

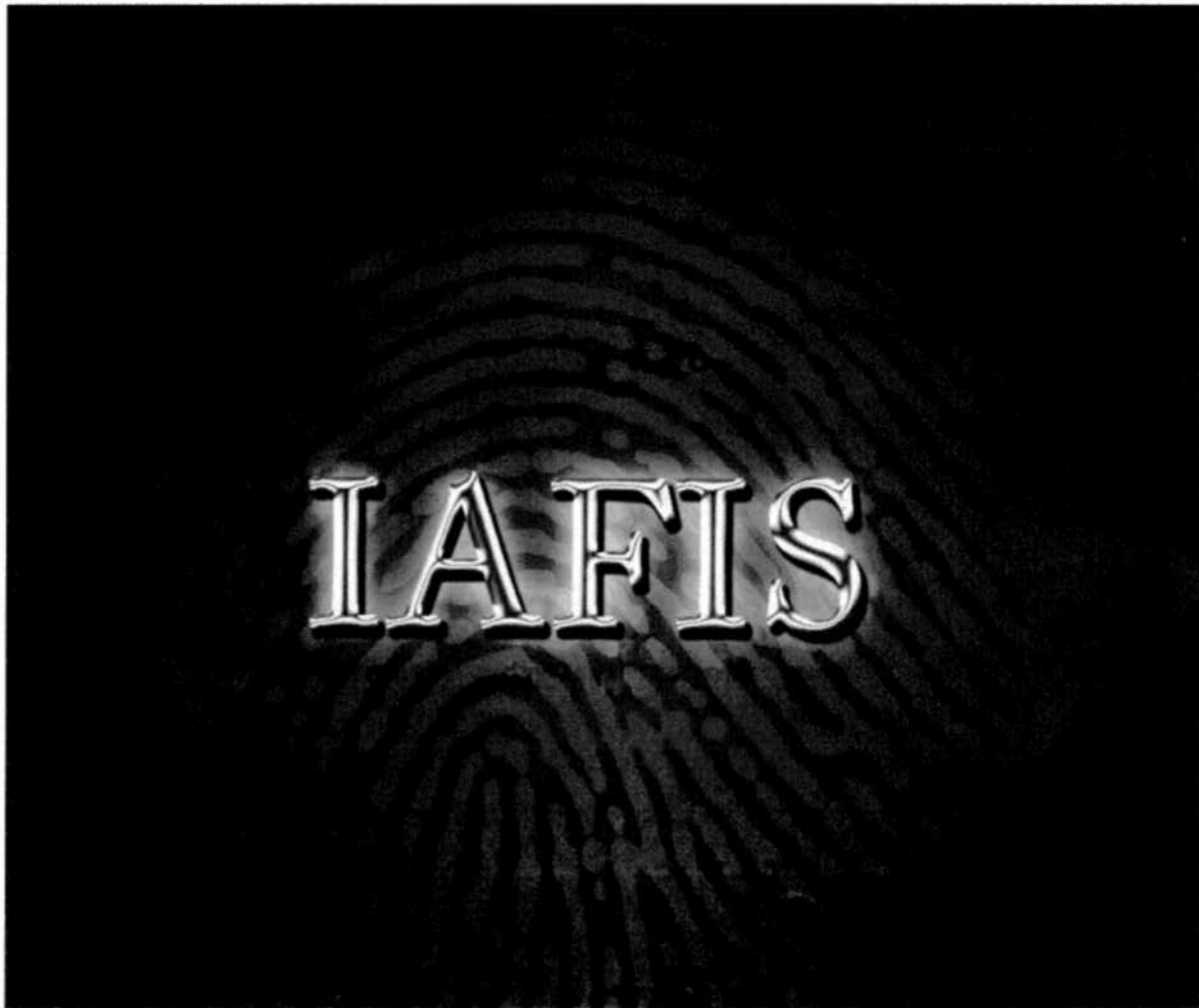


**U.S. Department of Justice
Federal Bureau of Investigation**
*Criminal Justice Information Services Division
CJIS Audit Unit*

Audit Date

Integrated Automated Fingerprint Identification System Audit

Noncriminal Justice Use of CHRI Assessment



Overview

Integrated Automated Fingerprint Identification System (IAFIS) Audit

The FBI Criminal Justice Information Services (CJIS) Division has established audit programs for the purpose of evaluating compliance with policy requirements associated with access to CJIS Systems and information. The Integrated Automated Fingerprint Identification System (IAFIS) Audit assesses compliance with Interstate Identification Index (III)/National Fingerprint File (NFF) participation standards; federal laws and regulations associated with the use, dissemination, and security of national criminal history record information (CHRI); and National Crime Prevention and Privacy Compact (Compact) rules and procedures. The IAFIS Audit analyzes methods used by State criminal history record repositories, Federal agencies, and other authorized entities to administer policies and procedural requirements.

An integral component of the IAFIS Audit includes an assessment of agencies which receive CHRI for noncriminal justice purposes. The assessment determines compliance with policy requirements derived and summarized from sources which primarily include federal laws and regulations associated with the use, dissemination, and security of CHRI. In addition, compliance with Compact Council rules and procedures is assessed as part of the review process. The Compact Council, comprised of federal, state, and local governmental representatives, is federally authorized to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes. Other policy requirements may be assessed based upon applicability to specific agencies.

The review process includes an administrative interview in order to assess whether procedures used by the agency are compliant with policy. As applicable, a validation of a sampling of CHRI requests submitted by the agency is also conducted. The results of the review are included in the IAFIS Audit Report.

Noncriminal Justice Use of CHRI Assessment

| | |
|---------|------------------|
| Agency | Board of Nursing |
| ORI | |
| Date | August 31, 2011 |
| Auditor | Timothy Neal |

Authorized Use of CHRI

The FBI is authorized to exchange CHRI with, and for the official use of, authorized officials of the Federal Government, States, cities, and other institutions. CHRI may be made available 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. CHRI obtained under such authority may be used solely for the purpose for which the record was requested. Subject fingerprints or other approved forms of positive identification shall be submitted with all requests for CHRI for noncriminal justice purposes. Access to the III using name-based inquiry and record request messages is not permitted for noncriminal justice purposes, unless otherwise approved by the FBI and/or the Compact Council pursuant to applicable authority. (*Title 28, U.S.C., § 534 (a)(4); Title 42, U.S.C., § 14616, Article IV (c) and Article V (a) and (c); Title 28, C.F.R., § 20.33 (a)(3) and (d), § 50.12, and Part 901; CJIS APB "Concept for the Exchange of Criminal History Records for Noncriminal Justice Uses by Means of The III", Section B.*)

| | | |
|---|-----------|--|
| <input checked="" type="checkbox"/> In compliance | Comments: | |
| <input type="checkbox"/> Out of compliance | | |
| | | |
| | | |

Dissemination of CHRI

Access to CHRI by authorized officials is subject to cancellation if dissemination is made outside the receiving departments, related agencies, or other authorized entities. (*Title 28, U.S.C., § 534 (b); Title 42, U.S.C., § 14616, Article IV (c); Title 28, C.F.R., § 50.12 (b)*)

| | | |
|---|-----------|--|
| <input type="checkbox"/> In compliance | Comments: | |
| <input checked="" type="checkbox"/> Out of compliance | | Disseminates records, without approval, to Alaska Archives |
| | | |
| | | |

Reason Fingerprinted

The Privacy Act of 1974 requires that the FBI's CJIS Division keep an accurate accounting of the purpose of each disclosure of a criminal history record. Therefore, all fingerprint-based requests for CHRI must include in the reason fingerprinted field an accurate representation of the purpose and authority for which the CHRI is to be used. In addition, all users are required to provide the reason for all III transactions upon request. Requiring the reason for all III inquiries will assist in ensuring that III transactions are conducted for authorized purposes. (*Title 5, U.S.C., § 552a, (c)(1)(A); III/NFF Operational and Technical Manual, Chapter 2, Section 2.1*)

| | |
|---|-----------------|
| <input checked="" type="checkbox"/> In compliance | Comments: _____ |
| <input type="checkbox"/> Out of compliance | _____ |
| | _____ |
| | _____ |

Applicant Notification and Record Challenge

Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials also must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in Title 28, C.F.R., § 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. (*Title 42, U.S.C., § 14616, Article IV (c); Title 28, C.F.R., § 50.12 (b)*)

| | |
|---|-----------------|
| <input checked="" type="checkbox"/> In compliance | Comments: _____ |
| <input type="checkbox"/> Out of compliance | _____ |
| | _____ |
| | _____ |