



**Department of Human Services
Online Directives Information System**

**Index:
Revised:
Next Review:**

**POL1756
10/04/2019
10/04/2021**

SUBJECT: Processing Criminal History Record Information

POLICY

The Department of Human Services (DHS) will comply with Georgia Crime Information Center (GCIC) rules and regulations by adhering to all state and federal laws governing the use of Criminal History Record Information (CHRI). The DHS Office of Inspector General (OIG) Background Investigations Unit (BIU) has the responsibility and authority for the enforcement of this policy.

Effective immediately, this policy supersedes all previous policies governing compliance to federal and state rules and regulations concerning the use of criminal history information obtained via the electronic fingerprinting process and/or GCIC Network terminals.

A. Authority

- O.C.G.A. § 49-2-14 and O.C.G.A. § 49-2-14.1
- Title 5 USC #552-A (Privacy Act)
- Title 28 CFR 20.30
- Title 28 CFR 20.33

B. References

- Criminal Justice Information System (CJIS) Security Policy
- FBI CJIS Security Policy 5.2
- GCIC Policy Manual
- GCIC Operations Bulletins
- GCIC Council Rules
- NCIC Code, Policy and Operations Manual

C. Applicability

This policy will pertain to all DHS personnel. Strict compliance to this policy is expected and violations will constitute grounds for disciplinary action up to and including dismissal from employment. In addition, possible sanctions to the Agency include fines, civil lawsuits and/or criminal prosecution.

GCIC/National Crime Information Center (NCIC) criminal history records can only be audited by the Georgia Bureau of Investigation (GBI) or the Federal Bureau of Investigation (FBI). Any other entity wishing to perform an audit of the GCIC/NCIC criminal history records must obtain prior authorization from the GBI.

D. Definitions

- Operator: Any employee authorized by OIG to access criminal history information via an electronic fingerprinting machine or the CJIS Network.
- Criminal History Record Information (CHRI): Records that include direct responses from the Georgia Crime Information Center (GCIC) and National Crime Information Center (NCIC), received as a result of the submission of electronic fingerprints or GCIC Initial Query and Full Query Terminal responses.

- Related Agency: Agencies that have a commonality of purpose and (typically) congruent responsibility, authorized by federal statute or executive order, or approved state statute pursuant to Public Law 92-544, can receive CHRI and exchange that information with each other for the authorized purpose originally requested. The agencies must have a unity of purpose and typically, concurrent regulatory responsibility.
- Rap Sheet: Record of arrest and prosecutions.

E. Responsibilities

In accordance with GCIC regulations, OIG BIU has the following responsibilities in enforcing the CHRI policy:

- Conduct criminal history checks on all DHS personnel and contractors who will provide direct care, treatment, and/or custodial services, Child Protective Services, emergency placements, relative placements, foster care and foster-to-adopt services for DHS customers and clients.
- Ensure that copies of criminal history records are not provided to persons outside of the Agency or to unauthorized persons within the Agency. Copies of criminal history records may be obtained at <http://gbi.georgia.gov/obtaining-criminal-history-record-information>.
- Develop policies and procedures for the use of criminal history information via the electronic fingerprint process and the GCIC Network terminal.
- Provide GBI/GCIC Security and Integrity (and other specialized) training to all DHS employees who handle and/or meet criminal history record information.
- Maintain Confidentiality and User Agreements between DHS/OIG and GCIC.
- Ensure that all GCIC/NCIC criminal history records information original files remain in the
 - BIU secured area or in storage containers under lock and key.
 - Ensure limited access to the controlled secured areas by authorized personnel only.
 - Position information system devices (including computer monitor screens) to prevent unauthorized access or view.
 - Ensure that criminal history specialists do not use publicly accessible computers to access, process, store or transmit criminal justice information.
 - Ensure that encryption requirements are followed by electronic storage of CHRI.
 - Ensure that GCIC/NCIC criminal history records are only reviewed by GCI/GCIC Security and Integrity (S&I) trained authorized DHS personnel, and only in the presence of Background Investigations Unit S&I trained personnel. DHS personnel must also have a completed and signed GCIC Awareness Statement on file in order to access and/or review CHRI.
- Access to CHRI must be restricted if:
 - The individual with access to CHRI is no longer employed with the agency.
 - The individual's job duties no longer require access to CHRI.
- If fingerprint submissions are rejected, the applicant will have to be reprinted and those prints submitted. Any resubmission of prints may result in an additional fee.

Dissemination

- CHRI obtained pursuant to Public Law 92-544 is not available in any form for public access and may not be released by an open record request.
- Criminal justice rap sheets must not be disseminated to the applicant or to the public.
- Agencies cannot disseminate CHRI:
 - Outside of the state of Georgia;

- Outside of the state of Georgia for ICPC purposes;
- To another agency unless the agency is a related agency as previously defined;
- In notification letters to non-governmental entities.

Security Requirements

- All persons with access to criminal record information must complete a national fingerprint- based records check within 30 days of access to CHRI.

F. History

Policy 1756, last reviewed 10/04/2019

G. Evaluation

The OIG BIU Manager/Supervisor evaluates this policy by:

1. Completing quarterly internal audits to ensure responsibilities, certification, and dissemination are performed accurately and efficiently by each employee.
2. Passing any audit with no findings.