



May 10, 2009

William Marosy
United States Office of Personnel Management
Records Access & Research/Development Group
Post Office Box 618
Boyers, PA 16018-0618

Re: November 26, 2008 Correspondence

Dear Mr. Marosy:

Upon receipt, your November 26, 2008 correspondence requesting access to California criminal offender record information (CORI), via the California Law Enforcement Telecommunications System (CLETS), was referred to the Office of the Attorney General's Government Law Section for review, as had been discussed with either you or Chad Plesakov. Please accept my apology for the response time frame, but know that the time frame is indicative of the depth of research conducted on this topic of which we have informally conversed for more than a year.

The CLETS is structured under and guided by the California Government Code. Government Code section 15152, along with 82 Opinion California Attorney General 47 from 1999, provides that the CLETS is "for the use of law enforcement agencies." The Office of Personnel Management (OPM) appears to have no law enforcement responsibilities and therefore, does not meet the CLETS access criteria.

The Department of Justice (DOJ) certainly understands OPM's need for statewide accessibility of California CORI in support of the national security and public trust investigations performed on Federal employment applicants, Federal employees, military service members and potential/current Federal contractors. California's Penal Code and the Security Clearance Information Act of 1985 provide authority for the OPM to access California CORI for the above noted purposes. California Penal Code provides for a fingerprint image based request. Standard protocol has the request submitted electronically to the DOJ, via a live scan device, with the response electronically returned to a secure mail server system. Turnaround time is generally less than 72 hours.

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Please let me know if you have any questions or would like to initiate fingerprint image based California CORI search requests. Thank you.

Sincerely,

Handwritten signature of Julie Basco in cursive script.

Julie Basco, Bureau Chief
Bureau of Criminal Information and Analysis

For EDMUND G. BROWN JR.
Attorney General