LNSU

Policy Governing Fingerprint-Based Criminal History Record Information (CHRI) Checks Made for Non-Criminal Justice Purposes – F8

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such check for employment/volunteering purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting CHRI Checks

Fingerprinted-based CHRI checks will only be conducted as authorized by the FBI and Vermont Crime Information Center (VCIC), in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, they shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Access to CHRI

All CHRI is subject to strict state and federal rules and regulations. CHRI is used only for the official purpose for which it was requested, and CHRI cannot be shared with other entities for purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the VCIC and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Furthermore, an entity can be charged with federal and state crimes for the willful, unauthorized disclosure of CHRI.

CHRI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at LNSU will review and become familiar with the educational and relevant training materials regarding CHRI laws and regulations made available by the appropriate agencies.

In addition to the above, all personnel authorized to receive and/or review CHRI must undergo Security Awareness Training on an annual basis. This training will be accomplished using the training provided by CJIS Online.

Adverse Decisions Based on CHRI

If inclined to make an adverse decision based on an individual's CHRI, LNSU will take the following steps prior to making a final adverse determination:

- Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI; and

- Provide the individual with information on the process for updating, changing or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time of 15 days to correct or complete the CHRI.

Point of Contact (POC) and Local Agency Security Office (LASO)
Each NCJA receiving CHRI is required to designate a POC and a LASO.

The LNSU POC is Michele Aumand. The POC is responsible for the following:

- Ensuring all authorized personnel
  - Complete the appropriate level of CJIS Security Awareness Training in CJIS Online
  - Sign an Acknowledgement Statement of Misuse
- Inform the VCIC of changes in the agency head or any relevant business information (agency name changes, mailing/physical address changes, etc.)
  - Contact the VCIC immediately to update the User Agreement and, if necessary, submit the new authorization to the VCIC

The LNSU LASO is Michele Aumand. The LASO is responsible for the following:

- Identifying who is using or accessing CHRI and/or systems with access to CHRI
- Ensuring that personnel security screening procedures are being followed as stated in this policy
- Ensuring the approved and appropriate security measures are in place and working as expected
- Terminate access to CHRI immediately upon notification of an individual's termination of employment

Retention of CHRI
Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes only:

- Historical reference and/or comparison with future CHRI requests
- Dispute of the accuracy of the record
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in:

- Hard copy form in personnel files located in the locked filing cabinet
  - CHRI will be retained for a minimum of three years. At the end of this term, the CHRI will be disposed of according to the Disposal of Physical Media policy.

Storage of CHRI
CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent FBI security policy, have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards.

In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage and destruction of CHRI.

Media/Physical Protection
All media containing CHRI is to be protected and secured at all times. The following is established and to be implemented to ensure the appropriate security, handling, transporting, and storing of CHRI media in all its forms.

Physical Storage and Access
Physical CHRI media shall be securely stored within physically secured locations or controlled areas. Access to such media is restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

Physical CHRI media at LNSU is stored separately in a locked filing a cabinet located at our central office. An electronic spreadsheet of all results is kept on a secured network.

Destruction of CHRI
Disposal of Physical Media
Once physical CHRI media (paper/hard copies) is determined to be no longer needed by LNSU, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by shredding, cross-cut shredding or incineration. LNSU will ensure such destruction is witnessed or carried out by authorized personnel.

- The LASO shall witness or conduct disposal
- Cross-cut shredding will be the method of destruction used by LNSU

Disciplinary
If an individual at LNSU has misused or is currently misusing CHRI, the following requirements will be adhered to:

- Using CHRI for any purpose other than what is allowed by state statute or Federal code is considered misuse
- Misuse of CHRI can result in the loss of access to CHRI, loss of employment and/or criminal prosecution
- Misuse of CHRI shall be reported to the state

Incident Response
The security of information and systems in general, and of CHRI in particular, is a top priority for

LNSU. Therefore, we have established appropriate operational incident handling procedures for instances of an information security breach. It is each individual's responsibility to adhere to established security guidelines and policies and to be attentive to situations and incidents which pose risks to security. Furthermore, it is each individual's responsibility to immediately report potential or actual security incidents to minimize any breach of security or loss of information. The following security incident handling procedures must be followed by each individual:

- All incidents will be reported directly to the LASO as soon as practical
- If any records were stolen, the incident will also be reported to appropriate authorities
- Once the cause of the breach has been determined, disciplinary measures will be taken in accordance with the disciplinary policy

In addition to the above, the LASO shall report all security-related incidents to the VCIC as soon as practical and submit an incident response form.

All agency personnel with access to FBI and/or VCIC CHRI have a duty to protect the system and related systems from physical and environmental damage and are responsible for correct use, operation, care and maintenance of the information. All existing laws and LNSU regulations and policies apply, including those that may apply to personal conduct. Misuse or failure to secure any information resources may result in temporary or permanent restriction of all privileges up to employment termination.

Appendix A - Misuse and Incident Reporting Forms

The following pages contain:

- An Acknowledgement Statement of Misuse that all personnel with access to CHRI must execute
- An Incident Reporting Form that must be submitted to the VCIC after an incident with CHRI occurs

State of Vermont
Vermont Crime Information Center
Record Check Section
45 State Drive
Waterbury, VT 05671
vcic.vermont.gov

Department of Public Safety

[phone] 802-241-5320
[email] dps.recordchecks@vermont.gov

Acknowledgement Statement of CHRI Misuse

All authorized personnel are made aware of the guidelines, consequences and liabilities that could occur from unauthorized use of Criminal Justice Information (CJI) and Criminal History Record Information (CHRI) received from the Vermont Crime Information Center (VCIC). Employees are advised of the following:

- Never give CHRI to someone who is not authorized to receive it
- Never allow unauthorized access to CHRI
- Using CHRI for any other purpose other than stated in the approved Vermont state statute or approved Federal authority
- Access to CJI and CHRI via submitted fingerprints could be suspended or canceled for violation of security and/or violation of the terms and conditions in the User Agreement
- Misuse of the CHRI can be a misdemeanor or felony depending on the circumstances of the release
- Additional penalties for misuse of CHRI as determined by the agency

I acknowledge that I have been advised of the consequences of misuse of CJI and CHRI.

Employee Name (Print) _____ Agency Name _____

Employee Signature _____ Date _____

VERMONT

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Vermont Crime Information Center
Record Check Section
45 State Drive
Waterbury, VT 05671
vcic.vermont.gov

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Security Incident Response Form

FBI CJIS DIVISION INFORMATION SECURITY OFFICER (ISO) SECURITY INCIDENT REPORTING FORM

NAME OF PERSON REPORTING THE INCIDENT: _____

DATE OF REPORT: _____/_____/_____ DATE OF INCIDENT: _____/_____/_____

POINT(S) OF CONTACT (Include Phone/Extension/Email): _____

_____

LOCATION(S) OF INCIDENT: _____

INCIDENT DESCRIPTION: _____

_____

SYSTEM(S) AFFECTED: _____

_____

SYSTEM(S) AFFECTED (e.g. CAD, RMS, file server, etc.): _____

_____

METHOD OF DETECTION: _____

ACTIONS TAKEN/RESOLUTION: _____

_____

_____

Copies To:

John A. Gonyea
Deputy Director/ISO
VT Crime Information Center
45 State Drive
Waterbury, VT 05671-1300
E: john.gonyea@vermont.gov