MAIL COMPLETED APPLICATION'S TO:

(916) 227-2928/9508
Department of Justice
Record Security Section, C-121
P.O. Box 903387
Sacramento, California 94203-3870

WE DO NOT ACCEPT FAXED COPIES
NO EXCEPTIONS

IF YOUR ORGANIZATION IS NON-PROFIT YOU MUST ENCLOSE ONE OF THE FOLLOWING:
Proof of non-profit status: document 501(c) (3) from Internal Revenue Service, EX: IRS letter 1045; 1050; FTB 4206 or document from the Secretary of State that has been endorsed.

IF THESE DOCUMENTS ARE NOT PROPERLY COMPLETED AND ENCLOSED, YOUR APPLICATION CANNOT BE PROCESSED AND WILL BE RETURNED.

LIVESCAN APPLICATION AVAILABLE ON LINE AT:
www.caag.state.ca.us/app

PLEASE RETURN BOTH THE 11105.3 AND LIVE SCAN APPLICATION PACKAGES TO THE ABOVE MAILING ADDRESS.

PLEASE RETAIN COPIES OF ALL SIGNED DOCUMENTS FOR YOUR RECORDS.

Attachment:

Re: Churches and private schools

If your staff have access to school facilities they must be backgrounded as follows:

> **All employees/volunteers (priest, clergy, pastors, deacon, minister, Sister or anyone in the seminary) who have access to a school(s) either at their own work site or any other work site that has a school, must be backgrounded pursuant to the Education Code.**
>
> **Employees must be backgrounded pursuant to Section 44237 of the Education Code. Volunteers must be backgrounded pursuant to Section 45125.(I) of the Education Code.**
>
> **Background checks conducted pursuant to Penal Code Section 11105.3 does not meet the Education Code requirements.**

Re: Agencies and staff licensed by a state or county agency

> **Any government agency, employee or volunteer licensed by a state or local agency must have a criminal record background check conducted by their licensing agency. If your agency provides services to a facility that is licensed by the state or county you must background your staff through that licensing agency.**
>
> **Application pursuant to Penal Code Section 11105.3 does not meet the requirements of a state or local licensing agency.**

9/10/02

"CORI"
CRIMINAL OFFENDER RECORD INFORMATION

CUSTODIAN OF RECORDS DUTIES

IF YOU HAVE A NEW CUSTODIAN OF RECORDS PERSON OR PEOPLE, THEY MUST COMPLETE A SET OF THE DOCUMENTS FOR THE "CORI" DUTIES.

YOU MAY MAKE EXTRA COPIES OF PAGES 7, 8 & 9. THESE MUST BE COMPLETED BY THE NEW "CORI" PERSON OR PEOPLE. THE "CORI" PERSON(S) MUST GET FINGERPRINTED AND HAVE A BACKGROUND CHECK DONE. THE COST IS $32.00 EVEN IF YOUR AGENCY OR ORGANIZATION IS NON-PROFIT. THIS MUST BE DONE BEFORE THEY CAN HAVE ACCESS TO ANY CRIMINAL HISTORY INFORMATION. WE MUST BE NOTIFIED OF ANY CHANGES REGARDING THE "CORI" PERSON(S).

California Department of Justice DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES Nick L. Dedier, Chief Information Officer		INFORMATION BULLETIN	
Subject: **Retention of Criminal Offender Record Information**		*No.* 02-17-BCII *Date:* 12-19-02	*Contact for information:* George Renfroe, Manager Communications Admin. Program (916) 227-3863

TO: ALL APPLICANT AGENCIES

The purpose of this Information Bulletin is to clarify the responsibilities of applicant agencies regarding the use and retention of criminal offender record information (CORI).

Section 11105 of the Penal Code authorizes the Department of Justice (DOJ) to furnish criminal record information to various agencies/entities to assist them in fulfilling their employment, licensing, and certification responsibilities. The agency's use of the record information shall be restricted to the sole purpose for which it was requested. The information may not be reproduced for secondary dissemination to any other employing or licensing entity.

Retention of CORI is permissible if, after making its initial employment, licensing, or certification decision, the agency has a 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. Access to the information must be restricted to the Records Custodian and/or hiring authority charged with determining the suitability for employment, licensing, or certification of an applicant. The DOJ recommends that agencies destroy CORI when the business need has been fulfilled. Applicant agencies should always retain the State Identification (SID) number for the purpose of notifying the DOJ when they are no longer interested in receiving subsequent arrest notifications pursuant to section 11105.2 of the California Penal Code.

Your assistance and cooperation is greatly appreciated.

If you have any questions regarding these instructions, please contact George Renfroe, Manager, Record Security Section at (916) 227-3863.

Sincerely,

GARY COOPER, Bureau Chief
Bureau of Criminal Identification and Information

For BILL LOCKYER
Attorney General

CONTRACT FOR SUBSEQUENT ARREST NOTIFICATION SERVICE

Department of Justice
Bureau of Criminal Identification and Information
P.O. Box 903417
Sacramento, CA 94203-4170

The agency listed below is authorized to receive state summary criminal history information from the files of the Bureau of Criminal Identification and Information for employment, licensing or certification purposes. This agency further requests that fingerprint cards submitted for this purpose be retained in Bureau files for subsequent arrest notification service pursuant to Section 11105.2 of the California Penal Code. **Fingerprint cards received before the effective date will not be retained.**

AGENCY NAME: _____

AGENCY ADDRESS: _____

CITY, STATE, ZIP: _____

ORI NUMBER: (If Applicable) _____

ATTENTION: _____ TELEPHONE: _____

Please retain the following authorized categories:

☐ ALL EMPLOYEES ☐ ALL LICENSES

☐ 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 will be met. This agency will notify the Bureau of Criminal Identification and Information (sample form attached) when it no longer has a legitimate interest in a subject, as required by Section 11105.2 of the California Penal Code.

APPROVED: (Department of Justice area only)

_____
Signature

_____
Department of Justice
Applicant Processing Program
Bureau of Criminal Identification and Information

_____
Print Name

_____

_____
Title

_____
Effective Date

NO LONGER INTERESTED NOTIFICATION

Pursuant to Penal Code Section 11105.2 any agency which has submitted fingerprints of applicants for licensing, employment, or certification for the purpose of establishing a record to receive subsequent arrest service must immediately notify the Department of Justice when the employment of the applicant is terminated, or when the applicant's license or certificate is revoked or may not be renewed or reinstated.

Organizations employing the services of volunteers who have contracted for subsequent arrest service must notify the Department of Justice when the services of a volunteer have been terminated.

Please complete the following information:

The following agency is no longer interested in receiving criminal history information pertaining to the individual listed below.

Agency Information

Agency Name and Address			ORI # If Applicable
Today's Date	Type of Application	Date of Application	CII # (Mandatory)

Applicant Information

Last Name, First, Middle			
Aliases			
Sex	Date of Birth	Social Security Number	Driver's License Number

Mail or FAX this notification to:

California Department of Justice
Bureau of Criminal Identification and Information
P.O. Box 903417
Sacramento, CA 94203-4170
FAX 916-227-2000

Rev. 11/00

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
P.O. BOX 903387, C121
SACRAMENTO, CA 94203-3870
Public: (916) 227-3460
Facsimile: (916) 227-4815

RE: Authorization for Criminal Record Information

California Penal Code section 11105.3 provides that a human resource agency or an employer may request criminal record information from the Department of Justice for a person who applies for a license, employment, or volunteer position in the human services field. Information released by the Department of Justice is restricted to arrests resulting in conviction or arrests, which are pending adjudication involving specified sex, narcotic, or violent crimes.

"Human resource agency" is defined as a public or private entity responsible for determining the character and fitness of a person applying for a license, employment, or as a volunteer within the human services field that involves the care and security of children, the elderly, the handicapped, or the mentally impaired.

"Employer" is defined as any nonprofit corporation or other organization specified by the Attorney General in which employees or volunteers have supervisory or disciplinary power over children.

Throughout this package, there is a reference to licensing. The Department of Justice is not a licensing agency, and background checks on staff, pursuant to Penal Code section 11105.3, do not meet other state licensing background requirements. We hope you understand this issue, as we want the application process to be as simple for you as possible.

In order for us to determine whether your organization meets the requirements to obtain state summary criminal history information pursuant to Penal Code section 11105.3, please complete and return the attached application package. Incomplete forms will be returned unprocessed. All forms should be directed to my attention at the above address. **Please do not submit your fingerprint cards until approval has been granted.**

Sincerely,

GEORGE RENFROE, Manager
Communication Administration Program
Bureau of Criminal Information and Analysis

For BILL LOCKYER
Attorney General

Frequently Asked Questions
and
Information

Does the Department of Justice (DOJ) accept faxed copies?

No faxed copies are accepted. There are **no exceptions**.

If my organization is non-profit, what paperwork is required?

Proof of non-profit status:
501(c)(3) document from Internal Revenue Service.
EX: IRS letter 1045 or 1050.
FTB 4206 or a document from the Secretary of State that has been **endorsed**.

Where can I find the Livescan (Electronic fingerprinting) application on line?

At www.caag.state.ca.us/app OR call (916) 227-3834

Where do I mail both the 11105.3 and the Livescan application?

Both must be mailed to:
Department of Justice
Record Security Section, C-121
P.O. Box 903387
Sacramento, CA 94203-3870

What will happen to my application if there are missing information and forms?

It will be returned to you, and will **not** be processed by the DOJ.

Should I keep a copy of all signed document sent to the DOJ?

Yes, you should retain a copy of all documents sent to the DOJ.

Who can I contact if I have additional questions?

Record Security Section at (916) 227-2928 or 227-9508.

Can there be more than one Custodian of Records and what is the fee?

Yes, you may have more than one Custodian of Records. Each Custodian of Records must completed page 7, 8 and 9. You may make copies of these pages. Each Custodian of Records is subject to a $32.00 fee.

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CRIMINAL RECORD INFORMATION AUTHORIZATION APPLICATION PACKAGE

Bill Lockyer, Attorney General
Department of Justice
California Justice Information
Services Division

1105.3 Authorization Application Package

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BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
P.O. BOX 903387
SACRAMENTO, CA 94203-3870
Facsimile: (916) 227-4815
(916) 227-3460

PENAL CODE SECTION 11105.3
APPLICATION TO RECEIVE SUMMARY CRIMINAL HISTORY INFORMATION

Legal Name:_____
Authorized Name:

__ __

(**Agency name is limited to 25 characters, which includes spaces. All correspondence and background checks must be submitted with this name.)**

Street Address:_____

Mailing Address (if different): _____Zip Code:_____

City:_____State:_____Zip Code:_____

Telephone Number:(___)_____Fax Number: (___)_____

Contact Person:_____ Custodian of Records:_____

Are you a non-profit organization? ____Yes ____No

(If yes, you must attach proof of non-profit status, EX: IRS letter 1045; 1050; FTB 4206 or photocopy of an IRS letter granting exemption under 501(c)(3) Internal Revenue Code); or a document from the Secretary of State that has been endorsed showing non-profit status).

11105.3 DOES NOT APPLY TO:

1. Background checks on staff, pursuant to 11105.3 do not meet state licensing agencies' background requirements.
2. Public schools must background non-certified personnel and volunteers pursuant to Section 45125 of the Education Code.
3. Charter schools must background all non-certified personnel and volunteers pursuant to Section 45125 of the Education Code.
4. Private schools must background all personnel, pursuant to Section 44237 of the Education Code. Volunteers must be background pursuant to Section 45125.(l) of the Education Code.
5. Contractors that provide services to public and/or private schools must background pursuant to Section 45125.l and/or 33192 of the Education Code.

Please describe the services your organization provides and the reason criminal record background checks will be conducted pursuant to Penal Code Section 11105.3.

_____

_____

_____

Request for Authorization to Receive
State Summary Criminal History Information

This application is to conduct background checks for:**(YOU MUST CHECK ONE)**

Employees: ❑ Volunteers: ❑ Employees and volunteers: ❑

Identify the recipients of your organization's services. **(Check all that apply)**

Children: ❑ Elderly: ❑ Handicapped: ❑ Mentally Impaired: ❑

1. Yes___No___ Does you agency or organization provide direct services or use the services of volunteers/employees in positions that have immediate supervisory or disciplinary power over a minor or person under his or her care and are responsible for the care and security of these individuals?

2.Yes___No___ Is your organization/agency responsible for the conduct and determining the fitness of the volunteer/employee while providing the services? If no please explain: _____
_____

3.Yes___No___ Are the employees/volunteers referred by your agency/organization to other entities where they provide your services (example)?
Schools: Private Homes: Care Centers: Other: _____
_____

4.Yes___ No___ Does your agency/organization pay the employees? If other than your agency/organization please explain:_____
_____

5.Yes___ No ___ Are the individuals you want to background subject to licensing where fingerprinting and a criminal background check are a requirement of a state or local agency? Example: Commission on Teachers Credentialing, Board of Nursing, Department of Social Service. If yes, please give name of licensing agency. _____

6.Yes ___ No___ Is your organization a non-public school or non public agency that has an affidavit on file with the State Department of Education?

I declare under penalty of perjury that the foregoing is accurate to the best of my knowledge.

Please print name and title:_____

Signature:_____Title:_____Date: _____

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
P.O. BOX 903387, C-121
SACRAMENTO, CA 94203-3870
Public: (916) 227-3460
Facsimile: (916) 227-4815

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
CRIMINAL OFFENDER RECORD INFORMATION SECURITY REQUIREMENTS

Use of Applicant Criminal Offender Record Information

CUSTODIAN OF RECORDS DUTIES

On behalf of our agency/organization, I hereby acknowledge and agree to the following:

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 (Penal Code Section 11142). A violation of this section is a misdemeanor.

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 "Employment Statement Form" on file acknowledging an understanding of laws prohibiting its misuse. (**See Attachment A**)

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 Attachment B**)

6. The Department of Justice may conduct audits of the authorized persons or agencies using CORI to insure 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.

Signature: _____ **Date:** _____
Printed Name: _____ **Title:** _____

Agency/Organization Name: _____
Agency Mailing Address: _____
Physical Address: _____

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
P.O. BOX 903387, C-121
SACRAMENTO, CA 94203-3870
Office: (916) 227-3460
Facsimile: (916) 227-4815

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
EMPLOYEE STATEMENT FORM

(ATTACHMENT A)

Use of Applicant Criminal Offender Record Information

As an employee/volunteer of: _____, 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 violates 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 the 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 11142: Authorized person furnishing to other (misdemeanor)
- ✓ Penal Code Section 11143: Unauthorized person in possession (misdemeanor)
- ✓ California Constitution, Article I, Section 1 (Right to Privacy)
- ✓ Title 18, USC, Sections 641, and 1030. (Theft of records; fraud and false statements and related activity in connection with computers)

Any employee/volunteer 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 MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
P.O. BOX 903387, C-121
SACRAMENTO, CA 94203-3870
Office: (916) 227-3460
Facsimile: (916) 227-4815

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
CRIMINAL OFFENDER RECORD INFORMATION POLICY FORM

(ATTACHMENT B)

Use of Applicant Criminal Offender Record Information

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 all employees/volunteers: To insure 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 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 or his/her designee who are committed to protect CORI from unauthorized access, use or disclosure.

E. Record Reproduction: CORI shall not be reproduced for secondary dissemination.

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 law 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: _____
Printed Name: _____ Title: _____
Agency/Organization Name: _____
Agency Mailing Address: _____
Physical Address: _____

EXCERPTS FROM THE CALIFORNIA CODE OF REGULATIONS & THE CALIFORNIA PENAL CODE

11142. 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 who is not authorized by law to receive the record or information is guilty of a misdemeanor.

11143. Any person, except those specifically referred to in Section1070 of the Evidence **Code**, who, knowing he is not authorized by law to receive a record or information obtained from a record, knowingly buys, receives, or possesses the record or information, is guilty of a misdemeanor.

11076. Criminal offender record information shall be disseminated, whether directly or through any intermediary, only to such agencies as are, or may subsequently be, authorized access to such records by statute.

11079. The Attorney General may conduct such inquiries and investigations as he finds appropriate to carry out functions under this article. He may for this purpose direct any agency that maintains, or has received, or that is eligible to maintain or receive criminal offender records to produce for inspection statistical data, reports, and other information concerning the storage and dissemination of criminal offender record information. Each such agency is authorized and directed to provide such data, reports, and other information.

702. Compliance with State Regulations.
(c) The California Department of Justice shall conduct audits of authorized persons or agencies using criminal offender record information to insure compliance with the State regulations.

703. Release of Criminal Offender Record Information
(d) Record checks shall be conducted on all personnel hired after July 1, 1975, who have access to criminal offender information.

708.Destruction of Criminal Offender Record Information
(a) When criminal offender record information is destroyed, the destruction shall be carried out to the extent that the identity of the subject can no longer reasonably be ascertained. When criminal offender record information is destroyed outside of the authorized agency, a person designated by the agency shall witness the destruction.

Security of Criminal Offender Record Information

Criminal Offender Record Information (CORI), including responses that no criminal record exists, is confidential. Sections 11142 and 11143 of the Penal Code provide for criminal penalties for the release of this information to unauthorized individuals.

Article I, 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. The California right of privacy was created to curb, among other things, the over broad collection and retention of personal information by government agencies, the improper use of information properly obtained for a proper purpose, and the lack of a reasonable check on the accuracy of existing records. (White v. Davis (1975) 13 Cal.3d 757, 775.)

Access to CORI shall be restricted only to those persons that have had a criminal records check through the Department of Justice as required by Title 11, Section 703(d) and/or 707(b), of the California Code of Regulations.

The retention and sharing of information between employing and licensing agencies are strictly prohibited. The retention and sharing of information infringe upon the right of privacy and fails to meet the compelling state interest defined in Loder v. Municipal Court (1976) 17 Cal.3d 859. In addition, maintenance of redundant information separate from the information maintained by the California Department of Justice (DOJ) avoids the updates and makes it impossible for DOJ to control dissemination of CORI as outlined in section 11105 of the Penal Code.

PENAL CODE SECTION 11105.3

11105.3. (a) Notwithstanding any other law, a human resource agency or an employer may request from the Department of Justice records of all convictions or any arrest pending adjudication involving the offenses specified in subdivision (a) of Section 15660 of the Welfare and Institutions code of a person who applies for a license, employment, or volunteer position, in which he or she would have supervisory or disciplinary power over a minor or any person under his or her care. The department shall furnish the information to the requesting employer and shall also send a copy of the information to the applicant.

(b) Any request for records under subdivision (a) shall include the applicant's fingerprints, which may be taken by the requester, and any other data specified by the department. The request shall be on a form approved by the department, and the department may charge a fee to be paid by the employer, human resource agency, or applicant for the actual cost of processing the request. However, no fee shall be charged to a nonprofit organization.

(c) (1) Where a request pursuant to this section reveals that a prospective employee or volunteer has been convicted of a violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 290, except for the offense specified in subdivision (d) of Section 243.4, and where the agency or employer hires the prospective employee or volunteer, the agency or employer shall notify the parents or guardians of any minor who will be supervised or disciplined by the employee or volunteer. A conviction for a violation or attempted violation of an offense committed outside the State of California shall be included in this notice if the offense would have been a crime specified in this subdivision if committed in California. The notice shall be given to the parents or guardians with whom the child resides, and shall be given at least 10 days prior to the day that the employee or volunteer begins his or her duties or tasks. Notwithstanding any other provision of law, any person who conveys or receives information in good faith and in conformity with this section is exempt from prosecution under Section 11142 or 11143 for that conveying or receiving of information. Notwithstanding subdivision (d), the notification requirements of this subdivision shall apply as an additional requirement of any other provision of law requiring criminal record access or dissemination of criminal history information.

(2) The notification requirement pursuant to paragraph (1) shall not apply to a misdemeanor conviction for violating Section 261.5 or to a conviction for violating Section 262 or 273.5. Nothing in this paragraph shall preclude an employer from requesting records of convictions for violating Section 261.5, 262, or 273.5 from the department of Justice pursuant to this section.

(d) Nothing in this section supersedes any law requiring criminal record access or dissemination of criminal history information. In any conflict with another statute, dissemination of criminal history information shall be pursuant to the mandatory statute. This subdivision applies to, but is not limited to, requirements pursuant to Article 1 (commencing with Section 1500) of Chapter 3 of, and Chapter 3.2 (commencing with Section 1569) of Chapter 3.4 (commencing with Section 1596.70) of, Division 2 of, and Section 1522 of, the Health and Safety Code, and Sections 8712, 8811, and 8908 of the Family Code.

(e) The department may adopt regulations to implement the provisions of this section as necessary.

(f) As used in this section, “employer” means any nonprofit corporation or other organization specified by the Attorney General which employs or uses the services of volunteers in positions in which the volunteer or employee has supervisory or disciplinary power over a child or children.

(g) As used in this section, “human resource agency” means a public or private entity, excluding any agency responsible for licensing of facilities pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500)), the California Residential Care Facilities for the Elderly Act (Chapter 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing with Section 1568.01), and the California Child Day Care Facilities Act (Chapter 3.4 (commencing with Section 1596.70)) of division 2 of the Health and Safety Code, responsible for determining the character and fitness of a person who is:

(1) Applying for a license, employment, or as a volunteer within the human services field that involves the care and security of children, the elderly, the handicapped, or the mentally impaired

(2) Applying to be a volunteer who transports individuals impaired by drugs or alcohol.

(3) Applying to adopt a child or to be a foster parent.

(h) Except as provided in subdivision (c), any criminal history information obtained pursuant to this section is confidential and no recipient shall disclose its contents other than for the purpose for which it was acquired.