CALIFORNIA DEPARTMENT OF JUSTICE

Application for Authorization Pursuant to Penal Code Section 11105(b)(11)

(City, County, Special Districts or Joint Powers Authorities)

BUREAU OF CRIMINAL
INFORMATION AND ANALYSIS

Mail Completed application
to:

Department of Justice
Applicant Program
P.O. Box 903387
Sacramento, CA 94203-3870

TABLE OF CONTENTS

Authorization for Criminal History Information..... PAGE 1

Authorization for Custodian of Records Information (NEW - IMPORTANT) ..... PAGE 2

Applicant Live Scan Overview ..... PAGE 3

Sample STATE ONLY Resolution (REQUIRED)..... PAGE 4

Sample STATE/FEDERAL ONLY Resolution (REQUIRED) ..... PAGE 5

Instructions for both State and State/Federal Resolutions..... PAGE 6

Request for Contributing Agency ORI and/or Response Mail Code (BCII 9001) (REQUIRED) ..... PAGE 7

Guidelines for Completing Request for Contributing Agency ORI and/or Response
Mail Code (BCII 9001)..... PAGE 8

Notification of ORI, Mail Code and/or Billing Number Assignment (REQUIRED)..... PAGE 9

Applicant Live Scan Billing Procedures..... PAGE 10

Billing Account Application (BCII 9000)
(REQUIRED - Only if your agency will be billed for services)..... PAGE 12

Applicant Fingerprint Response Subscriber Agreement
(REQUIRED - Please return Page 15 and 16 with this application)..... PAGE 13

Criminal Offender Record Information (CORI) Policy
(REQUIRED - Head of Contributing Agency/Organization)..... PAGE 17

CORI Policy (REQUIRED - Custodian of Records)..... PAGE 18

Custodian of Records Application Form (BCIA 8374) (REQUIRED) ..... PAGE 19

Custodian of Records Request for Live Scan Service (BCII 8016) form
(Utilized ONLY AFTER receiving DOJ authorization confirmation) ..... PAGE 20

CORI Policy (Employee Statement) ..... PAGE 21

Contract for Subsequent Arrest Notification Service (BCII 8019)
(REQUIRED - Only if State Statute authorizes Subsequent Arrest Notification) ..... PAGE 22

No Longer Interested Notification ..... PAGE 23

Authorization for Criminal History Information

City, County, Special Districts

Penal Code section 11105(b)(11) authorizes a city, county or special district to request criminal record information from the Department of Justice (DOJ) in order to assist in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. In addition to state level summary criminal history information, a city, county or special district may request federal level summary criminal history information from the Federal Bureau of Investigation (FBI).

Joint Powers Authorities (JPA)

JPAs are widely used in California (where they are permitted under Section 6500 of the State Government Code) and adhere to the same requirements as delineated in Penal Code section 11105(b)(11). However, to request and receive federal level summary criminal history information from the FBI, a JPA resolution enacted by a city, county or district must delineate that the entity receiving the information is a governmental entity as defined in Penal Code section 11105(b)(11). JPA enacted resolutions must clearly delineate that the federal level summary criminal history information will not be disseminated to a private entity or the application will be denied.

In order for us to determine whether your city, county, special district or JPA meets the requirements to obtain state and federal (if requested) level summary criminal history information pursuant to Penal Code section 11105(b)(11), your city council, board of supervisors, governing board of the city, county, or district or JPA must submit a signed resolution outlining the request. In this application packet is a sample state only and state/federal resolution with instructions outlining the request format. In addition, all other required forms contained in this authorization application packet must be completed and returned.

Please Note:
JPAs must provide a copy of the original approved JPA agreement in addition to the resolution and all other required forms.

Incomplete forms will be returned unprocessed. Please Note: Do not submit your fingerprint(s) until approval has been granted.

Authorization for Custodian of Records Information

IMPORTANT - PLEASE READ CAREFULLY

Pursuant to Penal Code section 11102.2(b); the DOJ established a confirmation program to process fingerprint-based background responses on individuals designated by applicant agencies to serve as Custodian of Records. Effective July 1, 2011, no person shall serve as an agency Custodian of Records unless they have been confirmed by the DOJ. Criminal justice agency personnel who have undergone a state and federal criminal record background check are exempt from these requirements.

As such, before any applicant agency can become fully authorized by the DOJ, the DOJ must first confirm/approve the agency's designated Custodian of Records.

A Custodian of Records means the individual designated by an agency as responsible for the hiring decisions, and for the security, storage, dissemination, and destruction of the criminal records furnished to the agency, and who serves as the primary contact for the DOJ for any related issues. Each agency must designate at least one Custodian of Records

Applicants applying for Custodian of Records confirmation must meet the following criteria:

1. Be at least 18 year old;
2. Complete and submit the Custodian of Records Application Form (BCIA 8374)

The confirmation process will consist of a completed Custodian of Records Application for Confirmation form (BCIA 8374), which is included in this packet and must be returned along with all required documents. Additionally, the Custodian of Records must submit fingerprint images to the DOJ via live scan and pay the $51 state/federal background check fees along with a $30.00 confirmation fee (A total of $81 in fees will be collected at the live scan site).

Included in this packet is a pre-filled Custodian of Records Request for Live Scan Service (BCII 8016) form ready to be utilized to fulfill this requirement once your agency is authorized. PLEASE NOTE: You must enter all of your Agency's information in the "Employer (Additional response for agencies specified by statute)" field, with the exception of the Mail Code on the BCII 8016 form in order for the DOJ to process your submission.

Confirmation will be denied or revoked on those applicants convicted of a felony offense, or any other offense that involves moral turpitude, dishonesty, fraud or that impacts the applicant’s ability to perform the duties or responsibilities of a Custodian of Records. The DOJ will retain the fingerprints for subsequent arrest notification pursuant to Penal Code section 11105.2. Custodian of Records confirmation, denial, or revocation letters will be mailed by the DOJ to the designated applicant agency, as identified on the application by the Custodian of Records applicant.

PLEASE NOTE: DO NOT SUBMIT CUSTODIAN OF RECORDS FINGERPRINT IMAGES UNTIL YOU HAVE RECEIVED CONFIRMATION FROM THE DOJ THAT YOUR AGENCY IS AUTHORIZED.

After submitting this application, please wait one week and then contact the DOJ's Applicant Program at (916) 227-3460 to determine if your agency is authorized and ready for the next step. Beginning the confirmation process by submitting your Custodian of Records fingerprint images before your agency is officially authorized to request criminal record information will result in fees being assessed, which will not be refunded if your agency is determined as not having requesting authority.

Applicant Live Scan Overview

Applicant Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response. Live scan technology replaces the process of recording an individual's fingerprint patterns manually through a rolling process using ink and a standard 8" x 8" fingerprint card. Fingerprints can be digitalized through an electronic process (Live Scan), enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the Department of Justice (DOJ). This transfer of information takes place in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the U.S. mail. The applicant visits an Applicant Live Scan satellite location where the fingerprint images and related data are electronically transmitted to the DOJ. The recent, rapid expansion of the number of applicant live scan devices has resulted in an ever increasing volume of applicants availing themselves of live scan technology.

With Live Scan, the applicant is provided with a "Request for Live Scan Service" form (BCII 8016). The applicant is also provided with a list of nearby live scan locations and must go to one of the specified locations to submit fingerprints. At these locations, a trained, certified operator enters the information from the BCII 8016 form into the live scan terminal and initiates the live scan fingerprinting process. After successful electronic capture of the fingerprint images and the accompanying data, the information is electronically transmitted to the DOJ.

Once the fingerprints and data are received by the DOJ, they are electronically processed by the DOJ Global Transaction Controller (GTC). Most live scan submissions that have no data or quality errors and do not result in possible criminal history matches are processed automatically and are responded to electronically. Live scan transmissions requiring analysis of a criminal record are electronically sent to the Applicant Response Unit for analysis and dissemination. Live scan submissions are responded to by electronic mail, and/or U.S. mail when the electronic mail response is not available.

The DOJ will also coordinate other electronic processes resulting from the automated submissions of fingerprints, including forwarding the fingerprints to the FBI (if required) and coordinating the collection of associated fees.

We sincerely hope that this information will be useful and will answer your questions about the electronic processing of fingerprints in California.

SAMPLE **STATE ONLY** RESOLUTION

CITY/COUNTY/DISTRICT/JPA RESOLUTION

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, or governing body of a city, county, district or joint powers authorities to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that the (city/county/district/joint powers authorities) are hereby authorized to access state summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity.

SAMPLE **STATE AND FEDERAL** RESOLUTION

CITY/COUNTY/DISTRICT/JPA RESOLUTION

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that the (city/county/district/joint powers authority) are hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing of (indicate positions of all prospective licensee's), or certification for (name all prospective titles applying for certification) purposes and may not disseminate the information to a private entity.

Sample DOJ Resolution Instructions

These instructions are applicable to both the State Only and State/Federal Resolutions

To ensure your agency is approved, please only change the following information:

1. The title should be your city/county/district/JPA name with the approved resolution number;

2. In the last paragraph you will see (city/county/district/JPA). Please change the information in the parentheses to reflect your city/county/district name removing the parentheses;

3. In the last paragraph on the State/Federal Resolution, you will see (name all prospective entities applying for licensing and certification). Be sure to list all prospective employee entities applying for a license or certification in the resolution;

4. In the last paragraph parentheses around “including volunteers and contract employees” should be retained if that wording is present.

REQUEST FOR CONTRIBUTING AGENCY ORI AND/OR RESPONSE MAIL CODE

In order to submit applicant fingerprints via Live Scan, you must have an Originating Agency Identifier (ORI) code to identify your agency. In addition, your agency must have a unique Response Mail Code in order for the DOJ to send your responses electronically. The DOJ response and if applicable, subsequent arrest notifications will be programmatically sent to a secure electronic mailbox, from which you will retrieve your messages.

Please Note: In order to receive an ORI and Mail Code, you must have a completed form BCII 9005, Subscriber Agreement, on file with the Department of Justice or returned with this request.

Contributing Agency Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Your projection for monthly applicant submissions: _____

Contact Person Name: _____ Phone Number: _____

Please check the box(es) for the type(s) of applicants for whom you will be submitting:

☐ Employment _____
Title or Position (i.e., Classified Employee)

☐ License, Certification, Permit _____
Type of License, Certification, Permit

_____
Identify Licensing Agency as it would appear on fingerprint card (i.e., Department of Social Service)

☐ Volunteers

☐ We request that all responses be sent electronically to the same secure mailbox.
☐ We request separate secure mailbox(es) for the following application type(s);

- ☐ Employment
- ☐ License, Certification, Permit
- ☐ Volunteers

ORI's and mail code number(s) will be assigned by the Department of Justice and the information returned to you on form BCII 9003, Notification of ORI, Mail Code, and/or Billing Number.

GUIDELINES FOR COMPLETING FORM BCII 9001, "REQUEST FOR CONTRIBUTING AGENCY ORI AND/OR RESPONSE MAIL CODE"

FIELD	INSTRUCTIONS
1) Service(s) requested	Check the appropriate box(es). You must request an ORI if you do not already have one and you intend to submit via Live Scan. You must request an electronic response mail code if you want your responses to be sent electronically to a secure mail server instead of by U.S. mail. Your agency will be assigned an ORI and/or mail code by the DOJ.
2) Contributing agency name, mailing address, and projected monthly submissions	Enter the agency/organization's information.
3) Contact person	Enter the name of the person within your agency that DOJ can contact if any questions arise.
4) Phone number	Enter the contact person's phone number.
5) Employment	Check this box if you will be submitting fingerprints of potential employees and enter the title or position of employees to be fingerprinted. If you will submit for all employees, state "all employees".
6) License, Certification, Permit	Check this box if you will submit for licenses, certifications, or permits and enter the types of licenses, etc. you issue. .
7) Identify licensing agency	If you checked the license, certification, and permit box, please provide the licensing agency name as it would appear on a fingerprint submission.
8) Volunteers	Check this box if you will be fingerprinting volunteers.
9) Electronic response mailbox	Check this box if **ALL SUBMISSIONS** will be going to the same electronic response mailbox
10) Designate more than one electronic response	If responses in your agency are designated to different locations based on the application type, and you want a separate mailbox for any or all of your applicant types, check the appropriate box(es).

STATE OF CALIFORNIA
BCII 9003
(REV. 1/09)

DEPARTMENT OF JUSTICE

NOTIFICATION OF ORI, MAIL CODE, AND/OR BILLING NUMBER

CONTRIBUTING Agency - please provide a complete address in the space below. This form will be returned to you with your ORI, Mail Code, and/or Billing Number information.

Contributing Agency Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Listed below are the ORI, Mail Code, and/or Billing Number assigned to your agency for applicant responses.

ORI _____

Mail Code _____

Billing Number _____

If separate response locations were requested, assigned codes are as follows:

Type	ORI	Mail Code
Employment		
Licensing, Certification, or Permit		
Volunteer		

The following are the ONLY applicant types with CJIS codes your agency is authorized to submit to the DOJ for background check purposes. The CJIS Code is for internal use only and is not utilized on the BCII 8016 form.

	Applicant Type	CJIS Code
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Should your address or agency information change in the future, you must notify the DOJ immediately.
Please visit the DOJ's website to obtain formBCII 9004, Request to Change Applicant Submitting Agency Information

APPLICANT LIVE SCAN BILLING PROCEDURES

**** Applicant Agencies are not required to complete the Billing Account Application (BCII 9000) if its applicants will be paying the DOJ fees at the Live Scan Site ****

The Department of Justice (DOJ) has developed the following procedures for the billing and collection of fingerprint fees. The first requirement in the applicant live scan billing process is to provide the DOJ with billing authorization to allow fee collection for services provided. Agencies must provide the following:

* All applicant agencies who wish to be billed for submitting fingerprints via live scan must complete form BCII 9000, Billing Account Application.
* Non-state live scan agencies (e.g., public schools) must complete a Memorandum of Understanding.
* State agencies (e.g., Social Services) with live scan devices must complete a new Interagency Agreement even if they currently have one.

The submission of these documents will result in the assignment of a unique customer billing number that must be entered by the live scan operator on all live scan transmissions. If your agency already has a customer billing number for the processing of manual fingerprint cards, the same customer billing number may be used for applicant live scan.

The following actions must occur in order for the DOJ to generate a monthly invoice for services and to ensure that the correct agency is billed for services received.

* The live scan operator must input a customer billing number on every applicant live scan transmission sent to the DOJ. The customer billing number keyed should be either the number for the live scan agency or the licensing applicant agency, to be determined as follows:

  > **Live Scan Agency** - If the live scan agency collects cash, credit or a check on behalf of the DOJ for payment of the DOJ and/or federal services, the live scan agency **must be** the agency billed. In this case, the operator must always enter the customer billing number of the live scan agency into the transmission.

  > **Please note - If the applicant is fee exempt, the live scan operator must still enter the live scan agency's customer billing number into the transmission. No charges will be billed to the agency for fee exempt transmissions.**

  > **Applicant Agency** - If the live scan agency does not collect payment, then the contributing agency gency **must be** the agency billed. In this case, the live scan operator must enter the applicant agency's customer billing number on the transmission. This number is found in the Contributing Agency Section (in the area title "BIL") of the Request for Live Scan Service form, which is provided by the applicant. If the applicant is not fee exempt, does not pay for services, and there is no billing number on the Request for Live Scan Service form, the live scan operator **should not** fingerprint the applicant.

* The DOJ Accounting Office will generate invoices based on the live scan transmission information thirty days in arrears. Based on the monthly billing cycle, each agency will be billed for transmissions occurring between the first day and the last day of the prior month.
  The agency will generally receive invoices within the first fifteen working days of the month.

APPLICANT LIVE SCAN BILLING PROCEDURES (continued)

* The Bureau of Criminal Identification and Investigative Services (BCIIS), Client Services Program (CSP) will bill for fingerprint transmissions on a monthly basis. To begin receiving monthly fingerprint billings along with a billing detail, your agency must have both an Agency ORI number and a customer billing number. If you do not have an ORI number, complete this packet and mail the packet including Form 9000 - Billing Account Application to DOJ. In approximately 6-8 weeks you will receive your assigned ORI number, customer billing number, and mail code to obtain your CORI results. If you already have an ORI number, call (916) 227-3870 (Option #4) and in approximately 1-2 weeks you will receive the assigned customer billing number. Once DOJ has assigned a customer billing number, we will also establish a Secure Mail Server System (SMSS) mailbox for receiving monthly billing detail reports (this SMSS mailbox has a different User ID and Password than the SMSS mailbox used to receive CORI results). If your agency has a customer billing number and is interested in electronically receiving monthly billing detail reports, please call (916) 227-3870 (Options #3) and DOJ will establish a SMSS mailbox. The monthly billing detail report will consist of the applicant's name, fingerprint date, and total fingerprint fees billed.

* Payment to DOJ is due upon receipt of the invoice. If there are discrepancies, please complete Form BCII 9006 - Credit Request - Applicant Live Scan Fingerprint Billing and fax to CSP at (916) 227-1149, listing the applicant(s) in dispute. The Credit Request form is available on the internet at http://ag.ca.gov/fingerprints/forms/BCII%209006.pdf. Please pay promptly for those charges with which you agree, and short pay the invoice by the amount of charges in dispute. The CSP will notify the agency if it denies the Credit Request. NOTE: If an agency does not submit a Credit Request, the agency will be held liable for the outstanding charges. Failure to remit payment in a timely manner may result in the agency being sent to collections and having its customer billing number disabled. The DOJ will not accept Credit Requests received three or more years after final payment of an invoice. Credit and rebill information will appear at the bottom of the monthly billing detail report the month following a credit request.

* The applicant agency will be responsible for payment if the fields on Form BCII 8016 - Request for Live Scan Service are not completed correctly. Therefore, it is extremely important that the agency follow the Form BCII 8016 Instructions available on the internet at http://ag.ca.gov/fingerprints/forms/BCII_8016_8016A_instructions.pdf.

* The live scan agency will be responsible for payment if the operator fails to input a customer billing number or inputs an incorrect billing number and/or applicant agency information, and the DOJ cannot determine which agency should be billed for the transmission.

Please call the BCIIS CSP at (916) 227-3870 for any of the following:

1. Establish a customer billing number (only if the ORI and electronic response codes have already been established);
2. Establish a SMSS mailbox for receiving billing detail;
3. Update billing contact information; or
4. To resolve live scan billing discrepancies.

STATE OF CALIFORNIA
BCII 9000
(REV. 6/09)

DEPARTMENT OF JUSTICE

BILLING ACCOUNT APPLICATION

Business/Agency Type:

☐ School District ☐ Corporation ☐ Non-Profit Organization
☐ Private School ☐ Local Government ☐ Sole Proprietorship/Partnership
☐ Federal Government ☐ State Government (Fund Code Required) _____

ALL APPLICABLE INFORMATION MUST BE COMPLETED LEGIBLY. INCOMPLETE APPLICATIONS WILL BE RETURNED

Contributing Agency Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Federal Tax Identification Number*: _____

Social Security Number (Sole Proprietorship or Partnership)*: _____

* EITHER a Federal Tax Identification Number OR Social Security Number **must be** provided.

Authorized Representative: _____

Telephone Number: _____ Facsimile Number: _____

Electronic Mail Address: _____

I, the undersigned, have the authority to conduct business for the business/agency listed above. I confirm that all the information on this application is true and correct. I give my permission to the Department of Justice (DOJ) to research and confirm all information provided and to request a credit report at any time. I understand this is an agreement to pay the processing fees associated with the electronic transmission of State and/or Federal criminal offender record information requests, including fees incurred by duplicate transmissions or other errors on the part of the above business/agency or its representative(s). Failure to remit payment in a timely manner may result in the DOJ utilizing all information provided on this billing account application for collection purposes. I agree to the terms of this agreement and understand it will remain in effect until written cancellation is provided by either party with 30 days notice.

_____ _____
Signature Printed Name

_____ _____
Title Date

DOJ Use Only

Input by: _____ Account #: _____ Received Date: _____

Input Date: _____ ORI #: _____ ACN #: _____

APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION

Criminal Offender Record Information (CORI) is information identified through fingerprint submission to the Department of Justice (DOJ) with a criminal record or "No Record". It is confidential information disseminated to applicant agencies authorized by California statute for the purposes of employment, licensing, certification, and volunteer clearances. The following information describes each agency's responsibility toward accessing, storage, handling, dissemination, and destruction of CORI.

Background

Penal Code sections 11105 and 13300 identify who may have access to criminal history information and under what circumstances it may be released.

The DOJ maintains the California Law Enforcement Telecommunications System (CLETS) that provides law enforcement agencies with information directly from federal, state, and local computerized information files. However, restrictions have been placed on the user to ensure that the rights of all citizens of California are properly protected.

Article 1, section 1 of the California Constitution grants California citizens an absolute right to privacy. Individuals or agencies violating these privacy rights place themselves at both criminal and civil liability. Laws governing Californians' right-to-privacy were created to curb, among other things, the excessive collection and retention of personal information by government agencies, the improper use of information properly obtained for a proper purpose, and lack of a reasonable check on the accuracy of existing records. (*White v. Davis (1975) 13 Cal. 3d 757,775.*)

Employment Background Checks

It is only through the submission of fingerprints to the DOJ that the true identity of an individual can be established. In a 1977 lawsuit (*Central Valley v. Younger*), the court ruled that only arrest entries resulting in conviction, and arrest entries that indicate active prosecution, may be provided for evaluation for employment, licensing, or certification purposes.

Exceptions

Some statutory provisions, such as those relating to youth organizations, schools, and financial institutions, further limit information dissemination to conviction for specific offenses. Records provided for criminal justice agency employment as defined in Section 13101 of the Penal Code are exempt from these limitations. In addition, arrest information for certain narcotic and sex crimes, irrespective of disposition, will be provided for employment with a human resource agency as defined in section 1250 of the Health and Safety Code. Other exceptions are listed in the CLETS Policies, Practices, and Procedures (section 1.6.1).

APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION (continued)

Unauthorized Access and Misuse

The unauthorized access and misuse of CORI may affect an individual's civil rights. Additionally, any person intentionally disclosing information obtained from personal or confidential records maintained by a state agency or from records within a system of records maintained by a governmental agency has violated various California statutes. There are several code sections that provide penalties for misuse or unauthorized use of CORI.

Authorized Access

CORI shall be accessible only to the Records Custodian and/or hiring authority charged with determining the suitability for employment or licensing of an applicant. The information received shall be used by the requesting agency solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency.

The retention and sharing of information between employing and licensing agencies are strictly prohibited. Retention and sharing of information infringes upon the right of privacy as defined in the California Constitution, and fails to meet the compelling state interest defined in *Loder v. Municipal Court (1976)17 Cal. 3d859.* In addition, maintenance of CORI separate from the information maintained by the DOJ precludes subsequent record updates and makes it impossible for the DOJ to control dissemination of CORI as outlined in section 11105 of the Penal Code.

CLETS Policies, Practices, and Procedures state that any information transmitted or received via CLETS is confidential and for official use only by authorized personnel (section 1.6.4). The California Code of Regulations, Article 1, section 703, addresses the "right and need" to know CLETS-provided information.

The Bureau of Criminal Information and Analysis (BCIA) recommends that state summary criminal history records, obtained for employment, licensing, or certification purposes, be destroyed once a decision is made to employ, license, or certify the subject of the record. Agencies that either are mandated or permitted by California statute to receive subsequent arrest notifications pursuant to Penal Code (PC) section 11105.2 must complete a Contract for Subsequent Arrest Notification Service (BCII 8049).

Retention of criminal history records beyond this time should be based on documented legal authority and need. Any records retained must be stored in a secured, confidential file. The agency should designate a specific person responsible for the confidentiality of the record and have procedures to prevent further dissemination of the record, unless such dissemination is specifically provided for by law or regulation.

APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

As an agency receiving background clearance information in response to the submission of applicant fingerprint cards to the DOJ, you are aware of the regulations regarding the security of the hard copy information that you currently receive. The purpose of this Subscriber Agreement is to restate existing regulations and clarify how they apply to the electronic receipt of this same information via fax or e-mail. There are no new regulations. Items 1, 2, 4, 5, and 7 restate existing regulations relative to receiving hard copy information. Item 2 has been expanded to include electronic information. Items 3 and 6 are intended to clarify these regulations relative to electronic information.

In accordance with section 11077 of the Penal Code, the Attorney General is responsible for the security of criminal offender record information. Section 707(a) of the California Code of Regulations requires that "**Automated systems handling criminal offender record information and the information derived therefrom shall be secure from unauthorized access, alteration, deletion, or release. The computer terminals shall be located in secure premises.**"

SUBSCRIBER AGREEMENT

This agreement is between the : _____
and the Department of Justice for the purposes of the exchange of criminal offender record information. The above agrees that:

1. Criminal offender record information and the information derived therefrom shall be accessible only to the records custodian and/or hiring authority charged with determining the suitability of the applicant.

2. Confidential information received electronically or via mail shall be used solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency.

3. Retention of CORI is permissible if, after making its initial employment, licensing, or certification decision, the agency has legitimate business need for the information and there are no statutory requirements to destroy such information. Any record information that is retained by the applicant agency must be stored in a secure and confidential file.

4. Criminal history background checks have been completed on all individuals with access or proximity to terminals or fax machines receiving criminal offender record information.

5. Staff with access to criminal offender record information have received training and counseling on the handling of criminal offender record information and have signed employment statement forms acknowledging and understanding of the criminal penalties for the misuse of criminal offender record information (Penal Code sections 502, 11142, and 11143).

APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

6. Reasonable measures shall be taken to locate terminals and fax machines in a secure area to provide protection from unauthorized access to criminal offender record information by other than authorized personnel. Access is defined as the ability to view criminal offender record information on a terminal or on paper.

7. Pursuant to section 702 of the California Code of Regulations, authorized agencies violating this agreement may lose direct access to criminal offender record information maintained by the Department of Justice.

Contributing Agency Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Phone Number: _____

Signature of Agency Official _____

Printed Name of Agency Official _____

Title of Agency Official _____

Date _____

CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION
CRIMINAL OFFENDER RECORD INFORMATION POLICY
Use of Applicant Criminal Offender Record Information

Head of contributing agency/organization must sign and return document

This policy has been developed to meet the requirements of the State of California, Department of Justice, Division of California Justice Information Services, for any agency that receives Criminal Offender Record Information (CORI).

To ensure the suitability of individuals accessing confidential criminal history records, anyone with access to CORI shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this rests with the agency head or person in charge.

A. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the agency head or person in charge.

B. Record Destruction: It is recommended that the state summary of CORI obtained for employment, licensing or certification purposes be destroyed once a decision is made to employ, license or certify the subject of the record. Retention beyond this time, should be based on legitimate business need or statute.

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 agency head and any others designated by the agency head committed to protect CORI from unauthorized access, use, or disclosure.

E Record Reproduction: CORI shall not be reproduced for secondary dissemination to any other employment or licensing agency. However, the requesting agency may provide a copy of the DOJ applicant response to the subject of the record.

F. Training: **The agency head shall:**

1. Understand and enforce this policy.
2. Be fingerprinted and have a criminal history clearance.
3. 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 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: _____

Print Name: _____ Title: _____

Contributing Agency/Organization Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Physical Address: _____

CALIFORNIA DEPARTMENT OF JUSTICE
CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION
CRIMINAL OFFENDER RECORD INFORMATION SECURITY REQUIREMENTS
Use of Applicant Criminal Offender Record Information

Custodian of Records must sign and return document

CUSTODIAN OF RECORDS DUTIES

1. The information provided by the Department of Justice (DOJ) to this agency is **confidential** and shall not be disseminated to any other person or agency not authorized by law. A violation of this section is a misdemeanor. (Penal Code Section 11142). However, the requesting agency may provide a copy of the DOJ applicant response to the subject of the record.

2. All personnel/individuals with access to Criminal Offender Record Information (CORI) will have a fingerprint background clearance record check completed through the DOJ as required by the California Code of Regulations Section 703 (d) prior to the submission of fingerprints for employment, licensing, certification or volunteer purposes. ($32 processing fee)

3. All personnel/individuals with access to CORI will have a signed "Employee Statement Form" on file acknowledging an understanding of laws prohibiting its misuse. (**See Employee Statement**)

4. All personnel/individuals with access to CORI will be trained in the secure handling, storage, dissemination and destruction of CORI.

5. My agency/organization will have a written policy for securing access, storage, dissemination and destruction of criminal record information. This policy will include the steps to be taken to prevent unauthorized access to CORI maintained in our agency files. (**See Criminal Offender Record Information Policy**)

6. The Department of Justice may conduct audits of the authorized persons or agencies using CORI to ensure compliance with state laws and regulations. (Section 702 (c) California Code of Regulations)

7. The information provided by the Department of Justice will be maintained in a secured area/locked cabinet separate from the employees personnel file and be used only for the purpose for which it was acquired.

8. Our agency/organization will notify the Department of Justice with regard to any change of agency name, address, telephone number, fax number, Custodian of Records and contact person.

9. The "No Longer Interested Notification Form" will be sent to DOJ, when applicable.

10. Our agency/organization will send an updated Live Scan Subscriber Agreement form to DOJ signed by our new agency official, when applicable.

On behalf of our agency/organization, I hereby acknowledge that I have read and agree to the above.

Signature: _____ Date: _____

Print Name: _____ Title: _____

Contributing Agency/Organization Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Physical Address: _____

STATE OF CALIFORNIA
BCIA 8374
(Orig. 03/2010)

CUSTODIAN OF RECORDS APPLICATION FOR CONFIRMATION

(Penal Code Section 11102.2)

Print Form

Applicant Information

Last Name	First Name	Middle Name	
Address	City	State	Zip Code
Phone Number	Date of Birth	Driver's License or CA ID Number	

Agency/Organization Information

Agency Head (Must be different than applicant)		Phone Number	
Agency Name	ORI	Mail Code	
Address	City	State	Zip Code

Please answer fully the following questions:

1. Have you ever used a name other than the one on this application? ☐ Yes ☐ No If yes, please list other names below.

2. Have you ever been convicted by any court of a felony or misdemeanor offense in California or any other state? ☐ Yes ☐ No
If yes, disclose the date and place of arrest, whether the conviction was for a felony or misdemeanor, and the sentence imposed.

3. Have you ever been arrested in California or any other state and/or are you awaiting adjudication for any offense for which you were arrested? ☐ Yes ☐ No
If yes, give details below.

4. Have you ever been denied a professional license or had such license revoked, suspended, or restricted? ☐ Yes ☐ No If yes, give details below.

5. Have you ever been adjudged liable for damages in any suit grounded in fraud, misrepresentation, or in violation of state regulatory laws? ☐ Yes ☐ No
If yes, give details below.

6. Have you ever failed to satisfy any court ordered money judgment including restitution? ☐ Yes ☐ No If yes, give details below.

Misrepresentation or Failure to Disclose Requested Information on this Application Is Cause for Denial or Revocation of Confirmation.

Certification

I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements, answers, and representations made in the foregoing application, including all supplementary statements.

Signature of Applicant _____ Date _____

Privacy Notice

The information on this form is being requested by the State of California, Department of Justice (DOJ), Custodian of Records Program, for the purpose of processing fingerprint-based criminal offender record information background responses on individuals designated by applicant agencies to serve as Custodian of Records. The maintenance of the information collected on this form is authorized by Penal Code section 11102.2. All information requested on this form is mandatory. Failure to provide the requested information will result in denial of the request and/or rejection of the application. Information provided on this form may be disclosed to other law enforcement or regulatory agencies.

Pursuant to Civil Code Section 1798.30 et seq., individuals have the right [with some exceptions] to access records containing personal information about them that are maintained by the agency. The Custodian of Records Program Manager is the agency official responsible for the system of records that maintains the information provided on this form. For more information regarding the location of your records and the categories of any persons who use the information in those records, you may contact the Department of Justice, Bureau of Criminal Information and Analysis, Custodian of Records Program at P.O. Box 903417, Sacramento, CA 94203-4170 or via telephone at (916) 227-9565.

California Department of Justice
Bureau of Criminal Information and Analysis
Custodian of Records Unit
P.O. Box 903417
Sacramento, CA 94203-4170

DOJ USE ONLY

Conf. #: _____ Fee: _____

Received: _____ OCA #: _____

Completed: _____

STATE OF CALIFORNIA
BCII 8016
(orig. 4/01; rev. 6/09)

DEPARTMENT OF JUSTICE

REQUEST FOR LIVE SCAN SERVICE

Print Form Reset Form

Applicant Submission

CA0349400
ORI (Code assigned by DOJ)

CUSTDN RECORDS 11102.2 PC
Authorized Applicant Type

CUSTODIAN OF RECORDS
Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

DEPARTMENT OF JUSTICE
Agency Authorized to Receive Criminal Record Information

15798
Mail Code (five-digit code assigned by DOJ)

P.O. BOX 903417
Street Address or P.O. Box

Contact Name (mandatory for all school submissions)

SACRAMENTO
City

CA
State

94203-3870
ZIP Code

Contact Telephone Number

Applicant Information:

Last Name

First Name

Middle Initial

Suffix

Other Name (AKA or Alias) Last

First

Suffix

Date of Birth

Sex ☐ Male ☐ Female

Driver's License Number

Height

Weight

Eye Color

Hair Color

Billing Number
(Agency Billing Number)

Place of Birth (State or Country)

Social Security Number

Misc. Number
(Other Identification Number)

Home Address Street Address or P.O. Box

City

State

ZIP Code

Your Number:
OCA Number (Agency Identifying Number)

Level of Service: ☒ DOJ ☒ FBI

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name

Mail Code (five digit code assigned by DOJ

Street Address or P.O. Box

City

State

Zip

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed

ORIGINAL - Live Scan Operator SECOND COPY - Applicant THIRD COPY (if needed) - Requesting Agency

CALIFORNIA DEPARTMENT OF JUSTICE
CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION
EMPLOYEE STATMENT
Use of Applicant Criminal Offender Record Information

All personnel with access must sign this form which is kept by the Custodian of Records

As an employee/volunteer of:

Contributing Agency/Organization Name: _____

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, prescribe felony penalties for misuse of public records. Penal Code Sections 11142 and 13300 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 a record or information is guilty of a misdemeanor."

Civil Code Section 1798.53, Invasion of Privacy, 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:

* Penal Code Section 11141: DOJ furnishing to unauthorized person (misdemeanor)
* Penal Code Section 11142: Authorized person furnishing to other (misdemeanor)
* Penal Code Section 11143: Unauthorized person in possession (misdemeanor)
* California Constitution, Article I, Section ((Right to Privacy)
* 1798.53 Civil Code, Invasion of Privacy
* 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 MISUES OF CRIMINAL RECORD INFORMATION

Signature: _____ Date: _____

Print Name: _____ Title: _____

Contributing Agency/Organization Name: _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms

CONTRACT FOR SUBSEQUENT ARREST NOTIFICATION SERVICE

BCII 8049 (orig. 12/98;rev. 10/04)

Department of Justice
Bureau of Criminal Information and Analysis

The agency listed below is authorized to receive state summary criminal history information form the files of the Department of Justice for employment, licensing or certification purposes. this agency further requests that fingerprint transactions submitted for this purposes be retained in Bureau files for California only subsequent arrest notification service pursuant to Section 11105.2 of the California Penal Code. Fingerprint submissions received before the effective date of this contract will not be retained by the Department of Justice.

AGENCY NAME: _____

AGENCY ADDRESS: _____

CITY, STATE, ZIP: _____

ORI NUMBER (If Applicable) _____

Contact Person: _____ Phone Number: _____

Please retain the following authorized categories:

☐ ALL EMPLOYEES ☐ ALL LICENSES, CERTIFICATIONS OR PERMITS

☐ OTHER (specify)

This agency certifies that to its knowledge, there is no statute or regulation prohibiting this notification, that all requirements for criminal record security and privacy of individuals Penal Code. The agency agrees to immediately return any subsequent arrest notification received from DOJ for any person unknown to the agency. The agency understands that disposition information will only be provided by the DOJ if such information is available in the DOJ's records at the time the subsequent arrest notification is made to the agency.

APPROVED: (Department of Justice area only)

_____
Signature of Agency Representative
Date

_____
Signature of DOJ Representative
Applicant Processing Program
Bureau of Criminal Information and Analysis

_____
Printed Name

_____
Title of Agency Representative

_____
Effective Date

No Longer Interested Notification

California Penal Code section 11105.2 (d) states, in part, that any agency which submits the fingerprints of applicants for employment or approval to the Department of Justice (DOJ) for the purpose of establishing a record of the applicant to receive notification of subsequent arrests, shall immediately notify the Department when employment is terminated or the applicant is not hired.

it is the responsibility of the hiring/approving authority to notify the Department of Justice, Bureau of Criminal Information and Analysis when employment has been terminated or when an applicant or volunteer is not actually retained in the position for which they applied.

The No Longer Interested Form can be access at the following link:

http://ag.ca.gov/fingerprints/forms/nli.pdf

PRINT FORM

RESET FORM