

Noncriminal Justice Agency Compliance Self-Check

Noncriminal justice compliance audits check four main areas: general administration, fingerprint submissions, privacy & security, training. The self-check questions below are not a comprehensive compliance list but rather a tool to help agencies assess their own readiness for audit in each area. Each section contains references to resources where agencies can find information about each area.

GENERAL ADMINISTRATION	
Is the user agreement current?	
<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Has the responsible signer left the agency? <input type="checkbox"/> Has the name of the agency changed? <input type="checkbox"/> Has there been any change in the access authorization? <input type="checkbox"/> Does the authorization cited in user agreement reflect the current version of the authorization?	NCJ Agency Guide Section 1.2 NCJ Agency Guide Section 5.2.1 #1
Is the Authorized Personnel List current?	
<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Is the list current? <input type="checkbox"/> Has the agency had personnel turnover affecting the list? Have qualified new hires been added to the list? <input type="checkbox"/> Is everyone with access to the CHRI on the list	NCJ Agency Guide Section 4.1.2 NCJ Agency Guide Section 5.2.1 #2
Is the current agency information on file at DPS?	
<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Has the CEO (agency head) changed? <input type="checkbox"/> Is the ASC name and contact information current? <input type="checkbox"/> Has the agency name, phone number, or address changed?	NCJ Agency Guide Section 4.1.1 NCJ Agency Guide Section 5.2.1 #3
What is the authorization for the agency to submit fingerprints?	
<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> What is the specific authority the agency uses to submit fingerprints? For cities: <input type="checkbox"/> Has your authorizing ordinance been repealed and replaced? If so, has the authorization been resubmitted to DPS for approval? <input type="checkbox"/> Has the authorizing city code been changed/moved within the code? If so, has the authorization been resubmitted to DPS for approval?	NCJ Agency Guide Section 1.3 NCJ Agency Guide Section 5.2.1 #4

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For what specific purpose(s) does the agency submit fingerprints?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Are agency personnel aware of the agency's specific purpose(s)? <input type="checkbox"/> Is each purpose consistent with the agency's authorization?	NCJ Agency Guide Section 1.1, 1.2 NCJ Agency Guide Section 5.2.1 #4 NCJ Agency Guide Section 5.2.2 #1

FINGERPRINT SUBMISSIONS

Is the purpose for the fingerprinting the applicant appropriately written on the fingerprint card?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Are BOTH of the requirements being correctly recorded in the Reason Fingerprinted box?	NCJ Agency Guide Section 2.7.1 #17 NCJ Agency Guide Section 5.2.2 #1

What is the agency's process for verifying the identity of the applicant?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Does the agency have a quality assurance procedure in place to verify the identity of the applicant at the time of fingerprinting? <input type="checkbox"/> Where/how is it documented?	NCJ Agency Guide Section 2.2 NCJ Agency Guide Section 5.2.2 #2 NCJ Agency Guide Appendix A <i>Online - Compact Council Identity Verification Program Guide (www.fbi.gov)</i>

What is the agency's process to protect the fingerprint card from tampering prior to submission?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Does the agency have a quality assurance procedure in place to protect the fingerprint card from tampering by the applicant? <input type="checkbox"/> Where/how is it documented?	NCJ Agency Guide Section 2.3 NCJ Agency Guide Section 5.2.2 #3 NCJ Agency Guide Appendix A <i>Online - Compact Council Identity Verification Program Guide (www.fbi.gov)</i>

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Is the agency advising the applicant of the review and challenge process?

What is the auditor looking for?

- What is the agency's process to advise all applicants of the ability to review and challenge the criminal history record?
- Does the agency advise applicants to contact DPS for an Arizona record review and the FBI for a federal record review?

Where can I find out more about this?

NCJ Agency Guide Section 3.3
NCJ Agency Guide Section 5.2.2 #4

What is the agency's process for the required FBI notifications?

What is the auditor looking for?

- Are all applicants notified in writing prior to fingerprinting that their fingerprints will be used to check the criminal history records of the FBI?
- Is the notification provided in a format that applicants can read and take with them if they desire?
- Does the agency notify the applicant how to obtain a copy of the FBI criminal history record?
- Does the agency specify to the applicant that the procedures for obtaining a copy of his/her FBI record are in 28 CFR 16.34?
- Are all applicants informed that they will be allowed a reasonable opportunity to review and challenge the accuracy of the criminal history record, if desired?
- Does the agency have documented processes for what constitutes a reasonable period of time?
- Does the agency have documented procedures for any appeals process available to the applicant?

Where can I find out more about this?

NCJ Agency Guide Section 2.5
NCJ Agency Guide Section 5.2.2 #5

DPS website - *Guidelines for Required FBI Notifications of Applicant Privacy Rights*

28 CFR 50.12(b)
28 CFR 16.30 – 16.34

PRIVACY & SECURITY

Does the agency have a policy/procedure concerning using the criminal history record only for the purpose for which it was requested?

What is the auditor looking for?

- Do the agency policies/procedures state the purpose for which criminal history is requested or refer to a particular authorization for which the criminal history record is requested?
- Does the policy/procedure state that personnel may only use the CJI/CHRI for the authorized purpose?

Where can I find out more about this?

NCJ Agency Guide Section 3.1
NCJ Agency Guide Section 5.2.3 #1

DPS website - *Noncriminal Justice Compliance Worksheet "Use" section*

Does the agency have written processes regarding access of CJI/CHRI?

What is the auditor looking for?

Where can I find out more about this?

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<ul style="list-style-type: none"> <input type="checkbox"/> Does the agency define the criteria for qualifying as Authorized Personnel? <input type="checkbox"/> Does the agency define methods/processes by which Authorized Personnel access CJI/CHRI? <input type="checkbox"/> How does the agency prevent unauthorized access? <ul style="list-style-type: none"> <input type="checkbox"/> Does the agency have processes regarding handling/storage of CJI/CHRI in such a manner that access is limited? <input type="checkbox"/> Does the agency have a process for revoking access when a person is no longer authorized? <input type="checkbox"/> Processes for ensuring proper training/refresher training of Authorized Personnel 	<p>NCJ Agency Guide Section 4.1.2 NCJ Agency Guide Section 3 NCJ Agency Guide Section 5.2.3</p> <p>DPS website - <i>Noncriminal Justice Compliance Worksheet "Access" section</i></p>
Does the agency have written processes regarding the proper handling of CJI/CHRI from receiving point through destruction?	
<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Where and by whom is CJI/CHRI received into the agency? <ul style="list-style-type: none"> <input type="checkbox"/> Who opens/reviews the information? <input type="checkbox"/> Where does it go from the receiving point? <input type="checkbox"/> Where does primary review/handling take place? <input type="checkbox"/> Does the agency have policies regarding communication about CJI/CHRI? <ul style="list-style-type: none"> <input type="checkbox"/> Are there guidelines for communication among Authorized Personnel? <input type="checkbox"/> Are there guidelines for communication with the applicant? <input type="checkbox"/> Does the agency secondarily disseminate information? <ul style="list-style-type: none"> <input type="checkbox"/> What is the authority for the dissemination? <input type="checkbox"/> Does the agency have policies regarding the circumstances under which the CJI/CHRI is disseminated? <input type="checkbox"/> Does the agency keep a dissemination log with the required information? <input type="checkbox"/> Does the agency have a method for verifying the authenticity of the recipient of the CJI/CHRI? <input type="checkbox"/> Are personnel aware that CJI/CHRI is not public record? <ul style="list-style-type: none"> <input type="checkbox"/> Is CJI/CHRI stored separately from public records or is there a process for separation of CJI/CHRI from public records before release? <input type="checkbox"/> Where/how does the agency store CHRI prior to its destruction? <ul style="list-style-type: none"> <input type="checkbox"/> Is the storage secure? (locked room, locked cabinet, secure perimeter?) <input type="checkbox"/> Does the agency have rules regarding not leaving CJI/CHRI unattended when it is not physically secured? 	<p>NCJ Agency Guide Section 3 NCJ Agency Guide Section 5.2.3</p> <p>DPS website - <i>Noncriminal Justice Compliance Worksheet "Handling" section</i></p>

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<ul style="list-style-type: none"> <input type="checkbox"/> How long does the agency retain CJJ/CHRI? <ul style="list-style-type: none"> ○ What is the purpose/authorization for the retention? ○ Does the agency have policies/procedures regarding retention rules? ○ Does the agency destroy CJJ/CHRI when its purpose has been fulfilled and regulatory guidelines have been satisfied? <input type="checkbox"/> Does the agency destroy CJJ/CHRI by an appropriate method (shredding or burning)? <ul style="list-style-type: none"> ○ Is the destruction witnessed or carried out by Authorized Personnel? 	
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Does the agency have policies/procedures governing electronic storage of CJJ/CHRI?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Does the agency monitor and restrict access to databases containing CJJ/CHRI? <ul style="list-style-type: none"> ○ Is the database access restricted to Authorized Personnel? <ul style="list-style-type: none"> ▪ Is the database password-protected? ▪ Is individual log-in required to access CHRI? ○ Who owns/maintains the database system? <ul style="list-style-type: none"> ▪ If the database is owned/maintained by outside contractors, has an outsourcing agreement been executed? ○ Are the IT personnel employees or contractors? <ul style="list-style-type: none"> ▪ If contractors, has an outsourcing agreement been executed? <input type="checkbox"/> Does the agency have physical/technical safeguards to protect the access and integrity of CJJ/CHRI? <ul style="list-style-type: none"> ○ Are the computers with the access to the CHRI located in a secure location? ○ Where is the server physically located? ○ Where are the backups sent/located? ○ Is the database where the CJJ/CHRI stored connected to the internet? Firewalled? ○ Has the data been encrypted to the levels required by the CJIS Security Policy? ○ If CHRI is emailed, is it encrypted to the level required by the CJIS Security Policy? <input type="checkbox"/> Does the agency have reporting and response processes for information security incidents? 	<p>NCJ Agency Guide Section 3.6</p> <p>DPS website - <i>Noncriminal Justice Compliance Worksheet "Handling" section</i></p> <p>FBI CJIS Security Policy Part 5 (www.fbi.gov – <i>Security Policy Resource Center</i>)</p>

Does the agency have a formal disciplinary policy for misuse of CHRI?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Does the disciplinary policy specifically mention CJJ/CHRI or confidential information? 	<p>NCJ Agency Guide Section 3.1 NCJ Agency Guide Section 5.2.3 #4</p>

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<ul style="list-style-type: none"> ○ If the disciplinary policy is generic for employee misconduct, can the agency explain how it applies to misuse of CHRI? <input type="checkbox"/> Does the agency have steps to take following an incident of misuse? <input type="checkbox"/> Are employees informed about the consequences in the disciplinary policy? (should be included as part of training before signing Acknowledgement Statement) 	<p>DPS website - <i>Noncriminal Justice Compliance Worksheet "Misuse" section</i></p>
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TRAINING

Has the agency trained Authorized Personnel in basic Security Awareness?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Have Authorized Personnel received CJIS Online training within six months of placement on the Authorized Personnel List? <input type="checkbox"/> Do Authorized Personnel receive updated CJIS Online training every two years? 	<p>NCJ Agency Guide Section 4.2.1 NCJ Agency Guide Section 5.2.4</p> <p>DPS website - <i>Noncriminal Justice Compliance Worksheet - "Required Training for the Agency's Authorized Personnel" section</i></p>

Have all Authorized Personnel received internal agency privacy & security training?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Does the agency train Authorized Personnel on internal agency privacy & security procedures every two years? <input type="checkbox"/> Does the agency's privacy & security training cover all relevant agency processes? <input type="checkbox"/> Does the agency have a training outline indicating what the internal training consists of? 	<p>NCJ Agency Guide Section 4.2.1 NCJ Agency Guide Section 5.2.4</p> <p>DPS website - <i>Noncriminal Justice Compliance Worksheet "Required Training for the Agency's Authorized Personnel" section</i></p>

Is the agency's training documentation current?

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Has the agency documented Authorized Personnel training? <ul style="list-style-type: none"> ○ Is a CJIS Online training date documented for each person? ○ Is internal privacy & security training documented for each person? ○ Are Acknowledgement Statements documented for each person? 	<p>NCJ Agency Guide Section 4.2 (4.2.1, 4.2.2) NCJ Agency Guide Section 5.2.4 NCJ Agency Guide Appendix G</p> <p>DPS website - <i>Noncriminal Justice Compliance Worksheet "Required Training for the Agency's</i></p>

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	<i>Authorized Personnel" section, "Acknowledgements Statements" section</i>
Have all Authorized Personnel signed an Acknowledgement Statement?	
<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> Is there an Acknowledgement Statement on file at the agency for each of the Authorized Personnel? <input type="checkbox"/> Does the agency's Acknowledgement Statement include a statement that indicates that the person is signing a notification of the consequences for misuse of criminal history?	NCJ Agency Guide Section 4.2.2 NCJ Agency Guide Section 5.2.4 NCJ Agency Guide Section 3.7 DPS website - <i>Noncriminal Justice Compliance Worksheet - "Acknowledgements Statements" section</i>