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Criminal History Report Information (CHRI) Security Policies and Procedures

The Board of Education of Elizabeth School District is committed to ensuring the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI). CHRI will be retained for a period of three years, at which point the information will be purged or destroyed in accordance with applicable record retention rules.

Accordingly, this policy applies to any electronic or physical media containing Federal Bureau of Investigation (FBI) or Colorado Bureau of Investigation (CBI) Criminal Justice Information while being stored, accessed, or physically moved from a secure location within the District. This policy also applies to any authorized person who accesses, stores, and/or transports electronic or physical media containing Criminal History Record Information.

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 checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Definitions

Criminal Justice Information (CJI) refers to all of the FBI Criminal Justice Information Services (CJIS) provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

Criminal History Record Information (CHRI) means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, 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. CHRI is a subset of CJI and for the purposes of this document, is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use, and dissemination of CHRI.

Requesting CHRI Checks

Fingerprint-based CHRI checks will only be conducted as authorized by the FBI and CBI, 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.

Acceptable Use

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 any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Colorado Bureau of Investigation (CBI) 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.

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 CBI and 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.

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 district 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 located in the locked filing room.
 - CHRI will be maintained for *three (3) years*. At the end of this term, the CHRI will be disposed of according to the *Disposal of Physical Media policy*.

CHRI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at *Elizabeth School District* 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, *the district* 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 to correct or complete the CHRI.

Authorized Recipient Security Officer

Each NCJA receiving CHRI is required to designate an Authorized Recipient Security Officer (ARSO). An individual designated as ARSO is:

- An individual who will be considered part of the NCJA's "authorized personnel" group.

- An individual that has completed a fingerprint-based background check and been found appropriate to have access to CHRI.
- An employee directly involved in evaluating an individual's qualifications for employment or assignment.

The ARSO 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.

When changes in the ARSO appointment occur, the *district* shall notify the CBI of the change.

Personnel Security

All personnel requiring access to CHRI must first be deemed "Authorized Personnel." The CBI will review and determine if access is appropriate. Access is denied if the individual has ever had a felony conviction, of any kind, no matter when it occurred. Access may be denied if the individual has one or more recent misdemeanor convictions.

In addition to the above, an individual believed to be a fugitive from justice, or having an arrest history without convictions, will be reviewed to determine if access to CHRI is appropriate. The CBI will take into consideration extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.

Persons already having access to CHRI and who are subsequently arrested and/or convicted of a crime will:

- Have their access to CHRI suspended until the outcome of an arrest is determined and reviewed by the CBI in order to determine if continued access is appropriate.
- Have their access suspended indefinitely if a conviction results in a felony of any kind.

- Have their access denied by the CBI where it is determined that access to CHRI by the person would not be in the public's best interest.

All access to CHRI by support personnel, contractors, and custodial workers will be denied. If a need arises for such persons to be in an area(s) where CHRI is maintained or processed (at rest or in transit), they will be escorted by, or be under the supervision of, authorized personnel at all times while in these area(s).

Personnel Termination

The ARSO shall terminate access to CHRI immediately upon notification of an individual's termination of employment.

District CHRI access termination process:

- Notification will be sent via email to the CBI.
- This is to be done within 24 hours of receiving notification of termination.
- All keys, email accounts, etc. will be obtained/disabled from the user within 24 hours.

Media 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 of 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:

- Is to be stored within employee records when feasible or by itself when necessary.
- Is to be maintained within a lockable filing cabinet, drawer, closet, office, safe, vault, or other secure container.

Media Storage and Access

Electronic 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.

Electronic CHRI media:

- Is to be stored on secure servers within a physically secure location when feasible.

Destruction of CHRI Disposal of Physical Media

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

- The ARSO shall witness or conduct disposal.
- Shredding will be the method of destruction used by the district.

Media Sanitization and Disposal (Disposal of Electronic Media)

Once electronic CHRI media (data stored on computers) is determined to be no longer needed by the district, it shall be destroyed and disposed of appropriately.

- The NCJA will sanitize the electronic CHRI by overwriting the data at least three times prior to disposing of or reusing the computer/device/system the electronic CHRI was stored on. Overwriting the CHRI data must be completed or witnessed by authorized personnel within the district.
- If the computer/device that the CHRI data is stored on is no longer operational, the NCJA must physically destroy the device. Destruction of the device containing electronic CHRI must be completed or witnessed by authorized personnel within the district.

Incident and Disciplinary Response

The security of information and systems in general, and of CHRI in particular, is a top priority for District. 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 ARSO.
- 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 ARSO shall report all security-related incidents to the CBI within 24 hours.

All district personnel with access to FBI and/or CBI 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 District 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.

Policy Violation and Misuse Notification

Violation of this policy or misuse of CHRI by any District Personnel can result in significant disciplinary action, up to and including loss of access privileges, civil and criminal prosecution, and/or termination.

Likewise, violation of this policy or misuse of CHRI by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

In the event of a violation of this policy by District Personnel or any visitor, notification to the Colorado Bureau of Investigation is required.

LEGAL REFS:

P.L. 92-544 (*authorizes the FBI to exchange CHRI with officials of state and local governmental agencies for licensing and employment purposes*)
28 C.F.R. 20.33 (b) (*limited dissemination of criminal history record information*)
28 C.F.R. 50.12 (b) (*notification requirements regarding fingerprints*)

C.R.S. 22-2-119.3 (6)(d) (*name-based judicial history record check –definition*)

C.R.S. 22-32-109.8 (*non-licensed personnel – submittal of fingerprints and name-based judicial history record check*)

C.R.S. 22-32-109.9 (*licensed personnel – submittal of fingerprints and name-based judicial history record check*)

C.R.S. 24-72-302 (*definition of criminal justice information*)

CROSS REFS:

GBEB, Staff Conduct (and Responsibilities)

GCE/GCF, Professional Staff Recruiting/Hiring

GDE/GDF, Support Staff Recruiting/Hiring