

CAMBRIAN SCHOOL DISTRICT
Board Policy

Procedure 4312.5
Adopted: March 10, 2009
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PERSONNEL

Criminal Offender Record Information

The Director of Personnel, Personnel Technician and Substitute Coordinator are required to have on file a signed copy of the attached Employee Statement Form which acknowledges an understanding of laws prohibiting misuse of Criminal Offender Record Information.

The Director of Personnel shall also have on file a signed copy of the attached Criminal Record Information Policy Form which acknowledges an understanding of the overall responsibility for the administration of criminal offender record security, destruction, dissemination, storage, reproduction, training, and associated penalties.

**CRIMINAL OFFENDER RECORD INFORMATION EMPLOYEE STATEMENT FORM
(ATTACHMENT A)**

As an employee of the Cambrian School District, you may have access to confidential criminal record information, which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code Sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes felony penalties for misuse of public records. Penal Code Sections 11142 and 13303 state:

“Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.”

Invasion of Privacy Civil Code Section 1798.53 states:

“Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual.”

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES

- 11141 PC: DOJ furnishing to unauthorized person (misdemeanor)
- 11142 PC: Authorized person furnishing to other (misdemeanor)
- 11143 PC: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- 1798.53 Civil Code
- Title 18, USC, Sections 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF
CRIMINAL RECORD INFORMATION.

Signature _____ **Date** _____

**CRIMINAL OFFENDER RECORD INFORMATION PROCEDURE FORM
(ATTACHMENT B)**

This policy has been developed to meet the requirements of the State of California, Department of Justice, and Division of Criminal Justice Information Services, for any agency that receives criminal history information.

To all Cambrian School District Employees: To ensure the suitability of employees accessing confidential criminal history records, all employees with access to criminal offender record information shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this rests with the Director of Personnel.

- A. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Director of Personnel.
- B. Record Destruction: CORI shall be destroyed after employment determination has been made, and copies of same will be destroyed in such a way that the employee's name can no longer be identified.
- C. Record Dissemination: CORI shall be used only for the purpose for which it was requested.
- D. Record Storage: CORI shall be securely maintained and accessible only to the Director of Personnel, Personnel Technician and Substitute Coordinator.
- E. Record Reproduction: CORI may not be reproduced for secondary dissemination.
- F. Training: The Director of Personnel shall:
 - 1. Understand and enforce this policy.
 - 2. Be fingerprinted and obtain a criminal history clearance.
 - 3. To have on file a signed copy of the attached Employee Statement form (which is itself a part of this policy) which acknowledges an understanding of the laws prohibiting misuse of CORI.
- G. Penalties: Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REQUIREMENTS.

Signature _____

Date _____