenge his/her criminal history record if they deem the information has been inaccurately reported. Each applicant will be given 7 days upon notification to provide Humboldt Community School District authentic documentation that reports the criminal history information accurately and completely. This information must be provided prior to determination of suitability for employment. CHRI shall not be copied, emailed, faxed or scanned nor disseminated to secondary parties or the employee. Any casual unauthorized release of information is not allowed (i.e. social media, discussion with friends or family members). CHRI shall only be discussed (written or verbally) between the Authorized Personnel as necessary to carry out the specific purpose for which the information was requested and all verbal discussions must take place in private.

Humboldt Community School District will provide applicants with an appeals process. The appeals process can take place when the applicant challenges his/her suitability determination made by those on the Authorized Personnel List. This process concludes with the Board of Education making the final suitability determination.

VIII. Storage of CHRI

Humboldt Community School District stores CHRI electronically, in a records management system. For tracking purposes, Humboldt Community School District also utilizes an Excel spreadsheet to reference that fingerprints were submitted and results were received, but there is no reference to the FBI result. This file is not password protected or encrypted since it does not contain any reference to CHRI. Physical access to databases is restricted to Authorized Personnel and servers are secure, and controlled directly by Humboldt Community School District. No other organization has access to databases or servers.

CHRI results obtained prior to the implementation of the electronic records management system are filed by Authorized Personnel in a secured locked filing cabinet in the HR office in a secure location. CHRI is retained in accordance with Humboldt Community School's record retention policy. This filing cabinet where CHRI is stored does not contain any other employment records or any files which may be considered public record to prevent unauthorized access or dissemination. The filing cabinet is locked throughout the day to prevent unauthorized access by other individuals not authorized access to CHRI. The keys to the filing cabinet are kept secure by the POC and another back-up key is kept secure with the QE Head. Only Authorized Personnel are allowed access to the filing cabinets that contain CHRI. Authorized Personnel are responsible for safeguarding the confidentiality of the information at all times and may not disclose or allow access to the information to anyone except Authorized Personnel. CHRI is always secured and never left unattended.

Use and Secure Policy for National Criminal History Record Information (CHRI)

IX. FBI Notification Requirements

The applicant is provided the Iowa DCI's Waiver Agreement and Privacy Act Statement that references the required FBI Applicant's Privacy Rights. If requested, a copy of the executed Waiver Agreement and Privacy Act Statement will be provided to the applicant. The Waiver Agreement and Privacy Act Statement provides the following information:

- Your fingerprints will be used to check the criminal history records of the FBI. If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefits must provide you the opportunity to complete or challenge the accuracy of the information in the record. You should be afforded a reasonable amount of time, i.e. 7 days, to correct or complete the record (or decline to do so) before officials deny you the job, license, or other benefits based on information in the criminal history record.
- The procedures for obtaining a change, correction or updating of your FBI criminal history record are set forth in Title 28 Code of Federal Regulations, section 16.30 through 16.34. Information on how to review and challenge your FBI criminal record can be found at www.fbi.gov under Identity History Summary Checks

X. Destruction of CHRI

When the CHRI has met the destruction date in accordance with Humboldt Community School District's record retention policy, Authorized Personnel will destroy the CHRI by shredding the records.

XI. Misuse of CHRI

In the event of deliberate, reckless or unintentional misuse of CHRI, the employee will be disciplined in accordance with the signed acknowledgement statement and Humboldt Community School District's policy which can include termination.